

City of Roseville
ORDINANCE NO. 1602
AN ORDINANCE AMENDING TITLE 5, SECTION 511
REPEAT NUISANCE SERVICE CALL

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THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 5, Section 511 Repeat Nuisance Service Call is amended to read as follows:

CHAPTER 511
REPEAT NUISANCE SERVICE CALL

SECTION:

- 511.01: Purpose and Application
- 511.02: Definition of Nuisance Conduct
- 511.03: Repeat Nuisance Service Call Fee
- 511.04: Notice
- 511.05: Delinquent Payment and Fee Recovery
- 511.06: Enforcement
- 511.07: Right to Appeal
- 511.08: Legal Remedies Nonexclusive
- 511.09: Exceptions and Affirmative Defenses

511.01: PURPOSE and APPLICATION

The purpose of this Chapter is to permit the City to best protect the public safety, health, and welfare of the entire Roseville community. The City finds that repeat service calls to the same property or location for nuisance events or activities, as defined herein, result in an undue drain on City resources and therefore prevent police, public safety, and other city services from appropriately responding to the broader public safety, health, and welfare needs of the City's residents.

The City further finds that repeat nuisance calls for service occur at both residential properties and commercial lodging establishments. In the City's experience, the drain on public safety resources for responseto commercial lodging establishments is far greater than that for residential properties. In addition, the City finds that commercial lodging establishments, which by their nature predominantly involve invited guests on a for-profit arrangement, are in a heightened position to resolve repeat nuisance activity without the need for draining City resources.

~~The purpose of this Chapter 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 may prevent police, public safety, or other city services from reaching other~~

residents of the City.

Therefore, it is the intent of the City, by the adoption of this Chapter, 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 cost over and above the cost of providing normal law or code enforcement services and police protection.

This Chapter shall apply to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the City.

This Chapter shall apply to any repeat nuisance service calls as set forth herein made by a City of Roseville employee, including a police officer, community service officer, firefighter, and/or code enforcement employee.

511.02 : DEFINITION OF NUISANCE CONDUCT:

For purposes of this Chapter, the term "nuisance conduct" means any activity, conduct or condition occurring within the City that annoys, injures or endangers the reasonable safety, health, morals, comfort or repose of any member of the public, or will tend to alarm, anger or disturb others. Nuisance conduct includes but is not limited to the following:

- A. Any activity, conduct, or condition defined as a public nuisance under any provision of the City Code or Minnesota State laws;
- B. Any activity, conduct, or condition in violation of any provision contained in Title 4,5,6 or 9 of the City Code;
- C. Any conduct, activity or condition constituting a violation of Minnesota state laws prohibiting or regulating prostitution, gambling, controlled substances or use of firearms; and/or
- D. Any conduct, activity, or condition constituting disorderly conduct as defined under Chapter 609 of Minnesota Statutes.

511.03 : REPEAT NUISANCE SERVICE CALL FEE

A. Repeat Nuisance Service Call Fee The City may impose a repeat nuisance service call fee upon the owner or occupant of private property, except Commercial Lodging Establishments which is governed by Section 511.03 (B) of Roseville City Code, if the City has rendered services or responded to the property on three or more occasions within a period of ~~(365720-730)~~ days in response to or for the abatement of nuisance conduct. The repeat nuisance service call fee shall be as established by the City Fee Schedule in Section 314.052 of the City Code.

B. Repeat Nuisance Service Call Fee (Commercial Lodging Establishments) The City may impose a repeat nuisance service call fee upon the owner or occupant of private property if the City has rendered services or responded on ten or more occasions in a calendar month.

C. The repeat nuisance service call fee shall be as established by the City Fee Schedule in Section 314.052 of the City Code.

D. Any fees imposed by this section is subject to the exceptions and affirmative defenses in Section 511.05 of this code

511.04 : NOTICE

No repeat nuisance service call fee may be imposed against an owner or occupant (or both with the owner and occupant each being responsible for a separate repeat nuisance service call fee) of property without

first providing such owner or occupant with written notice of the previous nuisance service calls prior to the latest nuisance service call rendered by the City upon which the fee is imposed. The written notice shall:

- A. Identify the nuisance conduct that has occurred on the property, and the dates of the nuisance conduct activity or condition;
- B. State that the owner or occupant may be subject to a repeat nuisance service call service fee if an additional-third nuisance call is rendered to the property for any further nuisance conduct;
- C. State that the City has the right to seek other legal remedies or actions for abatement of the nuisance conduct; and
- D. ~~Be served upon such owner and/or occupant by certified mail at the last known address of such person. Service of such notice shall be deemed complete upon mailing. Service of Notice: Notices may be served by one (or more) of the following methods:~~
 - 1. In person; or
 - 2. By regular or certified mail; or
 - 3. By posting on site or premises.

511.05 : DELINQUENT PAYMENT and FEE RECOVERY

The repeat nuisance service call fee shall be due within thirty (30) days after a billing statement is mailed by the City to the owner and/or occupant of the property responsible for the payment of the fee at such person's last known address. If the fee is not paid within such 30 day period, it will be deemed delinquent and a ten percent (10%) penalty shall be added to the repeat nuisance service call fee. If the repeat nuisance service call fee becomes delinquent, the City shall have, in addition to all other remedies available at law or in equity for the collection of such fee, the following remedies:

- A. Seek a monetary judgment and collection thereof from such owner and/or occupant, or
- B. Assess the property which was the subject of the nuisance conduct pursuant to Minn. Stat. § 429.101.

Failure of a person to pay a repeat nuisance service call fee shall be grounds for the denial of a license which is related to the nuisance conduct for which the repeat nuisance service call fee was imposed.

511.06 : ENFORCEMENT

The City Council authorizes the City Manager, Police Chief, Fire Chief, or the Community Development Director, or their designees (collectively referred to herein as the "City Enforcement Officials"), to administer and enforce this Chapter.

511.01 : RIGHT TO APPEAL

When the City mails the billing statement by ~~certified~~ mail for the repeat nuisance service callfee, the City will inform the owner and/or occupant of their right to request a hearing.

The owner and/or occupant upon whom the fee is imposed must request a hearing within ten (10) 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 mailed or hand-delivered to the City Manager's

Office. The hearing will occur within fourteen (14) days of the date of the request. If the owner and/or occupant fails to request a hearing within the time and in the manner required under this Section, the right of such person to a hearing is waived.

The hearing shall be conducted by a hearing officer selected by the City Manager in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. After considering all evidence submitted, the hearing officer shall make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service call fee. The Findings of Fact and Conclusions shall be served upon the owner and/or occupant by certified mail within ten (10) days of the hearing.

If the owner and/or occupant fails to appear at the scheduled hearing, the right of such person to a hearing is waived and the repeat nuisance service call fee shall be payable in accordance with Section 511.05 above. If the hearing officer determines that the repeat nuisance service call fee is warranted, the person or persons responsible for the fee shall pay the fee within ten (10) business days following the date that the written Findings of Fact and Conclusions are mailed. If the repeat nuisance service call fee is not paid within said ten (10) day period, it shall be deemed delinquent and the provisions of Section 511.05 pertaining to delinquent payments shall apply.

511.08: LEGAL REMEDIES NONEXCLUSIVE

Nothing in this Chapter 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.

511.09: EXCEPTIONS AND AFFIRMATIVE DEFENSES

- A. **MEDICAL EMERGENCIES:** Repeat nuisance service call fees shall not be imposed for any medical-related emergency response except for medical-related emergencies that are violations of Minn. Stat. Section 609.78 Subd. 4 (Misuse of 911).
- B. **DOMESTIC ASSAULT INCIDENTS:** Repeat nuisance service call fees shall not be imposed against the victim for a response to circumstances involving domestic assault incidents or order for protection violations.
- C. **VICTIM OF NUISANCE CONDUCT:** A repeat nuisance service call fee shall not be imposed against the victim of the nuisance conduct for which a response nuisance service call was made.
- D. **RENTAL PROPERTIES:** At the discretion of the City Enforcement Officials, repeat nuisance service call fees may be waived against an owner or occupant of rental property who has:
 - 1. Commenced eviction proceedings against the tenant or tenants responsible for the nuisance conduct, conditions or characteristics, or
 - 2. Entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.

E. MEMORANDUM OF UNDERSTANDING At the discretion of the City Enforcement Officials, repeat nuisance service call fees may be waived against an owner or occupant of a property who has entered into and complied with a memorandum of understanding with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct. (Ord. 1396, 9-20-2010)

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication. Passed by the City Council of the City of Roseville this 25th day of October, 2021.