

**ORDINANCE 2022-10-07**

**CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING SECTION 407 VACANT BUILDINGS IN THE CITY  
CODE**

**The City Council of Birchwood Village Section 407.03(k)(l) of Chapter 407 (Vacant Buildings) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:**

**407.03. 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 407.02(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.

(c) The owner shall order and pay for a code compliance inspection in accordance with Minnesota State Building Code within sixty (60) days after the designation of any building or portions thereof classified under Code § 407.02(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 Code § 407.02 (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 Code 619, 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 Code 619. 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 City. 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 Chapter 619

(1) 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 for demolition or rehabilitation 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 Housing provisions of Chapter 404 . 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~~ the annual registration fee ~~of one thousand four hundred forty dollars (\$1,440.00)~~ set in the City fee schedule each year the building remains a vacant building. The registration fee is intended to ~~at least partially recoup, and shall be reasonably related to~~ recover the administrative costs for registering and processing the vacant building ~~owner~~ registration form and ~~for the costs of~~ to the city in ~~monitoring to monitor~~ 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 407.05

(3) The fee shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.

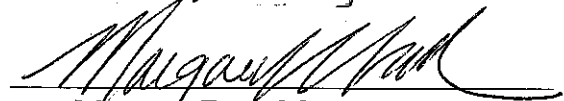
(4) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in any vacant building. If the fees are not paid prior to any transfer, the new owner shall pay the annual fee no later than thirty (30) days after the transfer of ownership and subsequent annual fees shall 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 Chapter 404.130(1).

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 14<sup>th</sup> day of February 2023

  
Margaret Ford, Mayor

Attest:

  
Rebecca Kellen, City Administrator-Clerk

