

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #20-260

RESOLUTION DECLARING 15740 RAMSEY BLVD NW A HAZARDOUS STRUCTURE AND APPROVING ABATEMENT AND CODE ENFORCEMENT ACTIONS RELATED TO STRUCTURE

RECITALS

1. The City of Ramsey has an open code enforcement case at 15740 Ramsey Blvd NW legally described as: THAT PRT OF SW1/4 OF SW1/4 OF SEC 15 TWP 32 RGE 25 DESC AS FOL: COM AT SW COR OF SD 1/4 1/4, TH E ALG S LINE THEREOF 393.9 FT TO C/L OF CSAH NO 56, TH DEFL 41 DEG 40 MIN 15 SEC LEFT IN NELY DIR ALG SD C/L 388.67 FT TO POB, TH DEFL 90 DEG LEFT IN NWLY DIR (the 'Subject Property').
2. The Police Department has attempted to contact the Property Owner as listed in Anoka County Property Records to remedy the situation.
3. The home on the Subject Property is abandoned and unoccupied.
4. The home on the Subject Property has been deemed unfit for human occupancy by the City's Building Official due to lack of necessary utilities and services, as well as the condition of the interior of the home.
5. The home on the Subject Property has been the site for trespassing and there appear to have been fires lit inside the home, causing a threat and potential hazardous situation.
6. Minnesota Statute 463.251 allows the City to secure vacant buildings.
7. The City Council approved the Code Enforcement Process and Abatement on November 10, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

- 1) That the Ramsey City Council hereby approves the following actions:
 - a. Securing of the building by the City and its abatement contractors as allowed via Minnesota Statute 463.251.
 - b. Posting the home unfit for human occupancy by the City's Building Official.

- c. That the home on the Subject Property is in violation of the City’s Nuisance Provisions (Chapter 30) and the International Property Maintenance Code.
- d. That the City should send a first notice of violation related to the Code violations onsite, including Nuisance violations and International Property Maintenance Code violations.
 - i. Staff should follow the typical process after the first notice of violation and send a subsequent abatement notice for the violations.
 - ii. If the violations are not resolved, City Staff may work with the City Attorney to bring the issues to a Court setting to be resolved.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 10th day of November, 2020.

Mayor

ATTEST:

City Clerk

EXHIBIT A: Minnesota Statute 463.251 Securing Vacant Buildings

The following terms have the meanings given them for the purposes of this section.

- (a) "City" means a statutory or home rule charter city.
- (b) "Neighborhood association" means an organization recognized by the city as representing a neighborhood within the city.
- (c) "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, and installing a monitored alarm or other security system.

Subd. 2.Order; notice.

(a) If in any city a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the governing body may order the building secured and shall cause notice of the order to be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.

(b) The notice under this subdivision must include a statement that:

(1) informs the owner and the holder of any mortgage or sheriff's certificate of the requirements of subdivision 3 and that costs may be assessed against the property if the person does not secure the building;

(2) informs the owner and the holder of any mortgage or sheriff's certificate that the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous; and

(3) notifies the holder of any sheriff's certificate of the holder's duty under section [582.031, subdivision 1](#), paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in section [582.032, subdivision 7](#).

Subd. 3.Securing building by city; lien.

If the owner of the building or a holder of the sheriff's certificate of sale fails to either comply or provide to the governing body a reasonable plan and schedule to comply with an order issued

under subdivision 2 or to request a hearing on the order within six days after the order is served, the governing body shall cause the building to be properly secured and the cost of securing the building may be charged against the real estate as provided in section [463.21](#). In the metropolitan area, as defined in section [473.121, subdivision 2](#), the governing body may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion. The city may use rehabilitation and revitalization funds in implementing this section.

Subd. 4. Emergency securing.

A city may provide by ordinance for emergency securing of a building that presents an immediate danger to the health and safety of persons in the community.