



## Legislation Details (With Text)

**File #:** Ord 21-59      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 12/22/2021

**Title:** Amending Chapter 43.03 of the Legislative Code pertaining to Vacant Buildings as it relates to the Vacant Building Registration Fee.

**Sponsors:** Amy Brendmoen

**Indexes:** Budget, Ward - all

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/28/2021	1	Mayor's Office	Signed	
12/22/2021	1	City Council	Adopted	Pass
12/15/2021	1	City Council	Laid Over to Final Adoption	Pass
12/8/2021	1	City Council	Laid Over to Second Reading	

Amending Chapter 43.03 of the Legislative Code pertaining to Vacant Buildings as it relates to the Vacant Building Registration Fee.

### SECTION 1

WHEREAS, in support of Mayor Carter's 2022 budget, the Department of Safety and Inspections (DSI) seeks to increase the vacant building registration fee, as detailed in Chapter 43.03 of the Saint Paul Legislative Code (SPLC), by 1.5%; and

WHEREAS, the cost of administering the vacant building program exceeds the revenue generated by the vacant building registration fees; and

WHEREAS, DSI seeks to increase the vacant building fee by an additional three hundred dollars (\$300.00) in order to align the program more closely with a cost recovery model; and

WHEREAS, the fee increases proposed more accurately reflect the cost of providing services related to vacant buildings; and

WHEREAS, DSI continues to experience substantial growth in personnel costs such as health care and wages; and

WHEREAS, General Fund pressures create the need to decrease the gap between vacant building fee revenue and vacant building fee program expenses. Now, therefore be it

RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

### SECTION 2

Section 43.03 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 43.03. - Vacant building registration.

- (a) The owner shall register with the enforcement officer not later than thirty (30) days after any building in the city becomes a vacant building, as defined in section 43.02(7).
- (b) 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 the premises.
  - (2) The names and addresses of the owner or owners.
  - (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building.
  - (4) The period of time the building is expected to remain vacant; and a plan and timetable for returning the building to appropriate occupancy or use and/or for demolition of the building.
  - (5) A copy of any current Truth-in-Sale of Housing Disclosure Report if required by Saint Paul Legislative Code Chapter 189.
- (c) The owner shall order and pay for a code compliance inspection in accordance with Saint Paul Leg. Code § 33 within sixty (60) days after the designation of any building or portions thereof classified under Saint Paul Leg. Code § 43.02(7) as a category II or a category III vacant building. The code compliance inspection is required regardless of the building's legal occupancy standard or intended use. Owners of category II or III vacant buildings on the effective date of this ordinance that have not ordered a code compliance inspection shall have sixty (60) days following the effective date of this ordinance to order and pay for a code compliance inspection.
- (d) In order to decrease the risk of fire, explosion or dangerous conditions, the owner shall install an excess flow automatic gas shut-off valve ("excess flow valve") on the building's gas piping immediately downstream of the gas meter outlet within sixty (60) days after the designation of any building or portions thereof classified under Saint Paul Leg. Code § 43.02 (7) as a category II or a category III vacant building. If the owner fails to install an excess flow valve, the enforcement officer, under the authority of Saint Paul Leg. Code § 45, may install the excess flow valve on the building and enter the building if necessary. The costs incurred by the city for installation of the excess flow valve shall be assessed against the property as a summary nuisance abatement under the provisions of Saint Paul Leg. Code § 45. Owners of category II or III vacant buildings with active water and gas service on the effective date of this ordinance shall have sixty (60) days following the effective date of this ordinance to install an excess flow valve. Prior to installation of the excess flow valve, the owner, or another who can demonstrate a secured interest in the property must obtain the required permits from the Department of Safety and Inspections. Any excess flow valve model must be approved and installed as required by the Department of Safety and Inspections.
- (e) The procedures in paragraph (d) above may not be followed under the following conditions:
  - (1) If the enforcement officer determines that failure to install an excess flow valve constitutes an immediate danger or hazard which if not immediately addressed will endanger the health or safety of the public, the city may proceed with an emergency abatement under the provisions of Saint Paul Leg. Code § 45.12.

- (2) The owner or another who can demonstrate a secured interest in the property shall be exempt from the requirements of subdivision (d) above if the following conditions are met:
  - (i) The owner or another who can demonstrate a secured interest in the property has registered the building as a vacant building with the enforcement officer; and
  - (ii) After registration, the owner or another who can demonstrate a secured interest in the property has received or ordered a code compliance inspection and has shut off gas service and winterized the property.
- (f) For all vacant buildings, the owner shall submit a plan and timetable which must meet the approval of the enforcement officer. The enforcement officer shall require completion of the plan within a reasonable period of time, up to three hundred sixty-five (365) days. The plan submitted shall comply with the provision of Chapter 33 of the Saint Paul Legislative Code. Any repairs, improvements or alterations to the property must comply with any applicable housing or building codes.
- (g) All applicable laws and codes shall be complied with by the owner. The owner shall notify the enforcement officer of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the enforcement officer.
- (h) The owner and the subsequent owners shall keep the building secured and safe and the building and ground properly maintained until the rehabilitation or demolition has been completed.
- (i) Failure of the owner or any subsequent owner to maintain the building and premises that result in a summary abatement completed by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.
- (j) The new owner(s) shall register or re-register the vacant building with the enforcement officer within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the enforcement officer.
- (k) Vacant building fees:
  - (1) The owner of a vacant building shall pay an annual registration ~~two thousand one hundred twenty-seven dollars (\$2,127.00)~~ two thousand four hundred fifty-nine dollars (\$2,459.00) each year the building remains a vacant building. The registration fee is intended to at least partially recoup, and shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs of the city in monitoring the vacant building site.
  - (2) The first annual fee shall be paid no later than thirty (30) days after the building becomes vacant. If the fee is not paid within thirty (30) days of being due, the owner shall be subject to prosecution as prescribed in section 43.05.
  - (3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
  - (4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than thirty (30) days after the transfer of ownership and subsequent annual fees shall be due on the original anniversary date.

- (l) The enforcement officer shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status, or blighting influence of a vacant building.
- (m) Any building or portion of a building classified as a vacant building under this section shall be posted with a placard by the enforcement officer. The placard shall include all the information specified under Leg. Code § 34.23(3)(a)-(g).

### SECTION 3

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval, and publication.