The following is an draft outline of a possible Vacant Building Ordinance modeled on our existing ordinance and five or six ordinances that have been reviewed.

Chapter 10: Article VI Vacant Buildings

10-99A **Intent**

Purpose – state as to why we are doing this how is the public good and safety advanced.

Applicability -what kind of vacant properties will be covered by this, establish the requirement that vacant properties be registered for monitoring.

Definitions – as needed, particular how do we define vacant

10-99 *Monitoring Inspection Standards* (See St. Paul 43-05)
- Security
- Meet Exterior Property Maintenance Codes
- Fire Hazards

(This is not standard in all ordinances, but the idea might be to require periodic inspections even though vacant; as little as once per year like our Annual Housing Inspections for rentals or more often)

10-100 *Agent - Responsible Person* - Like our Rental License Code we want to require that there be a responsible person locally, if the owner is not local then must have a local agent who will be responsible. Either the owner or agent can Register the property, or if failure to register then the city official can register the property.

10-101 Monitoring Permits & Fees: Registration Owner or City – See Missouri

Fees: We will need to decide with we want a single fee or different fees based on the type of building (atypical from our survey)such as :

(a) Residential
(b) Commercial
(c) Industrial

(d) Boarded – some city require a higher fee if the property is board up and perhaps a penalty rather than a fee

(e) Time – some cities require higher fees for each year it stays vacant

Failure to pay – Like our rental License Code we want to be able to attach any fee owed as a lien on the property, and if further failure to pay then be able to sale the property at sheriff auction to collect the fee.

10-101 *Exemptions:* We will need to decide what properties are exempt from the provisions, most cities have exemptions for certain periods of time. Some possible exemptions:

(a) Active construction activity on the site
(b) Active for sale or lease – Contact with Agent; proof of active advertising for not more than 20% above market value.
(c) Vacant for less than some period of time (We see anywhere from one year to 90 days)
(d) Fire or natural damage (Insurance Pending status)
(e) Economic hardship (we would rather the money be spent on the house)

10-103 Appeals: Housing Code Board of Appeals – An appeal of the Inspectors decision would go to the House Code Board of Appeals.

Features from Other Communities

Gualt, CA – Their code had two sections; a vacant building monitoring fee and the Long-term (90 days) boarded and vacant.

Short term: any boarded building (immediately) or any building vacant for 90 days. (Unique, no affirmative action by owner to comply) Billed by the City upon finding the property vacant. Fee is all reasonable costs for monitoring, so fee can evolve.

Long Term: (Unique: long term not allowed) No boarded up properties for longer than 90 days with exceptions (active permit, meets code and not a blight, building official determination.) Since not allowed, owner would pay admin penalties:

Admin Penalties: first 90 days, up to $1,000 penalty,
Second 90 days up to $5,000 penalty
If owner has 2 vacant properties w/in 2 years then no less than $2,000 or more than $10,000

Building Official sets the penalty based on outlined factors. Owner must be offered Admin Hearing before the building official.

St. Pau, MN – Register after 30 days, pay $250 registration fee at 1 year anniversary. A building is not vacant if it is unoccupied, secured by way of locked windows and doors, and no nuisance violations or building code violation.

Sioux Falls – 30 days after vacant the first annual payment of $200 is to be paid to register the vacant property. Payment of this registration is required prior to issuance of a building permit. New owners are required to pay the registration fee upon transfer. A

Vacant Building is not a building that is code compliant and secure with locked doors and intact windows.

Missouri Model Ordinance - the State adopted a model ordinance for municipalities to use, leaving the fee up to the City, but it's a semi-annual fee. One novel approach is that it allows a city official to register the building if the owner fails to do so. Vacancy must be for six months and have code violations to be subject to registration fee. Give municipality the right to place liens on property for failure to pay and collect through court action.

Wilmington, DE – Owner is to register if property vacant for more than 45 days. After 1 year the owner is billed an annual fee per following:

Year 1 $500; Year 2 $1,000; Yrs 3-4 $2,000; Yrs 5-9 $3,500; Yr 10 $5,000

One time waiver if active demo, rehab, or other repairs; actively marketing property for sale or lease. Vacant is no one lawfully occupies or does business in any part of the building. Most detailed on definition of owner.

Consistent concepts

Most ordinances define vacant buildings as something more than just empty. They have to have code issues or be boarded or condemned. Most ordinances allow for exemptions, such as an active building permit, perhaps fire damage, some for active contract for sale. The burden of registration is typically on the owner.