

ARTICLE IV. - VACANT PROPERTIES

DIVISION 1. - GENERALLY

Sec. 20-327. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliated entities means two entities owned, managed, or controlled by one or more individuals or entities in common or an entity and an individual, when that individual owns, manages, or controls any part of the entity.

Enforcement officer means the city manager or his designees.

Lot has the same meaning as provided in city zoning regulations.

Owner includes any individual, entity, or affiliated entities.

Vacant lot means:

- (1) A lot in any R zoning district containing a building with one to four dwelling units, as that phrase is defined in city zoning regulations, which is unoccupied for 90 or more consecutive days as a dwelling or which is illegally occupied; or
- (2) An unimproved lot in any R zoning district located within 500 feet of a lot described in subsection (1) of this definition where both lots are owned by the same owner.

(Code 1986, § 455.01)

Sec. 20-328. - Applicability, scope and intent.

The provisions of this article are an exercise of the city's general police and regulatory powers and not an exercise of statutorily delegated zoning authority. All vacant property or vacant properties are subject to this article without exception, regardless of when the property was acquired.

(Code 1986, § 455.19)

Sec. 20-329. - Inspections; access.

The enforcement officer may inspect or cause to be inspected any premises in the city for the purpose of enforcing and assuring compliance with this article. Upon the request of the enforcement officer, an owner shall provide access to all interior portions of any vacant property or suspected vacant property in order to permit a complete inspection.

(Code 1986, § 455.07)

Sec. 20-330. - Recordkeeping.

The enforcement officer shall maintain a current list, updated monthly, of all vacant properties which have become known to the enforcement officer.

(Code 1986, § 455.09)

Sec. 20-331. - Cumulative remedies.

Nothing in this chapter shall be deemed to abolish or impair existing remedies available to the city under this Code, other city ordinances or state law.

(Code 1986, § 455.15)

Sec. 20-332. - Penalties and enforcement.

Violation of any provision of this article and providing false information to the enforcement officer under this article are misdemeanors, punishable as provided in section 1-20. In addition, the city may bring an action in a court of appropriate jurisdiction to enjoin a violation of this article.

(Code 1986, § 455.13)

Sec. 20-333. - Presumption that property is vacant.

Discontinuance of city trash removal or failure to use a minimum of 50 gallons of water per month shall constitute rebuttable presumptions that the property is a vacant property. It shall be the responsibility of the owner of such a property to establish that it is not a vacant property.

(Code 1986, § 455.01)

Sec. 20-334. - Owner's responsibility for securing and maintaining vacant property.

- (a) *Generally.* The owner and any subsequent owner of vacant property shall keep vacant property secured and safe and the buildings and grounds properly maintained in compliance with all state and local laws, ordinances, and codes.
- (b) *Gas flow shut-off valve required.* To decrease the risk of fire, explosion or dangerous conditions, the owner shall install an excess flow automatic gas shut-off valve on the gas piping immediately downstream of the gas meter outlet of any vacant property within 60 days of acquisition. Any new or existing excess flow valve must be approved, installed and inspected as required by applicable laws, ordinances or codes.

(Code 1986, §§ 455.03(7), 455.11)

Secs. 20-335—20-350. - Reserved.

DIVISION 2. - REGISTRATION

Sec. 20-351. - Required; form.

- (a) The owner of a vacant property located within the city shall register the property with the enforcement officer. The registration shall be submitted on forms provided by the enforcement officer and shall include the following information supplied by the owner:
 - (1) A description of all vacant property or vacant properties owned by the owner within the city;
 - (2) The names and addresses of the owner;
 - (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the properties;
 - (4) The period of time each vacant property is expected to remain vacant; and a plan and timetable for returning the vacant property to appropriate occupancy or use;

- (5) The owner shall also execute an authorization appointing the city police department an agent of the owner for the purpose of making a demand to depart therefrom pursuant to this article.
- (b) Subsequent owners of a vacant property shall register or re-register the vacant property with the enforcement officer within 30 days of any transfer of any ownership interest in a vacant property.

(Code 1986, § 455.03(8))

Sec. 20-352. - Fees.

The following fees are imposed to defray the costs of registering, monitoring, and inspecting vacant properties, and otherwise enforcing the requirements of this section:

- (1) *Single or distant properties.* The owner of a single vacant property or vacant properties not within 500 feet of one other shall pay a registration fee of \$500.00 per vacant property the first calendar year the properties become vacant properties and \$1,000.00 each subsequent calendar year the properties remain vacant properties, unless an exemption under this article applies.
- (2) *Adjacent and nearby properties.* The owner of two or more vacant properties located within 500 feet of each other shall pay for the first calendar year the properties become vacant properties, a registration fee of \$1,000.00 per vacant property and \$2,500.00 per vacant property for each subsequent year the properties remain vacant properties. The records of the city assessor shall be deemed sufficient for determining the location and distance of properties from one another.
- (3) *Time of payment; proration; renewal.* The first annual fee shall be paid at the time of registration and shall be prorated for the initial year of registration based on the number of days in the calendar year after the vacant property is required to be registered. The annual fees for subsequent years shall be paid on or before January 1 of each subsequent year.
- (4) *Delinquent fees.* All delinquent fees shall be paid prior to any transfer of an ownership interest in any vacant property. If the fees are not paid prior to any transfer, the new owner of the vacant property shall pay the annual fee no later than 30 days after the transfer of ownership.
- (5) *Late registration.* If an owner fails to register within 30 days of notice from the city, the owner shall be liable for a registration fee of three times the amount otherwise due for the vacant properties.
- (6) *Notice of fees due.* Following registration, the enforcement officer or designee shall provide written notice to the owners of fees due and the due date.
- (7) *Collection of fees; special assessments.* All of the fees and other amounts payable under this article are a debt owed to the city and, if unpaid, shall be collected by special assessment under the authority in M.S.A. § 429.101. Action under this section does not preclude any other civil or criminal enforcement procedure.

(Code 1986, §§ 455.03(9), 455.13, 455.17)

Sec. 20-353. - Exemption and exceptions.

- (a) Vacant property owned by the city or the city housing and redevelopment authority (HRA) is exempt from the vacant property registration and fee requirements of this article.
- (b) Vacant property for which the owner possesses a valid building permit for remodeling the dwelling located thereon or for construction of a new dwelling on such vacant property is exempt from the vacant property registration and fee requirements of this article.
- (c) Registration is required, but the vacant property registration fee shall be waived, for:

- (1) All dwelling units that possess a valid rental license issued pursuant to this chapter that is actively marketed as "for rent" in a newspaper or in an online listing at a fair market value rental rate based upon market rental rates for comparable properties. It is the obligation of the vacant property owner to produce evidence of active marketing to claim this exemption. In the event that the rental license lapses, is suspended, or revoked, this exemption shall no longer apply, the vacant property in question shall be subject to the registration fees provided for above and shall immediately be due and owing.
- (2) All homes being actively marketed as "for sale" at a reasonable price by a licensed real estate broker or by the owner. It is the obligation of the vacant property owner to produce evidence of active marketing at a reasonable price to claim this exemption. A home which is listed on the MLS (multiple listing service) or similar listing service is presumptively being actively marketed. An asking price not greater than 150 percent of the taxable market value, as determined by county property tax records, is presumptively a reasonable price.
- (3) Vacant properties subject to a valid development agreement or redevelopment agreement with the city or the HRA.
- (4) Single vacant properties for which the owner executes a valid affidavit on a form provided by the city averring that the owner intends to resume occupancy of the vacant property as a dwelling within 180 days; provided, however, that failure to actually resume use of the vacant property as a dwelling within 180 days will result in imposition of the waived registration fee.
- (5) Vacant property for which the registration fee has already been paid for the current calendar year.

(Code 1986, § 455.05)