

Section 927 – Repeat Nuisance Service Call Fee
(Added, Ord. No. 07-14, Sec. 1)

927.01. Repeat nuisance call service fee. Subdivision 1. Purpose. The purpose of this section is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the city to the same property or location for nuisance service calls, as defined herein, which prevent police or public safety services to other residents of the city. It is the intent of the city by the adoption of this section to impose and collect service call fees from the owner or occupant, or both, of property to which city officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the city. The repeat nuisance service call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection city-wide.

Subd. 2. Scope and application. This section applies to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the city. This section applies to any repeat nuisance service call made by a city of Robbinsdale peace officer; part-time peace officer; community service, animal control and/or code enforcement officers.

927.03. Definition of nuisance conduct. For purposes of this section, the term “nuisance conduct” means any activity, conduct, or condition occurring upon private property within the city that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or tend to, alarm, anger or disturb others or provoke breach of the peace, to which the city is required to respond, including, but not limited to the following:

- (a) Any activity, conduct, or condition deemed as a public nuisance under any provision of the city code;
- (b) Any activity, conduct, or condition in violation of any provision of chapter IX of the city code;
- (c) Any conduct, activity or condition constituting a violation of any Minnesota state law prohibiting or regulating prostitution, gambling, controlled substances, use of firearms; and
- (d) Any conduct, activity, or condition constituting disorderly conduct under chapter 609 of Minnesota Statutes.

927.05. Repeat nuisance service call fee. Subdivision 1. The city may impose a repeat nuisance service call fee upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on three or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct. The city may impose an administrative penalty pursuant to city code section 117 upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on five or more occasions within a period of 730 days in response to or for the abatement of nuisance conduct. (Amended, Ord. No. 15-05)

Subd. 2. The repeat nuisance service call fee will be as set forth in the city’s fee schedule (appendix B of the city code, as amended). An additional amount may be imposed to reflect the salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing city equipment and property damaged as a result of the nuisance call, and the cost of any medical treatment of injured officers.

Subd. 3. A repeat nuisance service call fee imposed under this section will be deemed delinquent if it is not paid within ten calendar days after the city mails the billing statement for the fee. If said fee, or any portion thereof, is unpaid, then a late payment fee will also be charged per the schedule of fees as set forth on Appendix B. (Amended, Ord. No. 13-01)

927.07. Notice. Subdivision 1. No repeat nuisance service call fee may be imposed against an owner or occupant of property without first providing the owner or occupant with written notice of the two previous nuisance service calls which are the basis for the fee. The written notice must:

Subd. 2. Identify the nuisance conduct that previously occurred on the property, and the dates of the previous nuisance conduct; and

Subd. 3. State that the owner or occupant may be subject to a nuisance call service fee if a third nuisance service call is rendered to the property for the same nuisance conduct; and

Subd. 4. State that the city has the right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law; and

Subd. 5. Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address.

927.09. Right to appeal. Subdivision 1. When the city mails the billing statement for the repeat nuisance service call fee, the city will inform the owner or occupant of their right to request a hearing.

Subd. 2. The owner or occupant upon whom the fee is imposed must request a hearing within ten business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and delivered to the city clerk. The hearing will occur within 14 calendar days of the date of the request. If the owner or occupant fails to request a hearing within the time and in the manner required under this section, the right to a hearing is waived. (Amended, Ord. No. 13-01)

Subd. 3. The hearing will be conducted by the city manager in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the city manager will make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service fee. The city manager will serve the Findings of Fact and Conclusions upon the owner or occupant by U.S. Mail within five calendar days of the hearing. (Amended, Ord. No. 13-01)

Subd. 4. If the owner or occupants fail to appear at the scheduled hearing date, the right to a hearing is waived.

Subd. 5. Upon waiver of the right to hearing under subdivision 2 or 4 or upon service of the hearing officer's Findings of Fact and Conclusions that the repeat nuisance call service fee is warranted, the owner or occupant must pay the fee imposed within ten calendar days of service in the manner required by Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address. (Amended, Ord. No. 13-01)

927.11. Legal remedies nonexclusive. Nothing in this section will be construed to limit the city's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

927.13. Applicability of repeat nuisance service call fee. The city may not impose a repeat nuisance service call fee against an owner or occupant for a police response relating to emergency assistance, including, but not limited to, domestic, spousal and child abuse.

927.15. Recovery of fee. Subdivision 1. If a repeat nuisance service fee is not paid within 30 calendar days after the billing statement is sent by the city, it will constitute: (Amended, Ord. No. 13-01)

- (a) a lien on the real property where the violation occurred; or
- (b) a personal obligation of the owner or occupant in all other situations.

Subd. 2. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. A personal obligation may be collected by appropriate legal means.