

City of Falcon Heights Planning Commission

City Hall
2077 Larpenteur Avenue West

Tuesday, January 26, 2021
7:00 p.m.

A G E N D A

A. CALL TO ORDER: 7:00 p.m.

B. ROLL CALL: John Larkin ____
 Matthew Kotelnicki ____ Scott Wilson ____
 Joel Gerich ____ Scott Phillips ____
 Jill Bartyzal ____
 Council Liaison Leehy ____
 Staff Liaison Moretto ____

C. APPROVAL OF MINUTES

1. November 24, 2020

D. PUBLIC HEARING

1. None

E. NEW BUSINESS

1. Vacant Properties Discussion
2. Landlord Requirements

F. INFORMATION AND ANNOUNCEMENTS

1. Staff Liaison Report
2. Council Liaison Report

G. ADJOURN

Next regular meeting date: February 23, 2021

If you prefer to participate in the public hearing via Zoom, please go to the following link: <https://us02web.zoom.us/j/84896728260>.

**City of Falcon Heights
City Hall
2077 Larpenteur Avenue West**

**Minutes
Planning Commission Meeting
Tuesday, November 24, 2020
7:00 PM**

NOTE: THIS MEETING WAS HELD BY WEB CONFERENCE

A. CALL TO ORDER:

The meeting was called to order by Chair Larkin at 7:00 PM.

B. ROLL CALL:

Present: Larkin, Williams, Gerich, Wilson, Phillips, Jill Bartyzal (New)

Absent: Kotelnicki

Present Interim Staff Liaison: Molly Just from WSB

Present Liaison: Council Liaison Gustafson

Present Staff Liaison: Sack Thongvanh

C. APPROVAL OF MINUTES:

October 27, 2020

The minutes were approved by roll call, 6-0

D. PUBLIC HEARING

1. Amendment to Chapter 113 regarding drive through facilities.

Interim Staff Liaison Molly Just from WSB gave a description of the ordinance amendment, and the changes to the proposed ordinance that would be needed for a drive-through to be approved for Dino's. Additionally, she described the conditional use permit that would be part of the approval process at a later date. Interim Staff Liaison Just said a Planning Commission recommendation will be requested and then sent to the City Council for final action.

Chair Larkin opened the floor to the applicant, Dino's. The applicant was not present. The chair asked if staff or the city had any context they could provide regarding Dino's request beyond the staff report.

Council Liaison Gustafson gave a description of the workshop meeting that had taken place in the spring of 2020 between City Council members and representatives of Dino's restaurant regarding the concept of a drive through and drive up. The City Council recommended that Dino's submit an application with the City for a text amendment to the city ordinance.

City Administrator, Sack Thongvanh, via Zoom, then described his phone conversations with a Dino's representatives. Their current request was to have a drive-up-window in the same location in place of a drive-through window. The request would not include an intercom or speaker system.

Chair Larkin opened up the public meeting. There were members of the public wishing to speak in-person and digitally on Zoom. The city also received seven comments via e-mail.

In person:

Susan 1540 Crawford Avenue - Susan expressed their concern about the following: Additional traffic, including delivery trucks, noise in her neighborhood, Dino's being too close to a residential area, the effect on property values, and late hours of operation that would be created by a drive-through (or drive-up window) at Dino's.

Cynthia Peck 1546 Crawford Avenue - Cynthia expressed their concern about the following: Noise, additional traffic, and potential car pollution in their neighborhood that would be created by a drive-through (or drive-up window) at Dino's.

Virginia Blasé 1532 Crawford Avenue - Virginia expressed their concern about the following: Additional traffic, noise, litter, and potential car pollution in their neighborhood that would be created by a drive-through (or drive-up window) at Dino's.

Wendy Noble 1539 Crawford Avenue - Wendy is concerned about the following: Additional traffic. They wanted to know if the change to allow a drive-through would then apply to all B-3 properties in Falcon Heights (including commercial property across the street). They were also concerned about the drive-through (or drive-up window) affecting water run-off in the area due to the additional pavement needed. They expressed a desire to preserve the character of the neighborhood for the future.

Amy Weigel 1526 Crawford Avenue - Amy expressed their concern about the following: Additional traffic that includes delivery trucks, and driving through the neighborhood that would be created by a drive-through (or drive-up window) at Dino's.

Scott Noble 1539 Crawford Avenue - Scott said that whether the drive-through (or drive-up window) is 20 feet, 50 feet, or 75 feet from the nearest street intersection, any major change to a business like that is going to have an impact on the residents.

Zoom calls:

Susan Majerus 1381 Iowa Avenue - Susan said their friend on Crawford did not

think that it would be a good idea to adopt the change in the ordinance. Also, the standards that the Commission identified does not make it sound any better. The resident on Crawford wanted to know if any research was done to identify if the change to allow a drive-through would have an impact on nearby residential property values and if the change would set a precedence applying to all B-3 properties in Falcon Heights. She also asked if a curb-side pickup concept would be a better idea with all the issues involved with a drive-through or drive-up window.

Mary Osmon 1715 Arona Street - Mary expressed concern about the following: Additional traffic and noise pollution from both cars and a drive-through speaker. Mary wanted to know if the change to allow a drive-through would be damaging to nearby residential property values in Falcon Heights.

Stacy Ruth 1538 Crawford Avenue – Stacy also expressed her concern about the additional traffic that would be created by a drive-through (or drive-up window) at Dino's. 350 cars a day already drive through the area according to a recent study, and the drive-through or drive-up would only add to that number.

Chair Larkin asked three times if there were any individuals in the audience or on Zoom that would like to make a comment. With no response, Chair Larkin closed the public meeting.

Jill Bartyzal (new Commissioner) joined the meeting on Zoom. She described herself and her reasons for wanting to join the Planning Commission. She expressed her concerns for the drive-through (or drive-up window) at Dino's.

After comments from each Commissioner and a discussion between Commissioners, a vote was taken.

With a motion, a second and a vote, the Planning Commission unanimously (6 to 0) recommended that the City Council deny the proposed amendment to the code, as it is written.

E. INFORMATION AND ANNOUNCEMENTS

1. Vacant properties ordinance

Chair Larkin said that because of the time it took to cover the Dino's drive-through topic, he would be in favor of delaying the discussion of the draft Vacant Properties Ordinance to a future meeting.

2. December meeting

Chair Larkin announced that there would be no meeting on December 22nd due to the holidays. Additionally, Larkin asked if the city attorney and possibly the city administrator could be present at the January meeting to discuss the proposed Vacant Property ordinance. Sack Thongvanh said that he would check on the

availability of the city attorney for the January meeting and that he would be available to answer any questions that may come up.

F. ADJOURN

Adjourned by Chair Larkin at 8:43 PM.



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	January 26, 2021
Agenda Item	Agenda E1
Submitted By	Paul Moretto Community Development Coordinator from Ryan Krzos, Interim Community Development Coordinator

Item	Amendment to Chapter 105 Regarding Vacant Buildings
Description	<p>Staff has prepared the attached Ordinance relating to vacant buildings. The draft Ordinance is based off of the Planning Commission subcommittee’s recommendation to model the provisions on the City of Hopkins’ Ordinance.</p> <p>The draft Ordinance was shared with other members of the City Administration including the City Administrator and City Attorney for their review and comment. The City Attorney’s office provided a document with recommended provisions included as an attachment. The highlighted sections are those that are recommended to be incorporated into the Ordinance. The City Attorney also suggests contemplating the other provisions as deemed useful or appropriate.</p> <p>Staff also reached out to the City of Hopkins to request that they share their insight on how the ordinance is being implemented. Hopkins staff has not been able to provide comments.</p> <p>Accordingly, staff finds that this additional input is necessary before proceeding with the final ordinance amendment adoption process.</p>
Attachments	<ul style="list-style-type: none"> • Draft Ordinance 20-XX Chapter 105 Vacant Buildings • Suggested vacant building provisions from City Attorney’s office.
Action(s) Requested	Staff is providing an update on the proposed Ordinance and is requesting additional discussion.

ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 105
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1 In Chapter 105 – Buildings and Building Regulations of the City Code of Falcon Heights, Article VI – Vacant Properties is added as follows:

ARTICLE VI – VACANT PROPERTIES

Sec. 105-120 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliated entities means two entities owned, managed, or controlled by one or more individuals or entities in common or an entity and an individual, when that individual owns, manages, or controls any part of the entity.

Enforcement officer means the city manager or his designees. *Lot* has the same meaning as provided in city zoning regulations. *Owner* includes any individual, entity, or affiliated entities.

Vacant lot means:

- (1) A lot in any R zoning district containing a building with one to four dwelling units, as that phrase is defined in city zoning regulations, which is unoccupied for 90 or more consecutive days as a dwelling or which is illegally occupied; or
- (2) An unimproved lot in any R zoning district located within 500 feet of a lot described in subsection (1) of this definition where both lots are owned by the same owner.

Sec. 105-121 - Applicability, scope and intent.

The provisions of this article are an exercise of the city's general police and regulatory powers and not an exercise of statutorily delegated zoning authority. All vacant property or vacant properties are subject to this article without exception, regardless of when the property was acquired.

Sec. 105-122 - Inspections; access.

The enforcement officer may inspect or cause to be inspected any premises in the city for the purpose of enforcing and assuring compliance with this article. Upon the request of the enforcement officer, an owner shall provide access to all interior portions of any vacant property or suspected vacant property in order to permit a complete inspection.

Sec. 105-123 - Recordkeeping.

The enforcement officer shall maintain a current list, updated monthly, of all vacant properties which have become known to the enforcement officer.

Sec. 105-124 - Cumulative remedies.

Nothing in this chapter shall be deemed to abolish or impair existing remedies available to the city under this Code, other city ordinances or state law.

Sec. 105-125. - Penalties and enforcement.

Violation of any provision of this article and providing false information to the enforcement officer under this article are misdemeanors, punishable as provided in section 1-7. In addition, the city may bring an action in a court of appropriate jurisdiction to enjoin a violation of this article.

Sec. 105-126 - Presumption that property is vacant.

Discontinuance of trash removal or failure to use a minimum of 50 gallons of water per month shall constitute rebuttable presumptions that the property is a vacant property. It shall be the responsibility of the owner of such a property to establish that it is not a vacant property.

Sec. 105-127. - Owner's responsibility for securing and maintaining vacant property.

The owner and any subsequent owner of vacant property shall keep vacant property secured and safe and the buildings and grounds properly maintained in compliance with all state and local laws, ordinances, and codes.

Secs. 105-128—105-134 -

Reserved.

Sec. 105-135 - Required; form.

(a) The owner of a vacant property located within the city shall register the property with the

enforcement officer. 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 all vacant property or vacant properties owned by the owner within the city;
 - (2) The names and addresses of the owner;
 - (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the properties;
 - (4) The period of time each vacant property is expected to remain vacant; and a plan and timetable for returning the vacant property to appropriate occupancy or use;
 - (5) The owner shall also execute an authorization appointing the city police department an agent of the owner for the purpose of making a demand to depart therefrom pursuant to this article.
- (b) Subsequent owners of a vacant property shall register or re-register the vacant property with the enforcement officer within 30 days of any transfer of any ownership interest in a vacant property.

Sec. 105-136 - Fees.

The following fees are imposed to defray the costs of registering, monitoring, and inspecting vacant properties, and otherwise enforcing the requirements of this section:

- (1) *Single or distant properties.* The owner of a single vacant property or vacant properties not within 500 feet of one other shall pay a registration fee of \$**TBD** per vacant property the first calendar year the properties become vacant properties and \$**TBD** each subsequent calendar year the properties remain vacant properties, unless an exemption under this article applies.
- (2) *Adjacent and nearby properties.* The owner of two or more vacant properties located within 500 feet of each other shall pay for the first calendar year the properties become vacant properties, a registration fee of \$**TBD** per vacant property and \$**TBD** per vacant property for each subsequent year the properties remain vacant properties. The records of the city assessor shall be deemed sufficient for determining the location and distance of properties from one another.
- (3) *Time of payment; proration; renewal.* The first annual fee shall be paid at the time of registration and shall be prorated for the initial year of registration based on the number of days in the calendar year after the vacant property is required to be registered. The annual fees for subsequent years shall be paid on or before January 1 of each subsequent year.
- (4) *Delinquent fees.* All delinquent fees shall be paid prior to any transfer of an ownership

interest in any vacant property. If the fees are not paid prior to any transfer, the new owner of the vacant property shall pay the annual fee no later than 30 days after the transfer of ownership.

- (5) *Late registration.* If an owner fails to register within 30 days of notice from the city, the owner shall be liable for a registration fee of three times the amount otherwise due for the vacant properties.
- (6) *Notice of fees due.* Following registration, the enforcement officer or designee shall provide written notice to the owners of fees due and the due date.
- (7) *Collection of fees; special assessments.* All of the fees and other amounts payable under this article are a debt owed to the city and, if unpaid, shall be collected by special assessment under the authority in M.S.A. § 429.101. Action under this section does not preclude any other civil or criminal enforcement procedure.

Sec. 105-137 - Exemption and exceptions.

- (a) Vacant property owned by the city is exempt from the vacant property registration and fee requirements of this article.
- (b) Vacant property for which the owner possesses a valid building permit for remodeling the dwelling located thereon or for construction of a new dwelling on such vacant property is exempt from the vacant property registration and fee requirements of this article.
- (c) Registration is required, but the vacant property registration fee shall be waived, for:
 - (1) All dwelling units that possess a valid rental license issued pursuant to this chapter that is actively marketed as "for rent" in a newspaper or in an online listing at a fair market value rental rate based upon market rental rates for comparable properties. It is the obligation of the vacant property owner to produce evidence of active marketing to claim this exemption. In the event that the rental license lapses, is suspended, or revoked, this exemption shall no longer apply, the vacant property in question shall be subject to the registration fees provided for above and shall immediately be due and owing.
 - (2) All homes being actively marketed as "for sale" at a reasonable price by a licensed real estate broker or by the owner. It is the obligation of the vacant property owner to produce evidence of active marketing at a reasonable price to claim this exemption. A home which is listed on the MLS (multiple listing service) or similar listing service is presumptively being actively marketed. An asking price not greater than 150 percent of the taxable market value, as determined by county property tax records, is presumptively a reasonable price.
 - (3) Vacant properties subject to a valid development agreement or redevelopment agreement with the city.
 - (4) Single vacant properties for which the owner executes a valid affidavit on a form

provided by the city averring that the owner intends to resume occupancy of the vacant property as a dwelling within 180 days; provided, however, that failure to actually resume use of the vacant property as a dwelling within 180 days will result in imposition of the waived registration fee.

- (5) Vacant property for which the registration fee has already been paid for the current calendar year.

SECTION 2 Sections 105-115 through 105-119 are added as follows. Additions are shown with an underline, and deletions are shown with a ~~strikethrough~~.

ARTICLE V – ELECTRICAL REGULATIONS

~~Secs. 105-115—105-119 -~~

Reserved.

SECTION 3 This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this ___ day of _____, 202_, by the City Council of the City of Falcon Heights, Minnesota.

Moved by:

Approved by: _____

Randall C. Gustafson
Mayor

GUSTAFSON
LEEHY
MIAZGA
WEHYEE
ANDREWS

___ In Favor
___ Against

Attested by: _____

Sack Thongvanh
City Administrator

SUMMARY ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 105
OF THE FALCON HEIGHTS CITY CODE
CONCERNING VACANT BUILDINGS**

This ordinance amends Chapter 105 of the Falcon Heights City Code concerning vacant buildings. The amendment establishes registration procedures for vacant residential buildings within the City.

A printed copy of the entire ordinance is available for inspection by any person during the City Administrator/Clerk's regular office hours.

APPROVED for publication by the City Council of the City of Falcon Heights, Minnesota this _____ day of _____, 202_.

CITY OF FALCON HEIGHTS

BY: _____
Randall C. Gustafson, Mayor

ATTEST:

Sack Thongvanh, City Administrator

_____ - Registration and regulation of vacant buildings.

Subdivision 1. Policy. The purpose of this subsection is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. This subsection also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

Subd. 2. Findings.

(a) Vacant buildings have become a major cause of and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to actively maintain and manage the building to ensure they do not become a liability to neighborhoods and the community.

(b) Vacant buildings may attract transients, homeless people, trespassers, and criminals, including drug abusers. 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.

(c) Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass.

(d) Vacant buildings that are boarded up to prevent entry by transients and other long-term vacancies discourage economic development and retard appreciation of property values.

(e) There is a substantial cost to the City for monitoring vacant buildings regardless of whether those buildings are boarded or not. This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who are responsible for vacant buildings. It is a responsibility of property ownership to prevent property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare.

Subd. 3. Adoption of State Law. Minnesota State Statute 463.251, in its entirety, and any future amendments to said statute are adopted by reference.

Subd. 4. Definitions. The following definitions shall apply in the interpretation and enforcement of this subsection:

(a) Compliance Official means the City Administer or the City Administer's designee.

(b) Building means a building or structure designed for business use or human use or occupancy.

(c) Owner means those shown to be the owner or owners on the records of the Ramsey County Department of Property Taxation; those identified as the owner or owners on a vacant building registration form, a holder of an 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, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. An 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 subsection.

(d) Responsible party means an owner, occupant, 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. Any party 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.

(e) Vacant building means a building or structure in which no person or persons actually and currently conducts a lawful business or lawfully resides or lives in any part of the building on a permanent, non-transient basis in accordance with City code; or, is occupied by unauthorized persons for any amount of time.

(f) Premises means any real property and any appurtenant building or structure.

(g) Dwelling means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be a part of a multi-dwelling or multi-purpose building, or a manufactured home as defined in this code or State Statutes.

Subd. 5. Vacant building registration.

(a) Application. The owner or responsible party must register a vacant building with the City no later than 90 days after the building becomes vacant. The registration must be submitted on a form provided by the City and shall include the following information supplied by the owner:

- (1) The name, address, telephone number, and email address, if applicable, of each owner or the owner's representative;
- (2) The names, addresses, telephone numbers, and email addresses, if applicable, of all known lien holders and all other parties with any legal interest in the building;
- (3) The name, address, telephone number, and email address of a local agent, maintenance company, or person responsible for managing or maintaining the property;
- (4) The legal description, tax parcel identification number, and street address of the premises on which the building is situated;
- (5) A description of the premises, including the common address of the property;

- (6) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and for correcting code violations and nuisances, or for demolition of the building;
- (7) The status of water, sewer, natural gas and electric utilities;
- (8) The owner must notify the compliance official of any changes in information supplied as part of the vacant building registration within 15 days of any change;
- (9) If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be administratively registered as a vacant property.

(b) Property plan. The property plan identified in subsection ____, subd. 5(a)(6) must meet the following requirements:

- (1) General provisions. The plan must comply with all applicable regulations and meet the approval of the compliance official. It must contain a timetable regarding use or demolition of the property. The plan must be submitted with the Vacant Building Application.
- (2) Maintenance of building. The plan must identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property must comply with the applicable building codes and City regulations.
- (3) Plan changes. If the property plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the compliance official.
- (4) Demolition required. If a building has remained vacant for a period of 365 consecutive days, and the compliance official has not approved an alternative schedule in the property plan, the owner may be required to demolish the building in accordance with City code and State Statutes 463.15-463.26.

(c) Non-compliance and notification. If the owner does not comply with the property plan or maintain or correct nuisance items, the City may commence abatement and recover its costs for correction of those items in accordance with City code and State Statutes. In the case of an absent owner and ongoing nuisance items, the City need not provide notice of each abatement act to the owner. A single notice by the City to the owner that it intends to provide ongoing abatement until the owner corrects the items will be sufficient notice.

(d) Exemption for snow-birds; neighborhood. Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season in excess of 90 sequential calendar days, and have the intent to return within 180

days, are exempt from the registration requirement as follows. Exemption as a "snowbird" will be granted with proper verification and a local agent contact or a no fee vacant building registration form with applicable contact information provided to the City.

(e) Fees. The owner must pay an annual registration fee. The registration fee will be in an amount adopted by resolution by the City Council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the City in monitoring the vacant building site. The fee must be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

(f) Assessment. If the registration fee is not fully paid within 60 days following the annual registration due date, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in this code.

(g) Issuance of permit. Upon completion of the registration process and payment of the fee, the City will issue a Vacant Building Permit to the owner. The owner must securely post the permit on the vacant building on a side or rear entrance door that is not generally visible from the public street. If no side or rear entrance door is available, the permit must be securely posted on another available entrance door on that vacant building.

Subd. 6. Change of ownership. A new owner(s) must register or re-register a vacant building within 15 days of any transfer of an ownership interest in a vacant building. The new owner(s) must comply with the approved property plan and timetable submitted by the previous owner. Any proposed changes in the property plan must be submitted and approved by the compliance official.

Subd. 7. Inspections. The compliance official may inspect any vacant building in the City for the purpose of enforcing and assuring compliance with this chapter and other applicable regulations. Upon the request of the compliance official, an owner or responsible party must 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 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, a vacant building must be inspected by the City and found to be in compliance with the City Code and all other applicable regulations. All application and re-inspection fees must also be paid prior to any re-occupancy of the building. All such fees are set by Resolution of the City Council.

Subd. 8. Maintenance of vacant buildings. The owner must comply with and address the following items in the property plan:

(a) Appearance. All vacant buildings must be so maintained and kept that they appear to be occupied.

(b) Securing. All vacant buildings must be secured from outside entry by unauthorized persons or pests. Security must be by the normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one (1) operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes. Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows in accordance with this chapter.

- (1) Architectural (cosmetic) structural panels. Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexi-glass to simulate windows.
- (2) Temporary securing. Untreated plywood or similar structural panels or temporary construction fencing may be used to secure windows, doors and other openings for a maximum period of 14 days.
- (3) Artistic board-up. With prior approval of the compliance official, artistic options may be utilized to secure a vacant building.
- (4) Emergency securing. The compliance official may take steps to immediately secure a vacant building at his or her discretion in emergency circumstances.

(c) Fire safety. Owners of vacant buildings must comply with the Minnesota State Fire Code

(d) Plumbing, electrical, lighting, heating. Owners of vacant buildings must comply with applicable City and state code provisions for the maintenance, repair or removal of plumbing, electrical, lighting, and heating facilities or equipment.

(e) Termination of utilities. The compliance official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, written notice must be given to the owner if possible, or posted directly at the property, unless an imminent hazard exists because of the utility. No utility may be restored until consent is given by the compliance official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The compliance official may authorize immediate termination of utilities at his or her discretion in emergency circumstances.

(f) Owners of vacant buildings must comply with City Zoning code with respect to signage on the property.

(g) Exterior maintenance. The owner must comply with all applicable property maintenance regulations and City codes including, but not limited to, the following:

- (1) Public nuisances. The owner must eliminate any activity on the property that constitutes a public nuisance as defined by City code.
- (2) Grass and weeds. Any weeds or grass must be no greater than six (6) inches in height.
- (3) Exterior structure maintenance. The owner must maintain the vacant building in compliance with City code and building codes as determined to be necessary by the code official.
- (4) Abandoned or junk vehicles. The owner must remove abandoned and junk vehicles from the property. The City may impound such vehicles consistent with the requirements of the City code.
- (5) Storage and disposal of refuse. The storage and disposal of refuse must comply with the requirements of the City code.
- (6) Animals. The owner must ensure that all animals are removed from the property and handled in a humane manner.
- (7) Diseased, dead or hazardous trees. The owner must remove diseased, dead or hazardous trees or branches from the property in accordance with the City code.
- (8) Graffiti. The owner must remove all graffiti from the property in accordance with City code.
- (9) Abandoned pools. Swimming pools must be maintained, drained, emptied, and/or secured in accordance with City code.
 - (i) Removal of garbage and refuse. The owner of any vacant building, or vacant portion thereof, must remove all garbage, refuse, rubbish, swill, filth, or other materials from the vacant building and the property upon which the building is located.
 - (j) Police and fire alarm systems. The owner must properly maintain all alarm systems in any vacant building or portion thereof in operating condition; or, discontinue their service unless such service is required by code.
 - (k) Loitering and/or criminal activities. Loitering or engaging in criminal activities is not allowed in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party must not allow these activities and take immediate actions to eliminate these conditions once notified by the City.
 - (l) Emergency abatement. The compliance official may authorize immediate abatement of any public nuisance or maintenance item if, in the discretion of the compliance official, emergency circumstances exist that present an imminent threat to the public health and safety.

(m) Other codes. A plan for compliance with all applicable provisions of City code and other applicable regulations.

Subd. 9. No Occupancy or trespass. No person may trespass, occupy or reside in, on a temporary or permanent basis, any vacant building without the owner's consent.

Subd. 10. Vandalism or removal of items prohibited. No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

Subd. 11. Appeal. Any person or responsible party aggrieved by a decision under sections of this chapter may appeal to the City Council. The appeal must be in writing, must specify the grounds for the appeal, and must be submitted to the compliance official within ten (10) business days of the decision that is basis of the appeal.

Subd. 12. Penalties. Any person or responsible party who violates any provision of this subsection is subject to a misdemeanor penalty and any administrative fees as provided under City code and this subsection. Imposition of such penalties, however, is not deemed to impair other remedies or civil penalties available to the City under this code or state law.