

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. 19-**

**AN ORDINANCE AMENDING CHAPTER XV OF THE  
WEST ST. PAUL CITY CODE RELATING TO NEW VACANT BUILDING  
REGISTRATION REQUIREMENTS**

The City Council of West St. Paul does ordain:

**SECTION 1. ENACTMENT.** West St. Paul City Code Chapter XV is amended by enacting Section 150.145- 153 regarding Vacant Buildings Registration:

**VACANT BUILDING REGISTRATION**

**150.145 PURPOSE.** The purpose of this section is to protect the public health, safety, and welfare by enactment of this ordinance that does the following:

- (A) Establishes a program for identification and registration of vacant buildings so that the City can more closely monitor the properties to assure there is adequate maintenance and security.
- (B) Determines the responsibilities of owners of vacant buildings and structures.
- (C) Provides for the administration, enforcement, and penalties regarding this program and its regulations.

**150.146 DEFINITIONS.** Words in this Ordinance will have the following meanings, unless otherwise defined.

**CODE VIOLATIONS.** Violations of any Code adopted and/or enforced by the City, which may include but are not limited to the City Code, the State Building Code, Fire Code, and Zoning Ordinance.

**DANGEROUS STRUCTURE.** A structure that is potentially hazardous to persons or property, including, but not limited to:

- (1) A structure which is in danger of partial or complete collapse;
- (2) A structure with any exterior parts which are loose or in danger of falling; or
- (3) A structure with any parts, such as floors, porches, railings, stairs, ramps, balconies or roofs, which are collapsed, in danger of collapsing or unable to support the

weight of normally imposed loads, or otherwise determined to be hazardous or dangerous in their present condition.

**ENFORCEMENT OFFICER.** The Building Official or a duly authorized representative.

**OWNER.** Those persons shown to be the owner or owners of record in the Dakota County Property Taxation and Records, those identified as the owner or owners on a vacant building registration form, holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lesser state therein. Any such person will have a joint and several obligation for compliance with the provisions of this chapter.

**UNOCCUPIED.** A building that is not being used for a legal occupancy.

**UNSECURED.** A building or portion of a building that is open to entry by unauthorized persons.

**VACANT BUILDING.** A single-family residential building, multi-family residential building, commercial, or industrial building, or portion of a building that is:

- (1) Unoccupied and unsecured for a period of 60 days;
- (2) Unoccupied and has property maintenance or building code violations;
- (3) Condemned and illegally occupied;
- (4) Unoccupied and in the process of foreclosure confirmed by a recorded notice of pendency or a foreclosure action is complete; or
- (5) Unoccupied with the appearance of abandonment.

#### **150.147 VACANT BUILDING REGISTRATION.**

- (A) *Registration Required.* The owner of a vacant building will register the building with the City no later than sixty (60) days after it becomes a vacant building. Thereafter, the owner will be required to annually register the building with the City for as long as the building remains vacant. Registration Certificates are valid from January 1 through December 31.
- (B) *Applications.* The registration will be submitted on forms provided by the City and will include the following information supplied by the owner:
  - (1) A description of the premises;
  - (2) The names, phone numbers, email, and addresses of the owner(s) and a contact person; and

- (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building.
- (C) *Fees.* No fee is required if the owner voluntarily registers the building pursuant to Section 150.147 (A). Failure to timely register shall result in a late registration fee for each vacant building in the amount prescribed in the City's fee resolution. Late registration fees will not be prorated for a portion of a year. The fee will be paid in full prior to the issuance of any building permits or other City permits. All delinquent fees will be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the delinquent fees are not paid prior to any transfer, the new owner will pay fees due and payable no later than thirty (30) days after the transfer of ownership.
- (D) *Changes in Information.* The owner will notify the City of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change.
- (E) *Maintenance of Property While Vacant.* The owner will keep the building secured and safe and the building and grounds properly maintained until the property is reoccupied, including but not limited to mowing the lawn, removing snow from public sidewalks, providing adequate heat or disconnecting water service during winter months, and securing other utility and property related services. Failure of the owner or any subsequent owner to maintain the building and premises will be subject to any enforcement actions or penalties provided by law including an abatement completed by the City and assessed against the property pursuant to state law and City Code.
- (F) *Fire Access.* Any vacant commercial, industrial, or multi-family building will maintain the required fire apparatus access roads.
- (G) *Placard.* Any building classified as a vacant building under this section will be posted with a placard by the enforcement officer.

#### **150.148. EXEMPTIONS.**

The following buildings or situations will be exempt from the requirements of this section and will not be required to register:

- (A) A building that has suffered fire damage will be exempt from the registration requirement for a period of ninety (90) days after the date of the fire. The exemption may be extended if the property owner submits a request for extending the exemption in writing to the enforcement officer. This request will include a description of the premises, the names, phone numbers, email, and addresses of the owner or owners and a statement of intent to repair and reoccupy the building in an expedient manner.
- (B) A residential, commercial or industrial multi-tenant building and some of the units are occupied. If all of the units are vacant, the owner will be required to register the building pursuant to this section.

- (C) Buildings owned by the City or the West St. Paul Economic Development Authority.
- (D) Buildings under a valid purchase agreement and closing is expected to occur within a reasonable time. However, if such building remains vacant longer than 90 days, such building will be required to register, unless an extension is granted by the Community Development Director.
- (E) There is a valid demolition or building permit for the building.
- (F) Between the months of September and March, the owner has notified the City that the property will be vacant for more than 60 days.
- (G) The owner is a member of the military and has notified the City that he/she will be deployed and the property will be vacant for more than 60 days.

#### **150.149 INSPECTIONS.**

The enforcement officer will inspect any building in the City for the purpose of enforcing and ensuring compliance with the provisions of this chapter. Inspections will be conducted pursuant to Section 10.17(D) of this Code.

#### **150.150 SALE OF VACANT BUILDING.**

The new owner will register a vacant building, as provided in Section 150.147(D) of this Code, within thirty (30) days of any transfer of an ownership interest in a vacant building.

#### **150.151 RE-OCCUPANCY.**

The owners must notify the City within 60 days of reoccupying a previously registered vacant building.

#### **150.152 PENALTIES.**

Any person violating any provision of this chapter or providing false information to the enforcement officer will be subject to the penalties provided in Section 10.98 of this Code.

#### **150.153 ALTERNATIVE PROCEDURES.**

Nothing in this chapter will be deemed to abolish or impair existing remedies of the City authorized under the City Code or Minnesota Statutes.

**SECTION 2. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the

entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and will be published in lieu of publishing the entire ordinance:

The purpose of the ordinance is to identify ownership and responsibility for vacant buildings so that the City can more closely monitor maintenance and security issues. Vacant buildings must be registered with the City within 60 days of becoming vacant unless there is a valid purchase agreement with an impending sale or open building permit for the building. Buildings with fire damage have 90 days to register and multi-tenant buildings with only a few vacancies are also not required to register.

**SECTION 3. EFFECTIVE DATE.** This Ordinance will be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Attest:

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David J. Napier, Mayor

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Shirley R Buecksler, City Clerk