

Coon Rapids City Code Sections 12-312 and 12-315

12-312 Securing and Monitoring of Premises and Buildings.

(1) The Chief Building Official, the Fire Chief, the Chief of Police, and their designees, are authorized to order the immediate evacuation of a building or premises that poses an immediate threat to health and safety. Once evacuated, unsecured buildings or premises posing an immediate danger of sustaining property damage or threat to health and safety may be ordered immediately secured and placarded. Unauthorized entry onto placarded premises or into a placarded building, or the removal or defacing of a placard, is a misdemeanor. In all other cases, a vacant building that remains unsecured for a period of 48 hours or more is deemed a public nuisance and must be secured. Securing must be in the manner prescribed by Section 12-312(2). City officials or their designees are authorized to enter private property and use reasonable force to enforce this clause.[Revised 6/20/06, Ordinance 1925]

(2) Manner of Securing Buildings. Boarding must be done with sound materials securely fastened to the building and painted with a color consistent with the adjacent surfaces, except that openings on walls facing street frontages must be covered with clear acrylic plastic sheets only. Nonresidential building exterior signage on the vacant portions must be removed, except signage used for sale or lease of the building as allowed by Chapter 11-1203 (Sign Regulations). [Revised 6/20/06, Ordinance 1925]

(3) The premises of a vacant building must be maintained in an appropriate manner including, but not limited to, mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining landscaping and yard.[Revised 6/20/06, Ordinance 1925]

(4) Properties remaining vacant for 120 days or more, except for seasonal vacancies, may be assessed a monitoring fee established by ordinance, payable 30 days after notice from the Compliance Official, thereafter annually on the anniversary of the original date of vacancy. [Revised 6/20/06, Ordinance 1925]

(5) Costs of securing and maintaining a property, and unpaid monitoring fees, may be specially assessed to the property in the manner prescribed by law.[Revised 6/20/06, Ordinance 1925]

(6) Nothing in this Section creates an obligation or duty on the part of municipal officials or their designees to evacuate, secure, or maintain properties. This Section is supplementary to and does not limit the civil or criminal authority of governmental agents acting under applicable statutes, laws, codes, or ordinances.[Revised 6/20/06, Ordinance 1925]

12-315 Enforcement.

(1) Inspection Authority. Except as otherwise provided herein, the Compliance Official is authorized to administer and enforce the provisions of this Chapter and to cause inspections on a scheduled basis for rental dwelling units, and other buildings when reason exists to believe that a violation of State or local laws and ordinances have been or are being committed. Inspections may be conducted during reasonable daylight hours, and the Compliance Official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit upon request. This Section does not apply to investigations conducted by the Police Department regarding prohibited conduct or other similar illegal activities.[Revised 6/20/06, Ordinance 1925]

(2) Compliance Order. Whenever the Compliance Official determines that a building or the surrounding premises fails to meet the provisions of this Chapter, a compliance order stating the violations and ordering the owner, occupant, operator, or agent to correct such violations may be issued. This compliance order shall:

- (a) be in writing,
- (b) describe the location and nature of the violations,
- (c) establish a reasonable time for the correction of such violations,
- (d) provide notice of appeal rights, and
- (e) be served upon the owner, operator, agent, or occupant, as appropriate.[Revised 6/20/06, Ordinance 1925]

(3) Service of Notice. Except as otherwise provided in this Chapter, all notices given by the City relating to violations under this Chapter may be personally served on the appropriate party or sent by U.S. mail to the party's last known address. If service cannot be made personally or by U.S. mail, it can be made by posting the notice in a conspicuous place on the licensed premises. Except where the City has reasonable cause to believe an emergency exists, notice is to be directed to the owner, operator, manager, representative or local agent, and any affected occupant at least five business days before any inspection. Inspection notices will be in writing and may be personally delivered or mailed by U.S. mail.[Revised 6/20/06, Ordinance 1925]

(4) Right to Appeal. Any person to whom a compliance order is directed who believes such order is based upon an erroneous interpretation of law or ordinance, may appeal the order of the Compliance Official to the Board of Adjustment and Appeals. Such appeal must be in writing, specify the grounds for the appeal, and be filed with the Compliance Official within 10 business days after service of the compliance order. The decision of the Board of Adjustment and Appeals may be appealed to the City Council in accordance with Section 11-305.6 of the City Code. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

(5) Restrictions on Transfer of Ownership. The owner of any building upon whom a pending compliance order has been served, or who is subject to suspension or revocation or such proceedings under Section 12-311(11), may not sell, transfer, mortgage, lease, or otherwise dispose of the building or any part thereof, to another person until the provisions of the compliance order have been complied with, unless such owner furnishes to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and obtains and forwards to the City a receipt of acknowledgment. Anyone securing an interest in the building who has received notice of the existence of a violation or compliance order is bound by such violation or order without further service of notice and is liable for all penalties and procedures provided by this Chapter. In addition to other remedies it may have by law, the City is authorized to perfect a recordable document against the property to provide notice and to enforce this Section.[Revised 6/20/06, Ordinance 1925]

(6) Execution of Compliance Order. Upon failure to comply with a compliance order within the time set out therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the date set therein, the City Council, in addition to any other criminal or civil remedies provided for by law, may, by resolution, following a hearing upon not less than 10 days notice to the owner, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy is a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota State law. [Revised 6/20/06, Ordinance 1925]

(7) Additional Penalties. It is a misdemeanor for a person to fail to comply with a compliance order after the right of appeal has expired, or with a modified compliance order within the time set therein. Every day of such failure to comply constitutes a separate punishable offense. In addition, a rental license, if any, may be suspended or revoked or not renewed for any dwelling unit subject to the order.[Revised 6/20/06, Ordinance 1925]

(8) Authority to Issue Citations. The Compliance Official, City building inspectors, and community service officers are hereby authorized to issue citations for any violation of this Chapter.