

CHAPTER 48. PROPERTY MAINTENANCE STANDARDS

ARTICLE VII. Registration and Regulation of Foreclosed Property

Section 48-176. Purpose.

The purpose of this Article is to protect the public health, safety, and welfare by establishing a program for the identification and registration of foreclosed properties and determine the responsibilities of owners or agents of such properties and provides for administration, enforcement, and penalties associated with the same.

Section 48-177. Findings.

Foreclosed properties have the potential to be a major cause 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 property to ensure it does not become a liability to the neighborhood. There is a substantial cost to the City for monitoring foreclosed properties. This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who have a financial interest in the property.

Section 48-178. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article:

City means City of Anoka, Minnesota.

Compliance Officer means the City Manager and the City Manager's designated agents authorized to administer and enforce Anoka City Code.

Foreclosed Property means any real property that includes the building and grounds located in the jurisdictional boundary of the City of Anoka that due to default of a financial agreement between a lender and purchaser has been placed in the legal process by the lender to recover said property.

Owner means the following individuals and/or entities initiating the legal process to recover foreclosed property shown on the records of the Anoka County Department of Property Taxation;

1. Those show to be the mortgage holder or their legal representatives.
2. Any person, partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in the property or building.

Responsible party means an owner, service provider, mortgagor, leasing agent, management company or similar person or entity who has direct or indirect control or authority over the building or real property upon which the building is located.

Vacant building means a building or 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 the City Code.

Section 48-179. Foreclosed Property Registration Process.

- (a) Application. The owner initiating foreclosure proceedings or responsible party acting as an agent for the owner must register a vacant building with the City no later than thirty (30) days of the initiation of foreclosure proceedings. The registration must be submitted

on a form provided by the City and shall include the following information supplied by the owner:

1. The street address and tax parcel identification number (PIN) of the premises on which the building is situated;
 2. The name, address, telephone number, and email address, if applicable, of the owner holding title to the property or their representative; and
 3. A maintenance plan indicating the name, address, telephone number, and email address, if applicable, of a person or company responsible for managing or maintaining the property.
- (b) **Payment of Fees.** The owner must pay an annual registration fee in an amount adopted 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. If there are questions regarding the status of the property in regards to type of dwelling or code violations, the Compliance Officer of the City will perform an initial courtesy inspection of the exterior condition of the building and property.

Section 48-180. Responsibility of Owner.

The owner or responsible party of a foreclosed property will be required to comply with the following items:

- (a) **Notification of Sale or Property Transfer.** It is the responsibility of the owner or responsible party to inform the City should the property be sold or transferred to another party. If the property is not sold, but transferred to a different party, that party must re-register the property with the City within fifteen (15) business days of the transfer. Failure to re-register the building within fifteen (15) business days will result in a \$50.00 administrative fee being added to the annual fee.
- (b) **Maintenance of Building and Grounds.** It is the responsibility of the owner or responsible party to secure and maintain the building and grounds in compliance with City Code to include the following:
 1. **Appearance.** All vacant buildings must be so maintained and kept that they appear to be occupied.
 2. **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 operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes.
 3. **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.

4. 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 fourteen (14) days.
 5. “Artistic” board-up. With prior approval of the Compliance Officer, artistic options may be utilized to secure a vacant building.
 6. 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.
1. Fire protection systems. Owners of non-residential vacant buildings must maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.
 2. Removal of hazardous and combustible materials. The owner of any vacant building, or vacant portion thereof, must remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.
- (d) Plumbing fixtures.
- Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system must be installed in accordance with applicable codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable codes. The building’s water systems must be protected from freezing.
- (e) Electrical. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes must be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.
- (f) Lighting. All exterior lighting fixtures must be maintained in good repair, and illumination must be provided to the building and all walkways in the same manner as provided at the time the building was last occupied.
- (g) Heating. Heating facilities or heating equipment in vacant buildings must be removed, rendered inoperable, or maintained in accordance with applicable codes.
- (h) Termination of utilities. The Compliance Officer 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. No utility may be restored until consent is given by the Compliance Officer. Utilities may be discontinued at the request of the owner or responsible party as part of the approved plan. The Compliance Officer may authorize immediate termination of utilities at his or her discretion in emergency circumstances.
- (i) Signage. Obsolete or unused exterior signs and installation hardware must be removed. Holes and penetrations must be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building must be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs must be maintained in good condition.

- (j) 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.
 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.
 4. Abandoned or junk vehicles. The owner must remove abandoned and junk vehicles from the property.
 5. Storage and disposal of refuse. The storage and disposal of refuse must comply with the requirements of 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.
 8. Graffiti. The owner must remove all graffiti from the property in accordance with City ordinance.
 9. Abandoned pools. Swimming pools must be maintained in good operating condition; treated to prevent pest harborage; or properly drained and emptied. Swimming pools must be secured.
 10. 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.
 11. Police protection systems. The owner must properly maintain all alarm systems in any vacant building or portion thereof in operating condition.
 12. Loitering, 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.

Section 48-181. Emergency Abatement.

The Compliance Officer may authorize immediate abatement of any public nuisance or maintenance item if, in the discretion of the Compliance Officer, emergency circumstances exist that present an imminent threat to the public health and safety.

Section 48-182. Compliance.

- (a) Other Codes. All other City Codes and applicable regulations must be complied with.

(b) 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 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.

Section 48-183. Penalties.

Any person violating any provisions of this Article or providing false information to the City shall be punished as provided in the penalties section of this Chapter.

Sections 48-184 through 48-190. Reserved.