

**CITY OF MEDICINE LAKE
ORDINANCE NO. 101**

AN ORDINANCE PROVIDING FOR SECURING VACANT BUILDINGS

THE CITY COUNCIL OF MEDICINE LAKE ORDAINS:

SECTION 1. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the following meanings:

City. The City of Medicine Lake, County of Hennepin, State of Minnesota.

Neighborhood association. An organization recognized by the city as representing a neighborhood within the city.

Secure. Includes, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system consistent with Minn. Stat. § 463.251.

Unoccupied building. A building which is not being used for a legal occupancy.

Unsecured building. A building or a portion of a building that is open to entry by unauthorized persons without the use of tools.

Vacant building. A building or a portion of a building that meets one or more of the following conditions:

- (1) Unoccupied and foreclosed upon as identified by the county.
- (2) Unoccupied and windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired.
- (3) Unoccupied and doors to the premises are smashed through, broken off, unhinged, or continuously unlocked.
- (4) Unoccupied and gas, electric, or water service to the premises has been terminated.
- (5) Unoccupied and rubbish, trash, or debris has accumulated on the mortgaged premises.
- (6) Unoccupied and the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises.
- (7) Unoccupied and the premises are deteriorating and are either below or are in imminent danger of falling below minimum community standards for public safety and sanitation.

SECTION 2. SECURING VACANT BUILDINGS

In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured, and the building could be made safe by securing the building, the city council may order the building secured and shall cause notice of the order to be served consistent with Minn. Stat. § 463.251, subd. 2. The notice must be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice. The notice is served by delivery or mail. The notice must be in writing and must include, at a minimum, a statement that:

- (1) Informs the owner and the holder of any mortgage or sheriff's certificate of the requirements found in subdivision Minn. Stat. § 463.251, subd. 3 that the owner or holder of the certificate has fourteen (14) days to comply with the order or provide the council with a reasonable plan and schedule to comply with the order and that costs may be assessed against the property if the person does not secure the building.
- (2) Informs the owner and the holder of any mortgage or sheriff's certificate that, within fourteen (14) days of the ordering being served, the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous.
- (3) Notifies the holder of any sheriff's certificate of the holder's duty under Minn. Stat. § 582.031, subd. 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in Minn. Stat. § 582.032, subd. 7.

Service by mail is completed upon mailing a copy of the order to the owner by first class mail at the last known address.

SECTION 3. RESPONDING TO THE NOTICE

The owner of the building or the holder of the sheriff's certificate of sale has fourteen (14) days after the order is served to do one of the following: 1) comply with the order; 2) provide the council with a reasonable plan and schedule to comply with an the order; or 3) request a hearing before the city council to challenge the council's determination that the property is vacant or unoccupied and hazardous. If the owner or holder of the sheriff's certificate fails to take one of these actions within the allotted time, the city council must have the building properly secured.

SECTION 4. EMERGENCY SECURING OF VACANT BUILDINGS

Pursuant to Minn. Stat. § 463.251, subd. 4, when the city building official, police chief, or fire chief determines that an emergency exists with respect to the health or safety of persons in the community and immediate boarding and securing of a building is required, and where immediate danger will exist to children, transients, or others members of the community without the

immediate boarding or securing of the building, the building official, police chief, or fire chief may waive all notice requirements herein and immediately board or otherwise secure the building, provided that:

(1) The conditions showing the existence of an emergency are documented in writing by the building official, police chief, fire chief, or their designees.

(2) Notice is mailed immediately by the department invoking this Section to the owner of record of the premises, the taxpayer identified in the property tax records for the parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice.

SECTION 5. COLLECTION OF COSTS

All costs incurred by the city for securing a vacant building under this ordinance may be charged against the real property as a special assessment pursuant to Minn. Stat. §§ 463.251, 463.21, and 463.151.

SECTION 6. NEIGHBORHOOD ASSOCIATIONS

The city council may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion.¹

SECTION 7. SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

SECTION 8. EFFECTIVE DATE

This ordinance becomes effective upon passage and publication.

Adopted by the City Council of Medicine Lake this 7th day of December, 2009.

Mary Anne Young, Mayor

ATTEST: Nancy Pauly, City Clerk
