

Section 1052 - Excessive Use of Public Services

Section 1052:00. Purposes. The City Council recognizes that the City has limited staff and resources, and finds that repeated Nuisance Service responses present a burden to the community as they limit the availability of law enforcement and public safety protection services to other residents of the City. The purpose of this chapter is to protect the public safety, health, and welfare, and to prevent and abate repeated service responses, which prevent police or public safety services to other residents of the City. It is the City's intent to impose and collect from the Owner, Occupant, Responsible Party, or any combination thereof, of property to which City officials must repeatedly respond for any repeated nuisance event or activity that generates extraordinary costs to the City. The repeat nuisance service response 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.

1052:10 Scope and Applicability. This chapter applies to all owners, occupants, and responsible parties of private property which is the subject or location of the Repeat Nuisance Services Responses by the City. This chapter shall apply to any Repeat Nuisance Service Responses as set forth herein made by City Personnel as hereinafter defined.

1052:20 Definitions.

Subd. 1. Excessive Use of Public Services. "Excessive Use of Public Services" means each response after three or more responses from a Public Officer in response to a claim of Nuisance where the responses occurred within a 24 month time period to the same Private Property. Public Services also include inspections conducted by Health and Inspections Personnel related to nuisance conditions maintained on the property.

Subd 2. Excessive Use of Public Services Fee. "Excessive Use of Public Services Fee" shall mean the fee imposed upon the Responsible Party as a result of Excessive Use of Public Services.

- (a) The Excessive Use of Public Services Fee shall be \$100 per occurrence.
- (b) An Excessive Use of Public Services Fee imposed under this section will be subject to a 10% late penalty if delinquent.

Subd. 3. Nuisance. "Nuisance" shall mean one or more of the following behavioral incidents occurring or committed at a specific property address:

- (a) Any activity, conduct, or condition deemed a violation under any provision of the following Sections:
 - a. 820 – Social Host
 - b. 1000 – Nuisances Generally
 - c. 1002 – Disruptive Intoxication
 - d. 1005 – Public Nuisances Affecting Health and Safety
 - e. 1040 – Animal Control
 - f. 1050 - Noise Control

(b) Any activity, conduct, or condition deemed as a public nuisance under any provision of this ordinance;

(c) Any activity, conduct, or condition constituting disorderly conduct under Minnesota Statute 609.72;

(d) Any activity, conduct, or condition constituting disorderly house under Minnesota Statute 609.33;

(e) Any activity, conduct, or condition constituting a violation of any Minnesota state law prohibiting or regulating prostitution, gambling, controlled substances, use of firearms;

(f) Any activity, conduct, or condition constituting assault under Minnesota Statutes 609.221-.224.

Subd. 4. Public Officer. "Public Officer" shall mean a peace officer, fire marshal or inspector, those listed in Section 1100 Subd. 4 or other city personnel responding to a claim of Nuisance.

Subd. 5. Public Service Responses. "Public Service Responses" shall mean the Public Officer responding to a claim of Nuisance upon a Private Property.

Subd. 6. Responsible Party. "Responsible Party" shall mean the Owner or Occupant of private property where the Nuisance occurred, or the person responsible or involved in the Nuisance regardless of where the Nuisance occurred.

Subd. 7. Owner. "Owner" shall mean any person who, alone or jointly and severally with others, has legal title to any Private Property, with or without accompanying actual possession thereof; which shall include any known agent of an owner, or any known person holding a contract for deed, being a mortgagee, vendee, or vendor; or any other person who maintains or permits a Nuisance and is known to the city.

Subd. 8. Occupant. "Occupant" shall mean any known lessee or tenant of private property, any known agent of the lessee or tenant, or any other person having actual possession of the property.

Subd. 9. Private Property. "Private Property" shall mean any location, including a house, apartment unit, condominium, sleeping room, or other dwelling unit, whether occupied on a temporary or permanent basis, and whether owned, leased, rented or used with or without permission or compensation.

Section 1052:40. Applicability and Exceptions.

Subd. 1. Applicability. An Excessive Use of Public Services Fee shall be imposed for Excessive Use of Public Services upon an Owner, Occupant, and Responsible Party for Nuisance behavior on Private Property.

Subd. 2. Exceptions. The occurrences described in this section shall not be considered Excessive Use of Public Services.

- (a) A medically related emergency response other than medical-related emergencies that are violation of Minn. Statute 609.78, subd. 1(4).
- (b) A call by a victim in response to circumstances involving domestic assault incidents or order for protection violations.
- (c) A call by a victim of Nuisance.

Section 1052:50. Waiver. At the discretion of the Health Director, the Excessive Use of Public Services Fees may be waived against an owner or vendor of rental property, or property held contract for deed, who has commenced eviction proceedings against the tenant(s) or vendee(s) responsible for the Nuisance.

Section 1052:60. Legal Remedy Non-Exclusive.

Subd. 1. Nothing in this shall be construed to limit the city's other available legal remedies for any violation of the law, which may constitute an Excessive Service Response hereunder, including criminal, civil, administrative, injunctive, or other remedy. Additionally, rental properties may also be subject to civil fines pursuant to Section 1051, Landlord Responsibility.

Subd. 2. Nothing in this shall be construed to require that formal charges be brought in order for conduct, activity, or condition to qualify as a Nuisance.

History: Ord. 2711 5-22-17