

CHAPTER 12
PUBLIC SAFETY REPEAT NUISANCE CALL SERVICE FEES

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5-12-1 PURPOSE

The purpose of this chapter is to protect the public health, safety, and welfare and to discourage repeat nuisance service calls in the city to the same property or location which interfere with providing police and public safety services to other residents of the city. It is the intent of the city to impose and collect service call fees from the owner of any property to which city officials must repeatedly respond to nuisance public safety service calls because such calls involve extraordinary increased costs to the city. The repeat nuisance service call fee is intended to reimburse the city of the cost of such calls which is over and above the cost of providing normal law enforcement services and police protection city-wide.

5-12-2 SCOPE AND APPLICATION

This chapter applies to the owner of any private property which is the subject or location of repeat nuisance service calls by city officials or other public safety agencies serving the city. This chapter applies to any repeat nuisance service calls made by a peace officer, part-time peace officer, community service officer, animal control, or other designated public safety personnel.

5-12-3 DEFINITIONS

For purposes of this chapter, the term “nuisance” shall mean any activity, conduct, or condition occurring upon private property within the city that unreasonably annoys, injures, or endangers the health, safety, 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; or
- B. Any conduct, activity, or condition constituting a violation of Minnesota Statutes, chapter 609, as it may be amended from time to time.

5-12-4 REPEAT NUISANCE SERVICE CALL FEE

- A. The city hereby imposes a repeat nuisance service call fee upon the owner of any private property where the city has rendered services or responded to such property on three or more occasions within a period of 365 days in response to or for the abatement of a nuisance condition.
- B. The repeat nuisance service call fee for the third and each subsequent service call within a period of 365 days shall be in such amount as provided for in the city's fee schedule, as it may be amended from time to time. The fee is intended to reimburse the city for, among other things, the cost associated with city employees, officials, or other contracted public safety agencies who respond to or remain at the nuisance event, any cost for the equipment necessary to respond to such event, the cost of any repairs needed to such equipment based on the response, and the cost of any medical treatment which may be required to be provided to responding officers.
- C. A repeat nuisance service call fee imposed under this chapter will be deemed delinquent if it is not paid within 30 days after the city mails the billing statement for the fee. The city will add a 10% late penalty to a delinquent payment.

5-12-5 NOTICE

The city shall send written notice to the record owner of any property which has had two repeat nuisance service calls within the preceding 365 day period. No repeat nuisance service call fee shall be imposed without first providing the owner with written notice. Such written notice shall:

- A. Identify the nuisance conduct that previously occurred on the property and the dates of the previous nuisance conduct;
- B. State that the owner may be subject to a nuisance call service fee if a third nuisance service call is rendered to the property within the specified time period for any further nuisance-related conduct;
- C. 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
- D. Be served by U.S. mail upon the owner at their address as shown on Ramsey County's property tax records, or, if such mailing is returned as undeliverable for any reason, by posting such notice upon the front door of the subject property. If notice is posted, at least 10 days shall lapse before a repeat nuisance service call fee is imposed.

5-12-6 RIGHT TO APPEAL

- A. When the city mails the billing statement for the repeat nuisance service call fee, the city will also inform the owner of their right to request a hearing to appeal the imposition of such fee.

- B. The owner of any property upon which the fee is imposed may request a hearing within 10 days of the date that the fee statement was mailed. In calculating 10 days, the date that the statement was mailed shall not be counted. Any request for a hearing must be in writing and delivered to the city administrator. Upon receipt of such written notice, the city administrator, or his or her designee, shall schedule the appeal hearing as soon as reasonably practical but in no event more than 90 days from the date of such appeal request. If the owner fails to request a hearing within the time and in the manner required under this section, the right to appeal hereunder is waived.
- C. The appeal will be heard by a neutral, third party hearing office appointed by the city administrator or his or her designee. At the hearing, the parties will have an opportunity to present testimony and documentary evidence and question witnesses, but strict compliance with evidentiary rules will not be required. The hearing officer may impose limitations on the scope of evidence to be allowed, as well as time limits which may apply to such appeal hearings, and any other substantive or procedural elements which the hearing officer deems appropriate to ensure an efficient appeal process.
- D. The hearing officer shall issue its findings and conclusions, in writing, within 30 days following the hearing. Upon concluding that a repeat nuisance service call fee was justified, it will uphold the decision and the statement shall be paid within 30 days. If the hearing officer finds that the fee was not justified, it will overturn the decision and the statement will no longer be outstanding.
- E. Failure to attend the appeal hearing constitutes a waiver of the owner's rights to a hearing and the statement shall be paid within 30 days of the failure to appear. The city administrator may waive this result, however, upon a showing of good cause. Examples of "good cause" are: death or incapacitating illness of the owner; a court order requiring the owner to appear for another hearing at the same time; or lack of receipt of the notice of the hearing. "Good cause" does not include forgetfulness or intentional delay.
- F. An aggrieved party may obtain judicial review of the decision of the hearing officer according to any applicable law.

5-12-7 LEGAL REMEDIES NONEXCLUSIVE

Nothing in this chapter shall be construed to limit the city's available legal remedies, including criminal and civil action, or other available relief.

5-12-8 APPLICABILITY OF CHAPTER

The city shall not impose a repeat nuisance service call fee for a police response relating to emergency assistance, including, but not limited to, domestic violence or child abuse, or for any other matter, in the city's reasonable discretion, for which it would not be in the public interest to charge such a fee.

5-12-9 RECOVERY OF FEE

If an owner fails to pay the fee in the amount of time specified under this chapter, said unpaid fee shall constitute a lien upon the real property upon which the fee is associated with. A lien may be assessed against the property and collected in the same manner as taxes. A lien may also be collected as a special charge, as authorized by Minnesota Statutes, sections 366.011 and 366.012, as well as Minnesota Statutes, section 415.01, subd. 2.

SECTION II. This ordinance shall be effective upon its adoption and publication.

Adopted by the Lauderdale city council this 26th day of July, 2022.