

**CITY OF CHAMPLIN**

**ORDINANCE 719**

**AN ORDINANCE RELATING TO REGISTRATION AND  
REGULATION OF VACANT BUILDINGS  
AMENDING CITY CODE CHAPTER 106**

The City of Champlin Does Ordain:

Code Chapter 106 of the Champlin City Code containing BUILDINGS AND BUILDING REGULATIONS is hereby amended to include Article VI as follows:

Article VI - Vacant Building Registration

106.84 . Purpose and Findings.

The City of Champlin is enacting this section to help protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings. The City finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods. Neglect of vacant buildings, as well as use of vacant buildings by transients and criminals, creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. There is a substantial cost to the City for monitoring vacant buildings. This cost should not be borne by the general taxpayers of the community; but, rather, these costs should be borne by owners of those buildings.

106.85. Definitions.

For the purposes of this Article, the terms defined in this subsection have the meanings given them and shall apply in the interpretation and enforcement of this Article.

*Abandoned Property* means property that the owner has surrendered, voluntarily relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

*Compliance Official* means the City Administrator and the City Administrator's designated agents authorized to administer and enforce this section.

*"Building"* is any roofed structure used or intended for supporting or sheltering any use or occupancy. "Building," for purposes of this Code Chapter 106, shall include a portion of a building that is a separately titled, or capable of being separately titled, such as a condominium or townhouse unit, that is part of a larger building structure.

*"Owner" or "Property Owner"* is the owner of record of a property on which a building is located according to Hennepin County property tax records, those identified as owner or owners on a Vacant Building Registration Form, a holder of recorded or a unrecorded contract

for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, an assignee of rents, a receiver, an executor, a trustee, a lessee, or other person, firm or corporation in control of the freehold of the premises or lesser estate therein. "Owner" also means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in the property or building. This includes any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

*"Responsible Party"* is an owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property, upon which the building is located, or any other person or entity having a legal or equitable interest in the property. Responsible Party may include but is not limited to a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

*"Unoccupied Building"* is a building which is not being used for legal occupancy as defined in Champlin City Code.

*"Vacant Building"* is a building other than a building being constructed pursuant to a valid building permit that is:

- (a) Unoccupied and unsecure for five (5) days or more;
- (b) Unoccupied for sixty (60) days;
- (c) Unoccupied and an unsafe structure;
- (d) Unoccupied and posted for no occupancy or unfit for human habitation;
- (e) Condemned and illegally occupied; or
- (f) Abandoned building.

*"Vacant Building Registration Form"* (VBRF) is the form prescribed in section 106.86.

#### 106.86. Vacant Building Registration.

(a) Application. The owner or responsible party shall register a vacant building with the City no later than sixty (60) days after the building becomes vacant or as soon thereafter as Owner has a reasonable basis to believe that the building has become vacant. The registration shall be submitted on a form provided by the city and shall include the following information supplied by the owner or responsible party.

- (1) The name, address, telephone number and email address, if applicable, of each owner and each owner's representative;
- (2) The names, addresses, telephone numbers and email addresses, if applicable, of all known lien holders and all other persons or entities with any legal interest in the building;
- (3) The name, address, telephone number and email address, if applicable, of a local agent or person responsible for managing or maintaining the property;

- (4) Property identification number and street address of the premises on which the building is situated;
- (5) The date the building became vacant, the period of time the building is expected to remain vacant, and a written property plan and timetable as described in section 106.85(d) for returning the building to lawful occupancy or use, or for demolition of the building.
- (6) The status of water, sewer, natural gas and electric utilities;

(b) Notification. The owner shall notify the compliance official within thirty (30) days of changes in any of the information supplied as part of the vacant building registration.

(c) Administrative Registration. If the compliance official determines that a building has been vacant for at least sixty (60) days and has not been registered by its owner or responsible parties, the compliance official may administratively register the building and attempt to notify the owner of that registration based on such information as is reasonably available to the compliance official. Properties registered administratively will be charged a fee established by the City Council.

(d) Property Plan. The property plan identified above in 106.86 (a) (5) shall meet the following requirements:

(1) *General Provisions.* The plan shall comply with all applicable regulations as determined by the building official. It shall contain a timetable regarding use or demolition of the property. The plan shall be completed within 30 days after the building is registered.

(2) *Maintenance of building.* The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application or arising since application, or as identified by the building official. Any repairs, improvements or alterations to the property shall comply with MN State Building Code provisions and applicable City regulations.

(3) *Plan Changes.* If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall be submitted to the City in writing and meet the approval of the compliance official.

(4) *Demolition Required.* If a building has remained vacant for a period of three hundred and sixty-five (365) consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the City may declare the building to be a nuisance and direct the owner to demolish the building and restore the grounds. If the owner does not demolish the building and thereby eliminate the nuisance conditions, the City may commence abatement and cost recovery proceedings for the abatement of the nuisance in accordance with Chapter 34 Article 1 sec. 34-7 of this code and Minnesota Statutes, section 429.101.

Program Exemptions. Owners of buildings meeting the following criteria are not required to register their building but may do so voluntarily for no fee.

(1) **Snowbirds.** Those persons who leave their residential buildings on a temporary basis (up to 180 days) for vacation purposes or to reside elsewhere during the winter season and have the intent to return. Snowbird exemptions will be considered annually with proper verification.

Fee Exemptions. Owners of buildings meeting the following criteria must register their building but are not required to pay the annual fee.

(1). *Fire or Severe Weather Event Damage.* A building that has suffered fire or severe weather event damage is exempt from registration for a period of ninety (90) days after the date of the fire or weather event if the owner submits a written request for exemption in writing to the compliance official. An exemption request shall include the following information supplied by the owner:

- i. The address and description of the premises;
- ii. The name and address of owner or owners and responsible parties;
- iii. A statement of intent to repair and reoccupy, or reuse the building in an expeditious manner and a statement of the time frame for completion of repairs and re-occupancy or use;
- iv. Actions the owner or responsible party will take to ensure that the property will be secure and not a nuisance.

The fee exemption may be extended beyond 90 days by the compliance officer based on the submitted plan.

(2) *Government Owned.* Buildings that are owned by government agencies including the City of Champlin, State of Minnesota or federal government.

(f). Fees. The owner of vacant buildings or responsible parties shall pay a fee at the time of registration or, if registered administratively pursuant to section 106.86(c) at the time of receipt of notice of registration or when owner has a reasonable basis to believe the building is vacant. Subsequent to the original registration, fees shall be due on the anniversary date of the original registration. The fees must be paid in full prior to the issuance of any building permits. The registration fee will be in an amount set forth in Chapter 22 Fees. The amount of the registration fee shall be reasonably related to the City's costs incurred in the administration and enforcement of the vacant buildings registration and monitoring program described in this Article.

(g) Assessment. If the registration fee or any portion is not timely paid, the City Council may certify the unpaid fees against the property in accordance with Minnesota Statutes, section 429.101.

#### 106.87. Building Inspection.

Registration of a vacant building shall constitute consent by the owner or responsible party to the City to go upon the property for inspection purposes. The compliance official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this Article and other applicable regulations. Upon the request of the compliance official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the city may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy or reuse, the owner or responsible party shall request an inspection of the vacant building by the compliance official to determine the building is fit for human occupation consistent with the Minnesota State Building Code. All applicable building permit fees as needed shall be paid prior to building occupancy.

#### 106.88. Maintenance of Vacant Buildings.

In addition to the requirements of section 106.85 (d) the owner or responsible party shall address and comply with all applicable regulations with respect to the following:

- a) Appearance. All vacant buildings shall be so maintained as required in chapter 106 Article IV of this code.
- b) Security. All vacant buildings shall be secured from unauthorized entry. Security shall be ensured by normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each room within the building. Exterior walls and roofs shall be without holes.

#### 106.89. Emergency Securing.

The compliance official may take immediate steps to secure a vacant building at his or her discretion in emergency circumstances.

#### 106.89. No Occupancy or Trespass.

No person may trespass, use, occupy or reside in, on a temporary or permanent basis, any vacant building, registered or not, without the owner's or responsible party's consent.

#### 106.90. Vandalism or Removal of Items Prohibited.

No person may vandalize or without owner's or responsible party's consent remove any items from a vacant building or the property upon which it is located.

#### 106.91. Appeal.

Any person or responsible party aggrieved by a decision of the compliance official under Chapter 106 Article VI may appeal to the City Council by serving on the compliance official a written notice of intent to appeal within 10 business days of receipt of notice of the decision. Upon receipt of the written notice of intent to appeal, the Council shall, within a reasonable time, hear the appeal, and shall promptly thereafter render its decision, which decision shall be final.

106.93. Penalties.

Any person or responsible party who violates the provisions of Chapter 106 Article VI is subject to penalty as provided under Chapter 1 sec. 1-7 of this code. Nothing in this section, however, is deemed to impair other remedies available to the city under this code or state law, including, but not limited to, Minnesota Statutes, sections 463.15 through 463.261.

First Reading: November 28, 2011  
Public Hearing: November 28, 2011  
Second Reading: December 12, 2011  
Adopted: December 12, 2011

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Mark W. Uglem, Mayor

Attest:

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Roberta Colotti, CMC City Clerk

*Published in Champlin Dayton Press on December 22, 2011.*