

ORDINANCE 4.a.

AN ORDINANCE GOVERNING BUILDINGS, REQUIRING A PERMIT TO BUILD, PROMOTING PUBLIC SAFETY, AND REGULATING HOUSE MOVING.

SECTION 1.

PERMITS, WHEN REQUIRED. No building or structure of any description, including but not limited to sheds, garages, fences, outbuildings, decks, gazeboes, or pergolas with an estimated cost of more than five hundred dollars (\$500) shall be erected or placed upon any lot or tract within the City of Park River, North Dakota, without the owner, either by himself or by his agent, having first obtained a written permit from the City of Park River, as hereinafter provided, nor shall any contractor or agent of any owner erect or place any structure as stated above without said permit, thus making it an obligation of the owner to obtain said permit. No permit will be issued until the property has been staked and approved by the City Building Inspector or designee. Applications for building permits required by this section must be submitted after the property is staked. No permit will be issued or construction commenced until seventy-two (72) hours after submission of the application, unless approved by the City Building Inspector or designee.

SECTION 2.

SAME: APPLICATION FOR, WHAT TO CONTAIN. Written application for such permit shall show the general plan of the building or structure, whether to be used for residence or other purposes, and the estimated cost thereof. Such application shall also contain a covenant by the applicant to the effect that if the use of the sidewalk, street, or alley, or any part thereof shall be needed, during the building operation, upon which to place building or other material, such applicant shall maintain proper guards and lights to protect the public from injury, and to leave the sidewalk, street, or alley in the same condition, as before, when the work is completed. Such use of sidewalk, street, or alley shall be for a certain period not exceeding three (3) months, and may, in the discretion of the Building Inspector or designee, be renewed for another or shorter period, provided, however, that such use of the sidewalk, street, or alley shall, at any and all times, during such period, be subject to the directions and regulations of any Law Enforcement officers of the City of Park River for purposes of protecting public health and safety.

SECTION 3.

SAME: ISSUANCE OF, FEE FOR. The building permit mentioned in Sections 1. & 2. of this ordinance shall be in writing, signed by the Building Inspector or designee and a record thereof shall be kept by the Auditor. Fees for said permits shall be outlined in the schedule of costs and fees included with these ordinances and incorporated herein by reference.

SECTION 4.

CONFORMING WITH STATE PLUMBING AND ELECTRICAL CODE. All plumbing work to be done shall be in accordance with and conforming to the rules and regulations of the State Plumbing Code, and all electrical work shall conform to the rules and regulations of the State Electrical Code, and it will be the responsibility of both the owner and the contractor, plumber, or electrician to see that the work does conform to the State Code, and each of the above shall be liable for the carrying out of the covenants of this order.

SECTION 5.

SAME: REFUSAL OF, WHEN. The City Building Inspector or designee may refuse a permit for the placing or erection of any building or structure that, in its opinion, is unsafe, unsanitary, a public nuisance, or adversely effects the grade or drainage of area. Any adverse decision of the City Building Inspector or designee may be addressed by City Council upon written request.

SECTION 6.

DOORS OF PUBLIC MEETING ROOMS. It shall be the duty of the owners of all public buildings in which public assemblages are held to cause all of the doors leading from the room or rooms in which such meetings are accustomed to be held, to the exit of such building on the sidewalk, to be so hung on their hinges and so arranged that they will swing outward, and not inward.

SECTION 7.

DOORS OF PUBLIC BUILDINGS, CONSTRUCTION OF. All doors of ingress and egress in all buildings used for public assemblages of any character in this City, including schoolhouses, churches, theaters, public halls, city halls, courthouses, factories, hotels and all other public buildings, wherein numbers of persons are employed or are in the habit of meeting together for any purpose, shall be so constructed as to open and swing outward, and doorways shall not be less than three (3) feet in width with proper landings and stairways of at least equal width.

SECTION 8.

OFFICERS TO BE PERMITTED TO ENTER. City Administrative, Fire and Law Enforcement officials on duty shall have power and they are hereby authorized to enter any theater, moving picture theater, public hall, or other place of amusement within the limits of the city, without hindrance from anyone, for the purpose of examination and enforcement of the provisions of this ordinance whenever they may deem it necessary.

SECTION 9.

HOUSEMOVER, WHO DEEMED. Every person who moves, or who agrees or contracts to move, or who is engaged in the moving business or occupation of moving houses and buildings of any kind whatsoever for compensation or for hire, and who is not the owner or tenant or lessee in actual possession and acting by and under the consent of the owner of the buildings to be moved, shall be deemed to be a housemover and engaged in the business and occupation of moving houses and buildings within the meaning and contemplation of this ordinance.

SECTION 10.

PERMIT REQUIRED. No barn, house, shed, manufactured home, or other structure shall hereafter be moved from a location either within or without the City of Park River to any place, lot, or location within the City of Park River until a permit has been obtained from the Building Inspector or designee of the City of Park River.

SECTION 11.

SAME: APPLICATION FOR, WHAT TO CONTAIN. Application for permit to move any such barn, house, shed, or other structure shall be made in writing to the Building inspector of the City of Park River on forms provided through the Auditor's office.

SECTION 12.

SAME: BOND REQUIRED. Such application for permit to move shall be signed by the person desiring the same and shall be filed with the City Auditor. The application shall be accompanied by a bond in an amount sufficient to save the said city, its streets, electric light and power lines, telephone lines, and all residents of said City harmless from damage and/or injury caused by or arising out of the moving of said building as is more specifically described in the schedule of fees incorporated herein by reference. Said application shall be made on a form approved by the City Attorney, and shall also be accompanied by a statement in writing by the County Treasurer showing that all taxes, if any have been assessed against said building or premises upon which it is to be located, are fully paid and discharged.

SECTION 13.

SAME: ISSUANCE OF. The City Council, at its next regular meeting, unless circumstances require to expedite after the filing of an application under section 10 and 11 herein, as aforesaid, shall consider said application, and if the same is approved, shall issue a permit to move said structure, which said permit shall expire thirty (30) days after the issuance thereof.

SECTION 14.

BLOCKING OF STREETS, TIME ALLOWED. No public street or alley in the City of Park River shall be blocked for travel or shall traffic be delayed upon any of the streets by reason of such moving houses or buildings for a longer period than three (3) consecutive hours.

SECTION 15.

FRAME BUILDING NOT BE MOVED INTO FIRE LIMITS. No person shall move any frame or wooden building or house into the fire limits of the City of Park River; nor shall any frame or wooden building or house be moved from place to place within the said fire limits, without the express written consent of the Fire Chief or his designee.

SECTION 16.

PERMISSION NECESSARY TO CUT WIRES AND REMOVE OBSTRUCTION. Whenever it shall be necessary to cut or move any wires or other bodies or obstruction from the course of such building or structure to be moved, the housemover shall procure the written permission of the owner or owners of such property and must pay all costs in connection with such removal and the said housemover must reset or replace any such body or obstructions by him moved immediately if so desired by said owner or owners. Upon payment of or tender of an amount sufficient to pay the reasonable cost of cutting and replacing of any wires or removal and replacing of any such obstruction by such housemover to the owner of such wires or obstruction, such housemover shall thereupon be entitled to have such wires or obstruction cut or removed and to proceed along the course provided for by his permit.

- Revised 12-30-15

ORDINANCE 4.b.

AN ORDINANCE DECLARING SUBSTANDARD BUILDINGS TO BE PUBLIC NUISANCES, PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES, SPECIFYING PROCEDURES TO BE FOLLOWING IN ABATEMENT PROCEEDINGS, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SECTION 1.

10.0401 Substandard Buildings Defined

For the purpose of this chapter, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a substandard building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof. Due to all dead and live loads, are more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or

is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (I) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (I) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any non-supporting part, member or portion less than 66 percent of the (I) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or is such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SECTION 2.

DUTIES OF BUILDING INSPECTOR. The building inspector, as designated by the City Council, shall:

1. Inspect or cause to be inspected periodically, all buildings, schools, halls, churches, theaters, motels, tenements, commercial, manufacturing or loft buildings – for the purpose of determining whether any conditions exist which render such places a “Substandard Building or Structure” within the terms of Section 1.) of this article.

2. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, walls, or structure is or may be existing in violation of this Ordinance.

3. Inspect any building, wall, or structure reported (as hereinafter provided for) by the Fire or Police departments of this City as probably existing in violation of the terms of this Ordinance.

4. Notify in writing the owner, occupant, lessee, mortgagee, and all other persons having an interest in said building, as shown by the records in the office of the Walsh County Recorder, of any building found to be a “Substandard Building or Structure” within the standards set forth in Section 1. Of this Ordinance that:

- i. The owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this Section; or repair, or demolish said with the terms of the notice and this Section;
 - ii. The owner or occupant must vacate said building or may have it repaired in accordance with this notice and remain in possession. Provided that, any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, to do or have done the work or act required by the notice provided for herein.
5. Set forth in the notice provided for in subsection d.) hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "Substandard Building or Structure" and an order requiring the same to be put in such condition as to comply with the terms of this Ordinance within such length of time, not exceeding -thirty (6-30) days, as is reasonable.
6. Report to the City Council any non-compliance with the "notice" provided for in subsections d.) and e.) above.
7. Appear at all hearings conducted by the City Council and testify as to the condition of "Substandard Buildings or Structures".
8. Place a notice on all "Substandard Buildings or Structures" reading as follows:

"This building has been found to be a **substandard building or structure** by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, or mortgagee of this building and all other persons having an interest in said building as shown by the records of the Walsh County Recorder. It is unlawful to remove this notice until such notice is complied with."

Section 3.

STANDARDS FOR REPAIR, VACATION, OR DEMOLITION. The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation, or demolition:

1. If the "Substandard Building or Structure" can reasonably be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired.

2. If the "Substandard Building or Structure" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

3. In all cases where a building cannot be repaired so that it will no longer exist in violation to the terms of this article it shall be demolished. In all cases where a "substandard building or structure" is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the City or statute of the State of North Dakota, it shall be demolished.

Section 4.

SUBSTANDARD BUILDINGS AND STRUCTURES, NUISANCES. "Substandard Buildings and Structures" within the terms of Section 1. of this Ordinance are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided or under state law.

Section 5.

DUTIES OF THE CITY COUNCIL. The City Council shall:

1. Upon receipt of a report of the Building Inspector give written notice to the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the County Recorder in the County of Walsh, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a "Substandard Building or Structure" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein.

2. Hold a hearing and hear such testimony as the Building Inspector or the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the records of the County Recorder of the County of Walsh shall offer relative to the "Substandard Building or Structure".

3. Make written findings of fact from the testimony offered as to whether or not the building in question is a "Substandard Building or Structure" within the terms of Section 1. hereof.

4. Issue an order based on findings of fact made commanding the owner, occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the records of the County Recorder of the County of Walsh, to repair, vacate, or demolish any building found to be a "substandard building or structure" within the terms of this ordinance and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said "substandard building or structure".

5. Report to the City Attorney the names of all persons not complying with the order as outlined herein.

Section 6.

FAILURE TO COMPLY WITH DECISION OF CITY COUNCIL. If the owner, occupant, mortgagee, or lessee fails to comply with the order of the City Council, or fails to appeal to the District Court within thirty (30) days as provided herein, the City, through its officers and employees, shall cause such building or structure to be repaired, vacated, or demolished as ordered by the City Council and shall cause the costs of such repair, vacation, or demolition to be charged against the land on which said building existing by special assessment or as a municipal lien, or shall cause said cost of removal to be levied as a special tax against the land upon which said building stands or did stand, or to be recovered in a suit at law against the owner.

Section 7.

VIOLATIONS: Penalty for disregarding notices or orders. The owner of any "substandard building or structure" who shall fail to comply with any notice or order to repair, vacate, or demolish said building given by a person authorized by this Ordinance to give such notice or order shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding Five Hundred Dollars (\$500.00) for each offense and every day subsequent to such notice in which the said owner shall fail to comply to any notice or order as above stated shall be deemed a separate offense.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this ordinance shall be guilty of an infraction and upon conviction thereof shall be fined not exceeding Five Hundred Dollars (\$500.00) for each offense and every day subsequent to such notice in which the said owner shall fail to comply with any notice or order above stated shall be deemed a separate offense.

Any person removing the notice provided for in this section shall be guilty of an infraction and upon conviction shall be fined not exceeding Five Hundred Dollars (\$500.00) for each offense.

Section 8.

DUTIES OF THE CITY ATTORNEY. The City Attorney shall:

1. Prosecute all persons failing to comply with the terms of the notices provided for the order provided
2. Appear at all hearings before the City Council in regard to "substandard buildings and structures".
3. Take such other legal action as is necessary to carry out the terms and provisions of this article.

Section 9.

WHERE OWNER IS ABSENT FROM CITY. In cases, except emergency cases , where the owner , occupant , lessee, or mortgagee is absent from the City , all notices or orders provided for herein shall be sent by certified mail to the owner , occupant, mortgagee, lessee, and all other persons having an interest in said building as shown by the land records of the County Recorder of the County of Walsh to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "substandard building or structure" to which it relates. Such mailing and posting shall be deemed adequate service.

Section 10.

ADMINISTRATIVE LIABILITY. No officer, agent, or employee of the City of Park River shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of the duties of this Ordinance. Any suit brought against any officer, agent, or employee of the City of Park River as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the City Attorney until the final determination of the proceedings therein.

Section 11.

DUTIES OF FIRE, POLICE, AND HEALTH DEPARTMENTS. All employees of the Fire, Police, and Health Departments shall make written reports to the Building Inspector of all buildings or structures which are, may be, or are suspected to be "substandard buildings or structures" as herein defined. Such reports must be delivered to the Building Inspector or designee within forty-eight (48) hours of the discovery of such buildings by any employee of the above named departments.

Section 12.

APPEAL. The City council shall serve upon the owner, occupant, mortgagee, lessee, and all other persons having an interest in any such building so ordered repaired, vacated, or demolished, a copy of its order, such notice to be served upon such owner, occupant, mortgagee, or lessee within ten (10) days after the issuance of such order. Such owner, occupant, mortgagee, or lessee shall thereafter have thirty (30) days from the date of the service of such order in which to appeal from such order to the District Court of Walsh County, or to take such other legal steps to enjoin the enforcement of such order as he may deem proper.

Any person desiring to appeal from any order issued by the City Council under and by virtue of this Article shall file an undertaking in the sum of at least Five Hundred Dollars (\$500.00) to be approved by the City Auditor, and conditioned that the appellant will prosecute the appeal without delay and will pay all costs that may be adjudged against him in the District Court. Such undertaking shall be payable to the City of Park River.

-revised 12-30-15

Ordinance No. 4.c

An ordinance relating to Registration of vacant buildings

Be it ordained by the City Council of the city of Park River:

Section 1. Purpose. The city council finds as follows:

When the owner of a vacant building fails to actively maintain and manage the building, the building can become a major cause of blight in both residential and nonresidential neighborhoods. Vacant buildings that are boarded, substandard or unkempt properties, and long term vacancies discourage economic development and retard appreciation of property values. It is the responsibility of property owner to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety, or welfare. One vacant property that is not actively and well maintained and managed can be the core and cause of spreading blight within a community. Some owners have acquired multiple vacant and blighted buildings at depressed prices and have not improved or cared for the properties. Unfortunately, many buildings, once boarded or vacated, remain that way for many years. The purpose of this ordinance is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to speed the rehabilitation of the vacant properties,

Section 2. Definitions.

- a. Building shall mean any enclosed structure, originally built or designed for human or animal habitation, storage, or protection of property from the elements of nature.
- b. City shall mean city of Park River, North Dakota.
- c. Owner shall mean those persons or entities shown to be the owner or owners on the records of the Walsh County Recorder in Grafton, ND,

and/or those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm, or corporation in control of the premises. Any such person or entity shall have a joint and several obligation for compliance with the provisions of this article.

- d. Secured by other than normal means – shall mean any security design, apparatus, or means of securing a building by means other than by the use of doors or windows that may be locked.
- e. Unoccupied – shall mean a building which is not being used for residential or storage purposes as authorized by the owner.
- f. Unsecured – shall mean a building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.
- g. Vacant building – shall mean a building or portion of a building which is:
 - 1. Unoccupied and unsecured;
 - 2. Unoccupied and secured by other than normal means;
 - 3. Unoccupied and an unsafe building as determined by the City of Park River.
 - 4. Unoccupied and has had all utilities removed.
 - 5. Illegally occupied.
 - 6. Unoccupied for a period of time over ninety (90) days.

Section 3. Vacant Building Registration.

- a. The owner shall register a vacant building with the City of Park River not later than thirty (30) days after any building located within the city of Park River becomes a vacant building, as defined in Section 2, or not later than 30 days after being notified by the City of Park River of the requirement to register. The City may identify vacant buildings through its

own inspection, as well as through notification by residents that a building may be eligible for inclusion on the registry.

b. The registration shall be submitted on forms provided by the City of Park River 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. If the owner does not reside in Walsh County or any adjoining county, the name and address of any third party who the owner has entered into a contract or agreement with for property management;
4. The names and addresses of all known lienholders and all other parties with an ownership interest in the building;
5. A telephone number where a responsible party can be reached at all times during business and nonbusiness hours; and
6. A vacant building plan as described in Section C.

c. The owner shall submit a vacant building plan which must meet the approval of the City. The plan, at a minimum, must contain information from one of the following three choices for the property:

1. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition, or allow the city to demolish the building at the expense of the owner; or
2. If the building is to remain vacant, a plan for the securing of the building as provided in section 4, along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant; or
3. If the building is to be returned to appropriate occupancy or use, a rehabilitation plan for the property. The rehabilitation plan shall not exceed three hundred sixty-five (365) days,

unless the city grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes and must be secured during the rehabilitation.

d. The owner shall notify the city of any changes in information supplied as part of the vacant building registration within thirty days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the city,

e. The owner and subsequent owners shall keep the building secured and safe and the building and ground properly maintained as provided in Section 5 of this ordinance.

f. New owners shall register or re-register the vacant building with the city within thirty days of any transfer of an ownership interest in a vacant building. The new owners 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 city,

Section 4. Secure the building to prevent unlawful entry.

a. Openings with secure doors and windows, without broken or cracked glass, may be left as is so long as they remain secure and in good condition.

b. Plywood may be used only during the first 6 months the building is vacant

c. After 6 months, all plywood must be removed and the openings filled with new secure doors and windows, filled with the same material as the surrounding wall (bricked up), or secured with commercial-grade metal security panels.

Section 5. Maintain the property and visit regularly to verify the property is clean and secure.

- a. Keep the lot clean. Maintain fences and gates. Cut the grass, remove weeds, garbage, debris dead trees and fallen limbs. Keep the property free from pests such as rats and other rodents. Bait the property as necessary,
- b. Maintain foundations, basements, exterior walls, exterior windows and doors, roofs, gutters, downspouts, chimneys, flues, outside stairs, steps, decks, porches, and balconies.
- c. Keep the building interior free from junk, debris, trash, rodents and pests.
- d. Maintain or winterize plumbing and heating systems. Maintain the foundation, floors, walls, stairs, and ceilings. Exit doors should be secured with an internal deadbolt lock. Maintain interior stairs in a safe, usable condition.

Section 6. Failure to comply with maintenance provision

After a vacant property has been secured and registered, should the owner fail to maintain the building in a secured condition until such time as it has been repaired and reoccupied, the City building inspector or his/her designee, shall re-secure any openings to the buildings if it becomes open to trespass, without prior notice to the owner. Upon taking such, action, the city shall notify the presumed owner in writing. Should it be necessary to re-secure any opening in the same building more than 1 time during any 12 month period, the City may again take any necessary action to secure said opening, with the costs of said securing (billed at \$50 per man hour and \$100 per special equipment hour), as well as an administrative fee of \$200, shall be assessed against the real estate taxes of the property.

Section 7. Vacant building fees;

- a. The owner of a vacant building shall pay an annual fee of five hundred dollars (\$500) for the period the building remains a vacant building.

- b. The first annual fee shall be paid no later than thirty days after the building becomes vacant or thirty days after being notified by the city. If the fee is not paid within forty-five days of being due, the owner shall be subject to having the fees assessed to their property taxes. If a plan is extended beyond 365 days, subsequent annual fees shall be due on the anniversary date.
- c. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this article within one hundred eighty (180) days of its registry.
- d. 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 days after the transfer of ownership and subsequent annual fees shall be due on the new anniversary date.

Section 8. Exemptions.

- a. A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the city. This request shall include the following information supplied by the owner:
 - i. A description of the premises;
 - ii. The names and addresses of the owner or owners;
 - iii. A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.
- b. Any owner who is served a notice of vacant property registration may, within 30 calendar days of receipt of such notice, apply for an exemption from the Park River city council or appeal the findings of the city.
- c. Residential Rental and Seasonally Vacant properties are exempt from registration as long as the building has power, water, and sewer services

which are being paid in a timely fashion. These properties must still adhere to Section 4 and 5 of this ordinance. Any building for which water, power, or sewer fees are delinquent for more than 60 days shall be required to be registered.

Section 9. Savings clause.

In the event that this ordinance or any provisions of It shall be deemed by a court to be in conflict with a provision of the North Dakota State Constitution or with a general law, or if adherence to or enforcement of any section of this ordinance shall be restrained by a court, the remaining provisions of this local law shall not be affected.

Section 10. Effective Date.

This ordinance shall take effect immediately upon passage, adoption, and publication.

FIRST READING 8/11/16 SECOND READING 10/10/16