

## CHAPTER 48. PROPERTY MAINTENANCE STANDARDS

### Article V. Vacant Buildings as a Public Nuisance.

#### Section 48-120. Purpose.

The purpose of this article is to protect the public health, safety and welfare by establishing a program for identifying vacant buildings as public nuisances and processes to abate such nuisances when necessary.

#### Section 48-121. Definitions.

The definitions contained in Article I and III of this Chapter apply herein.

#### Sections 48-122 Determining a Public Nuisance.

- (a) A building within the City shall be deemed a nuisance condition if the plan required to be submitted in Section 48-72(b) (5) has not been completed in the time frame approved.
- (b) In the event that a vacant building has been declared a hazardous building by the City Council in accordance with Minnesota State Statutes 463.15 through 463.26, any provisions of this article shall be waived and the process outlined in Minnesota State Statutes 463.15 through 463.26 shall be followed.

#### Section 48-123 Nuisance Hearing.

- (a) If the Building Official determines that the building is a nuisance condition, the Building Official may order a hearing before the City Council.
- (b) Notice of the hearing before the City Council shall be sent by regular and certified mail to the owner of the building determined to be a nuisance stating the date, time, and place of the hearing. In addition, notice of the hearing shall be sent to all property owners within three hundred fifty feet (350') of the subject property.
- (c) The City Council shall determine whether to extend the deadline of the plan submitted by the owner, or to proceed with abatement by rehabilitation. The City Council shall provide findings of facts for their determination. The Council shall take action within thirty (30) days of the hearing and such determination should be in the form of a resolution. The determination shall be personally served upon the owner of the property. If the owner of the property cannot be found, then the determination may be posted on the premises.

#### Section 48-124 Abatement by Rehabilitation.

- (a) The City Council may determine to abate the nuisance by rehabilitation to return the building to appropriate occupancy and/or bring the building into compliance with all City ordinances. The City shall complete conditions to be repaired that were outlined in the original approved plan submitted by the owner.
- (b) The City Building Official shall notify the owner of the cost incurred in rehabilitating the building and assess the cost. The City Clerk shall certify such cost as a special assessment to the property involved for collection in the same manner as other special assessments.
- (c) When the owner of a property that has received notice that the building is a nuisance condition and intends to sell an interest in the property, the owner must disclose to the

purchaser that the building has been determined to be a nuisance condition.

**Sections 48-125 through 48-140. Reserved.**