ORDINANCE NO. 1559

BEING AN ORDINANCE AMENDING ORDINANCE NO. 1490, CITY CODE OF 2005 ADDING LANGUAGE ESTABLISHING ABANDONED PROPERTY

The City of Columbia Heights does ordain:
Chapter 5B,Article 1-7, Abandoned Property, is hereby added to read as follows:

Chapter 5B. Abandoned Property

Article 1. Purpose and Definitions

Section 1: Purpose. Abandoned buildings that are not maintained contribute to the detriment of neighborhoods, increase crime, and diminish property values of a city. For the benefit of the community, the City of Columbia Heights has deemed it necessary and appropriate to maintain, preserve and improve housing by providing an orderly and effective way to insure compliance with housing codes and provide a system to increase concerns for health, safety and protection of the community.

Section 2: Intent; Relation to the Provisions of City Code.
The City Council intends that the Abandoned Property Ordinance be an integral part of the City's program of health, safety, fire, building and land use regulation. It shall be a portion of the City Code, to be construed liberally in conjunction with other provisions of the City Code to give effect to the policy, purpose, and objectives in this Section, but is not to be construed to modify, amend or otherwise alter the provisions of the City Code relating to health, safety, or building and land use regulations.

Section 3: Definitions.

1. *Abandoned Property:* The discontinued use or activity of a property for any reason, but excluding temporary interruptions during periods of building or remodeling where a valid building permit has been issued or during periods of routine seasonal closure.
2. *Board of Appeals:* The Columbia Heights City Council
3. *Building:* Any roofed structure that may provide shelter.
4. *Certificate of Occupancy:* A document issued by the Building Official allowing for occupancy or use of a building, and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances.
5. *Code Official.* The Code Official refers to the current city Building Official or designee.
6. *Compliance Order*: A document issued to the owner of a property after a building code inspection that requires the correction of identified deficiencies or hazardous items.
7. *Immediate Hazard*: A condition, structural failure, or defect that is likely to cause immediate injury to a person or property if not corrected.
8. *Property:* Real estate, including any improvements therein.
9. *Renewal Fee:* Fee paid for new Certificate of Occupancy, which includes related inspections.

10. *Vandalize:* To destroy or damage (property) maliciously

Article 2: Determination of Abandoned Property

Section 1: Investigation. The Code Official, or designee, shall be responsible for the investigation of all properties or complaints concerning vacant or abandoned property.

Section 2: Declaration of Abandoned Property. The Code Official shall declare a property abandoned if the property is vacant and there is evidence of one or more of the following:

a) Reoccurring City Abatement processes.
b) Building has been declared uninhabitable.
c) Vandalized structures.
d) Lack of exterior maintenance per Housing Maintenance Code standards.
e) Repeated calls for service (police, fire, etc).
f) Structural damage.
g) Utility service shut off pursuant to delinquent billing/payments
h) Property abandoned through Section 582.032 Subdivision 2 MN State Statute.

Article 3: Certificate of Occupancy

Section 1: Revocation of Certificate of Occupancy. If a property is declared abandoned as defined in Article 2 Section 2 of this ordinance, the property's Certificate of Occupancy will be revoked, and the property will be posted to prevent occupancy.

Section 2: Notification of revocation of Certificate of Occupancy. The city will make every effort to notify the current property owner; Real Estate Agent; Asset Manager; or any other individual known to the City that is involved in the transaction for sale of the property of these actions by way of US Mail and by posting the same on the property.

Section 3: Building Code Inspection. Once the Certificate of Occupancy has been revoked for a property, a Building Code Inspection must take place prior to a new Certificate of Occupancy being issued.

1. The Building Code Inspection may result in corrective actions. A Compliance Order may be issued to the owner when deficiencies, unsafe conditions, or hazardous items have been identified during a housing inspection as described in the Columbia Heights Property Maintenance Code Chapter 5.A. and the MN State Building Code provisions.
2. The corrective actions must be completed and pass inspection by the Code Official in order to have a new Certificate of Occupancy issued for the property.
3. If corrective actions are not warranted a new Certificate of Occupancy will be issued by the Code Official.

Section 4: Issuance of Temporary Certificate of Occupancy with Financial Guarantee. For corrective actions the city may issue a Temporary Certificate of Occupancy if the buyer, seller or other responsible person has:

1. Executed an agreement with the city to complete the correction actions in a timely manner and
2. Deposited with the city a cash escrow, bond, letter of credit, proof of construction loan or similar financial guarantee equivalent to 110% of the estimated cost of corrections.
    a. If escrowed items contain immediate hazardous items, the Temporary Certificate of Occupancy will be withheld from the new property owner until these items are satisfactorily completed and inspected by the Code Official; until that time the building may not be occupied.
    b. Once the correction items have been completed, and are in compliance with the Property Maintenance Code as approved by the Code Official, a New Certificate of Occupancy can be issued replacing the Temporary Certificate.

Article 4: Administration

Section 1: Application & Inspection

1. **Application Required**. The owner or owner's representative is required to make application for the issuance of a new Certificate of Occupancy, which would include the inspection by the Code Official.

2. **Fee**. At the time of issuance, the applicant for a new Certificate of Occupancy must pay a fee appropriate for the type of building as set forth by annual City Council resolution.

3. **Inspection**. Upon receipt of a properly executed application and payment of the fee, the Code Official will cause a property maintenance inspection to be made of the premises to ensure the property is in compliance with applicable provisions of the City of Columbia Heights Property Maintenance Code Section 5.A. and the Minnesota State Building Code.

4. **Final Inspection**. Upon completion of repairs or corrections made to the property per the Compliance Order, the property owner shall request the Code Official to conduct a final inspection, which may be combined with final building permit inspection, where required.

Article 5: Appeals

A person aggrieved by a Declaration of Abandoned Property or Compliance Order may appeal for relief from the action of the Code Official to the City of Columbia Heights Board of Appeals. The decision and order of the Board of Appeals shall be binding to all parties. A hearing shall be set within 30 days after receipt to the City of a written appeal.

Article 6: Violations and penalty
Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this ordinance, upon conviction thereof, shall be punished as provided in Section 1.999. Each day that a violation exists shall constitute a separate offense.

Article 7: Effective Date

This ordinance shall be in full force and effect from and after 30 days after its passage.

First Reading:
Second Reading:
Date of Passage:

Offered by:
Seconded by:
Roll Call:

_____
Gary L. Peterson- Mayor

Attest:

_____
Patricia Muscovitz, CMC/ City Clerk