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Title: Amending Chapter 43 of the Saint Paul Legislative Code pertaining to Vacant Buildings.

Sponsors: Kathy Lantry

Indexes:

Code sections:

Attachments:

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| 12/10/2014 | 1 | City Council | Laid Over to Third Reading/Public Hearing | |
| 12/3/2014 | 1 | City Council | Laid Over to Second Reading | |

Amending Chapter 43 of the Saint Paul Legislative Code pertaining to Vacant Buildings.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Sections 43.03 and Section 43.04 of the Saint Paul Legislative Code are 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 fee of ~~one thousand four hundred forty dollars (\$1,440.00)~~ two thousand twenty-five dollars (\$2,025.00) 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).

Sec. 43.04. - Exemptions.

(1) *Fire damaged structures fee exemption.* In order to encourage the prompt renovation of property, the owner of a fire damaged building may be exempt from paying vacant building fees required under the chapter; provided, that within thirty (30) days from the date of the fire, the owner at the time of the fire, submits a request for a an exemption in writing to the enforcement officer. This request shall include the following information supplied by the owner:

(a) A description of the premises.

(b) The names and address of the owner or owners.

(c) A statement of intent to repair and reoccupy the building in an expedient manner.

(d) An exemption granted under this section shall be valid for no more than ninety (90) days. In the event that the owner of the property at the time of the fire who received an exemption under this section should, at any time after the fire, transfer to another person any ownership interest in the subject property, the exemption under this section is immediately void and any new owner(s) shall be responsible for paying any required vacant building fees.

(2) *Buildings owned by the Saint Paul Housing and Redevelopment Authority (HRA).* Buildings owned by the HRA are regularly monitored and maintained by the city. Therefore, these buildings are exempt from the registration requirements outlined in section 43.03(c) and (k) of the Saint Paul Legislative Code. In addition, the following registration requirements contained in section 43.03 are amended as follows for buildings owned by the HRA:

(a) The HRA shall comply with the provisions of section 43.03(b)(1) and (5), and shall not be required to comply with section 43.03(b)(2) and (3). In place of the requirements of section 43.03(b)(4), the HRA shall communicate to the enforcement officer in writing the reason the HRA obtained the building and a statement explaining how long the HRA intends to hold the building and the reason the HRA intends to hold the building for that length of time. If the intention of the HRA with respect to a building changes, the HRA shall notify the enforcement officer in writing.

(b) In place of the fees outlined in section 43.03(k), the HRA shall comply with the following fee requirements:

(1) The HRA as the owner of a vacant building shall pay a registration fee ~~of one thousand dollars (\$1,000.00)~~ equal to that stated in Section 43.03(k)(1) for the first year the HRA owns a vacant building. The HRA is exempt from further vacant building fees as long as the HRA owns the building.

(2) The fee shall be paid no later than thirty (30) days after the building becomes vacant or after the HRA obtains a building, whichever is later.

(3) If the HRA obtains a building that has outstanding vacant building fees, those fees shall be paid to the department of safety and inspections.

(3) Tax forfeited Vacant Buildings owned by the State of Minnesota Trust Exempt and managed by Ramsey County Tax Forfeited Land.

(a) These buildings are subject to all requirements of this Chapter, except that Ramsey County shall pay an annual registration fee of five hundred twenty-five dollars (\$525.00). This fee is based on city services provided to these properties.

(b) The fee shall be paid no later than thirty (30) days after Ramsey County obtains a building.

SECTION 2

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