

ORDINANCE NO. 173

AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 95, "GENERAL PROVISIONS" BY ADOPTING ORDINANCE 95.081 ENTITLED "REPEAT NUISANCE SERVICE CALLS" AND BY ADOPTING BY REFERENCE CITY CODE TITLE 1, GENERAL PROVISIONS, AND CHAPTER 10, GENERAL CODE CONSTRUCTION; GENERAL PENALTY.

The City of Granite Falls does ordain as follows:

Section 1. Section 95.081. Repeat Nuisance Call Defined and Regulated.

A. 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 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.

B. Scope and Application. This section 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 section shall apply to any repeat nuisance service calls as set forth herein made by a Granite Falls peace officer, part-time peace officer or other law enforcement personnel assisting or enforcing the law on behalf of and within the City of Granite Falls.

C. Definition of Nuisance Call or Similar Conduct.

I. The term nuisance service call shall mean any call responding to any activity, conduct or condition occurring upon private property within the City which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or will tend to, alarm, anger or disturb others or provoke a 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 provisions of the City Code;

b. any conduct, activity or condition constituting a violation of Minnesota state laws prohibiting or regulating prostitution, gambling, controlled substances, use of firearms; and

c. any conduct, activity or condition constituting disorderly

conduct under Chapter 609 of the Minnesota Statutes as currently written or as amended or supplemented from time to time hereafter or violation of any other criminal activity regulated by Minnesota Statutes Chapter 609.

Subd. 2. Repeat Nuisance Service Call Fee Amount. The City may impose a repeat nuisance service call fee of \$250.00 upon the owner or occupant, or both, of private property if the City has rendered services or responded to the property on three (3) or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct, activity or conditions of the same or similar kind or as otherwise herein above described. All repeat nuisance service call fees imposed and charged against the owner or occupant under this section shall be deemed delinquent 30 days after the City's mailing a billing statement therefor. Delinquent payments are subject to a 10% late penalty of the amount due.

Subd. 3. Notice. No repeat nuisance service call fee may be imposed against an owner or occupant of the property without first providing the 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. A written notice shall:

A. State the nuisance conduct, activity or condition that is or has occurred or is maintained or permitted on the property, the dates of the nuisance conduct, activity or condition;

B. State the owner or occupant who may be subject to a repeated nuisance call service fee if a third nuisance service call is rendered to the property for the same nuisance, in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law; and

C. Be served personally or by U.S. Mail upon the owner or occupant at the last known address.

Subd. 4. Right to Appeal Repeat Nuisance Service Call Fee. Upon the imposition of a repeat nuisance service call fee, the City shall provide the owner or occupant notice as required by this ordinance. The City shall also inform the owner or occupant of his/her right to a hearing on the alleged repeat nuisance service calls. The owner or occupant upon whom the fee is imposed may request a hearing by serving upon the city manager within five (5) business days of the mailing of the fee invoice inclusive of the day the invoice is mailed, a written request for hearing. The hearing shall be heard by the city council or its appointed hearing officer within 14 days of the date of the owner's or occupant's request for hearing.

The hearing shall be conducted in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. The hearing need not be transcribed, but may be transcribed at the sole expense of the party who requests the transcription. After considering all evidence submitted, the hearing officer shall make written Findings of Fact and Conclusions of the issue of whether the City responded to or rendered

services for repeat nuisance service calls of the same or similar kind on three (3) or more occasions within a 365 day period. The Findings and Conclusions shall be served upon the owner or occupant by U.S. Mail within five (5) days of the hearing.

An owner or occupant's right to a hearing shall be deemed waived if the owner or occupant fails to serve a written request for hearing as required herein or fails to appear at the scheduled hearing date and time. Upon waiver of the right to a hearing, or upon the hearing officer's written Findings of Fact and Conclusions that the repeat nuisance call service fee is warranted hereunder, the owner or occupant shall immediately pay the fee imposed.

Subd. 5. Legal Remedies Non-Exclusive. Nothing in this section shall be construed to limit the City's other available legal remedies for any violation of the law which may constitute a nuisance service call hereunder, including criminal, civil, injunctive or other relief.

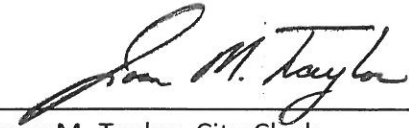
Section 2. City Code Title 1 entitled "General Provisions and Definitions Applicable for the Entire City Code, Including Penalty for Violation" and Section 10.99 are hereby adopted in their entirety by reference as though repeated verbatim herein.

Section 3. This ordinance to be come effective from and after its passage and publication according to law.

This ordinance to become effective from and after its passage and publication according to law.

Adopted by the City Council of the City of Granite Falls, Minnesota, this 20th day of October 2014, by a unanimous vote of the Council of those present.

ATTEST:


Joan M. Taylor, City Clerk


David Smiglewski, Mayor

This Ordinance published in the *Granite Falls-Clarkfield Advocate Tribune* on the 22nd day of October 2014.