



COUNCIL CONFERENCE MEETING

July 25, 2022

5:30 PM

Fridley Civic Center - 7071 University Avenue N.E.

AGENDA

- [1.](#) June 2022 Year-to-Date Financial Update
- [2.](#) Recodification Update
- [3.](#) On-Street Parking
- [4.](#) Fridley City Code Chapter No. 110, Public Nuisance

The City of Fridley will not discriminate against or harass anyone in the admission or access to, or treatment, or employment in its services, program, or activities because of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation or status with regard to public assistance. Upon request, accommodation will be provided to allow individuals with disabilities to participate in any of Fridley's services, programs, and activities. Hearing impaired persons who need any interpreter or other persons with disabilities who require auxiliary aids should contact Roberta Collins at (763) 572-3500. (TTD/763-572-3534).



AGENDA REPORT

Meeting Date: July 25, 2022

Meeting Type: City Council Conference Meeting

Submitted By: Joe Starks, Director of Finance/City Treasurer

Title

June 2022 Year-to-Date Financial Update

Background

A year-to-date financial update will be provided.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- June 2022 YTD Financial Update

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



For the fiscal period ending 6/30/2022
% of Year Remaining: 50%

Revenues	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
General Fund	\$ 19,633,900	\$ 2,019,495	\$ 17,614,405	90%		\$ 2,317,474	\$ (297,979)
Cable TV Fund	\$ 296,900	\$ 83,400	\$ 213,500	72%		\$ 61,254	\$ 22,146
Solid Waste Abatement	\$ 520,400	\$ 195,873	\$ 324,527	62%		\$ 210,452	\$ (14,578)
Police Activity Fund	\$ 255,900	\$ 74,917	\$ 180,983	71%		\$ 89,707	\$ (14,790)
SNC Fund	\$ 678,700	\$ 95,834	\$ 582,866	86%	A/B	\$ 57,092	\$ 38,742
Water Utility Fund	\$ 4,465,800	\$ 1,274,722	\$ 3,191,078	71%	C	\$ 1,104,558	\$ 170,164
Sewer Utility Fund	\$ 7,038,400	\$ 2,157,322	\$ 4,881,078	69%	C	\$ 1,937,321	\$ 220,001
Storm Water Utility Fund	\$ 2,242,000	\$ 814,819	\$ 1,427,181	64%	C	\$ 751,456	\$ 63,363
Liquor Fund	\$ 7,075,500	\$ 3,092,811	\$ 3,982,689	56%	D	\$ 3,610,998	\$ (518,188)
TOTAL REVENUES	\$ 42,207,500	\$ 9,809,193	\$ 32,398,307	77%		\$ 10,140,312	\$ (331,119)

Expenditures	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
General Fund	\$ 19,633,900	\$ 8,539,901	\$ 11,093,999	57%		12,518,203	\$ (3,978,302)
Cable TV Fund	\$ 296,900	\$ 155,390	\$ 141,510	48%		158,247	\$ (2,857)
Solid Waste Abatement	\$ 517,900	\$ 223,182	\$ 294,718	57%		190,808	\$ 32,375
Police Activity Fund	\$ 255,900	\$ 109,405	\$ 146,495	57%		115,313	\$ (5,908)
SNC Fund	\$ 691,600	\$ 251,500	\$ 440,100	64%		242,843	\$ 8,657
Water Utility Fund	\$ 4,436,500	\$ 1,413,621	\$ 3,022,879	68%		1,164,161	\$ 249,461
Sewer Utility Fund	\$ 6,755,500	\$ 3,754,748	\$ 3,000,752	44%		3,207,340	\$ 547,409
Storm Water Utility Fund	\$ 2,210,200	\$ 656,041	\$ 1,554,159	70%		540,448	\$ 115,593
Liquor Fund	\$ 7,090,800	\$ 3,050,608	\$ 4,040,192	57%		3,412,752	\$ (362,144)
TOTAL EXPENDITURES	\$ 41,889,200	\$ 18,154,396	\$ 23,734,804	57%		21,550,115	(3,395,718)

GENERAL FUND

GF Revenue Types	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
Taxes	\$ 13,637,400	\$ -	\$ 13,637,400	100%	A	\$ -	\$ -
Special Assessments	\$ 22,900	\$ -	\$ 22,900	100%	A	\$ -	\$ -
Licenses and Permits	\$ 1,184,000	\$ 385,887	\$ 798,113	67%		\$ 900,503	\$ (514,616)
Intergovernmental	\$ 2,050,000	\$ 309,362	\$ 1,740,638	85%	E	\$ 245,953	\$ 63,409
Charges for Services	\$ 2,230,200	\$ 1,083,004	\$ 1,147,196	51%		\$ 1,092,205	\$ (9,201)
Fines and Forfeitures	\$ 159,600	\$ 58,337	\$ 101,263	63%		\$ 62,545	\$ (4,209)
Miscellaneous	\$ 157,500	\$ 86,755	\$ 70,745	45%	F	\$ (78,532)	\$ 165,287
Other Financing Sources	\$ 192,300	\$ 96,150	\$ 96,150	50%		\$ 94,800	\$ 1,350
TOTAL GF REVENUES	\$ 19,633,900	\$ 2,019,495	\$ 17,614,405	90%		\$ 2,317,474	\$ (297,979)

GF Dept. Expenditures	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
Legislative	\$ 165,500	\$ 71,489	\$ 94,011	57%		\$ 95,346	\$ (23,857)
City Management	\$ 1,699,200	\$ 704,677	\$ 994,523	59%		\$ 648,935	\$ 55,741
Finance	\$ 1,656,100	\$ 778,976	\$ 877,124	53%		\$ 783,267	\$ (4,291)
Non-Departmental	\$ 402,300	\$ 7,325	\$ 394,975	98%	G	\$ 4,342,604	\$ (4,335,279)
Public Safety	\$ 9,258,000	\$ 4,269,697	\$ 4,988,303	54%		\$ 4,190,766	\$ 78,931
Public Works	\$ 4,145,000	\$ 1,721,066	\$ 2,423,934	58%		\$ 1,636,990	\$ 84,075
Community Services	\$ 822,000	\$ 277,202	\$ 544,798	66%		\$ 286,059	\$ (8,857)
Community Development	\$ 1,485,800	\$ 709,470	\$ 776,330	52%		\$ 534,235	\$ 175,235
TOTAL GF EXPENDITURES	\$ 19,633,900	\$ 8,539,901	\$ 11,093,999	57%		\$ 12,518,203	\$ (3,978,302)

Notes:

A - 1st Half Property Tax Settlement received in July, 2nd in December and short settlement in January.

B - Program revenue above last year's level but currently under budget due to timing of summer and fall programming

C - Timing of utility bills and receipt of payments

D - Liquor Store sales down 15% year-over-year at this time.

E - 1st installment of Municipal State Aid and Local Government Aid received in July, 2nd in December. Police aid and fire aid (pass through) received in October

F - 2021 negative amount due to **unrealized** loss on investments.

G - 2021 YTD amount includes \$4,321,388 transfer from General Fund to Community Investment Fund



AGENDA REPORT

Meeting Date: July 25, 2022

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Recodification Update

Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code). Furthermore, Charter § 3.10 provides for the recodification of the Code at least every 10 years.

In 2020, the City Manager informally began the Fridley City Code Recodification Project (Project). The Council formally approved the project on August 23, 2021. Staff provided a plan and projected timeline for the project, which included pre-set Conference Meetings for the Council to receive updates on the project. This evening, along with October 24 and December 19 were included in that proposal to the Council.

The project proposes to organize the Code into nine titles:

Title 1: General Provisions	Title 6: Zoning
Title 2: Administration	Title 7: Licensing
Title 3: Health, Safety and Welfare	Title 8: Franchises, Utilities and Rights-of-Way
Title 4: Public Nuisance	Title 9: Public Ways and Places
Title 5: Lands and Buildings	

The Council approved the chapters contained in Title 1 found in Ordinance No. 1399 at its March 14, 2022 meeting, and approved the chapters contained in Title 2 found in Ordinance No. 1404 at its July 11, 2022 meeting. Beginning next week, the City Clerk's Office will host kick off meetings with staff from the Community Development, Public Safety, Public Works and City Manager's Office to begin work on the chapters of Title 3. Staff will review State and federal laws, analyze comparative city codes, consult advisory opinions and review legal reviews pertaining to all chapters in Title 3.

Proposed chapters to be contained in Title 3 are:

– Barbiturate Drugs	– Civil Defense	– Animal Control
– Codeine Drugs	– False Alarms	– Boats and Watercraft
– Drugs and Paraphernalia	– Public Safety Department	– Snowmobiles

Vision Statement

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|-----------------------------------|-----------------------------------|---|
| – Disposition of Certain Property | – Curfew | – Public Sanitation Facilities |
| – Sexually Oriented Businesses | – Fire Prevention | – Swimming Pools |
| – Trespass on Private Property | – Dangerous Weapons | – Air Quality & Solid Waste |
| – Liquor Consumption and Display | – Fire Department Service Charges | – Solid Waste Disposal and Recycling Collection |

At its October 24, 2022 Conference Meeting the Council will receive a presentation to review some, or all, of the suggested revisions by staff. At that time, the Council will be asked to provide their feedback on additional changes or direction.

As a reminder the project has a webpage (www.fridleymn.gov/1582/Recodification-Project) that contains all meeting materials and presentations, project documents, and more information on recodification. Members of the public are encouraged to share their feedback by emailing cityclerk@fridleymn.gov or calling 763-572-3523.

Focus on Fridley Strategic Alignment

- | | |
|--|---|
| ☐ Vibrant Neighborhoods & Places | ☐ Community Identity & Relationship Building |
| ☐ Financial Stability & Commercial Prosperity | ☐ Public Safety & Environmental Stewardship |
| ☒ Organizational Excellence | |

Attachments and Other Resources

Vision Statement

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AGENDA REPORT

Meeting Date: July 25, 2022

Meeting Type: City Council Conference Meeting

Submitted By: Trent Homard, Administrative Intern
Melissa Moore, City Clerk/Communications Manager

Title

On-Street Parking

Background

On June 13, 2022 the Fridley City Council (Council) received a presentation from staff regarding on-street parking in the City that detailed past legislation and impacts to residents and the local government. Staff's presentation included background on the current ordinance adopted in 2001, feedback from the Public Safety and Public Works Departments, and review of responses from a recent survey of the Council. The Council discussed their experiences on the matter, resident feedback, and considered various measures that may improve compliance with the City's parking regulations. The City's current parking regulations ban parking on the street from 2:00 a.m. to 6:00 a.m. from November 1 through April 1.

The Council reported on resident feedback regarding lack of compliance with on-street parking. Some of the concerns raised were: safety for residents due to blocked sightlines, lack of access to pedestrians to trails or bike lanes, restricted access of emergency vehicles, hindrance to winter snowplowing and summer road repairs. In the Council's discussion the most common theme was concern with the lack of understanding of the City's parking regulations.

Staff directed the Council through several potential solutions the Council may consider. These solutions are methods other cities in the metropolitan area have applied. Various solutions included:

- implementing a year-round parking ban;
- changing the specifics of the current overnight parking ban;
- revise rental license agreements to include provisions on parking space requirements;
- completely remove parking restrictions with specific requirements if there is a snowfall event; or
- implementing a parking permit system in specific neighborhoods.

The Council discussed ramifications for each option listed above. There was general lack of support for implementing a year-round parking ban or revising the current parking regulations, as they appear to be working throughout most of the City except for a few specific neighborhoods. The Council discussed requirements for rental license holders. Due to the financial impact on license holders and the zoning of those parcels, the Council was unsure if this would be a viable option. If the City were to remove all parking restrictions the Council was concerned for consequences related to safety and access of

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emergency vehicles. Lastly, the Council discussed a parking permit system and reviewed data from other cities with similar programs.

The Council directed staff to provide further data that analyzed parking violations in specific neighborhoods (Exhibit A). The map provided demonstrates areas in the City that Public Safety issued the most parking citations to in 2018. Exhibit B correlates the heat map with specific addresses, broken down by the zoning classification of each area. Based on discussions with the Community Development Department many of these parcels were zoned in the 1960s when parking requirements were less than they are now. With more residents living in multi-generational housing there are more cars per household than the parking ordinances and lot sizes were originally planned for.

After further discussion, the Council directed staff to conduct further research into two possible solutions:

1. Are there any funding or loan options available to property owners from the City that may assist in facilitating the cost of increasing the available parking on their parcels?
2. If not, what other on-street parking options would be wise for the City to consider?

Staff met with the Assistant Director of the Housing and Redevelopment Authority (HRA) who reports that at this time the City does not have funding or loan options available to property owners to expand parking. Members of the HRA are willing to discuss the matter at the August 8, 2022 joint meeting with the Council.

In subsequent meetings with Community Development, staff recommend a measured approach to addressing the problem with residents that first includes an educational campaign. Beginning prior to winter parking restrictions, staff recommend a City-wide communications promotion consisting of social media, newsletter and emails informing residents of parking regulations, generally. Beyond that, staff recommend a more targeted and strategic campaign to properties found in Exhibits A and B with specific information appropriate for parcels in those particular zoning districts. Staff from Community Development and the Communications and Engagement Division will collaborate to build such proposed marketing campaigns.

At this time, staff request the Council provide feedback and direction on staff's recommendation to begin with an educational promotion. In addition, staff request Council to provide feedback if they would like to meet with the HRA to discuss the issue and examine any funding or loan options the City may provide to rental property owners.

Attachments and Other Resources

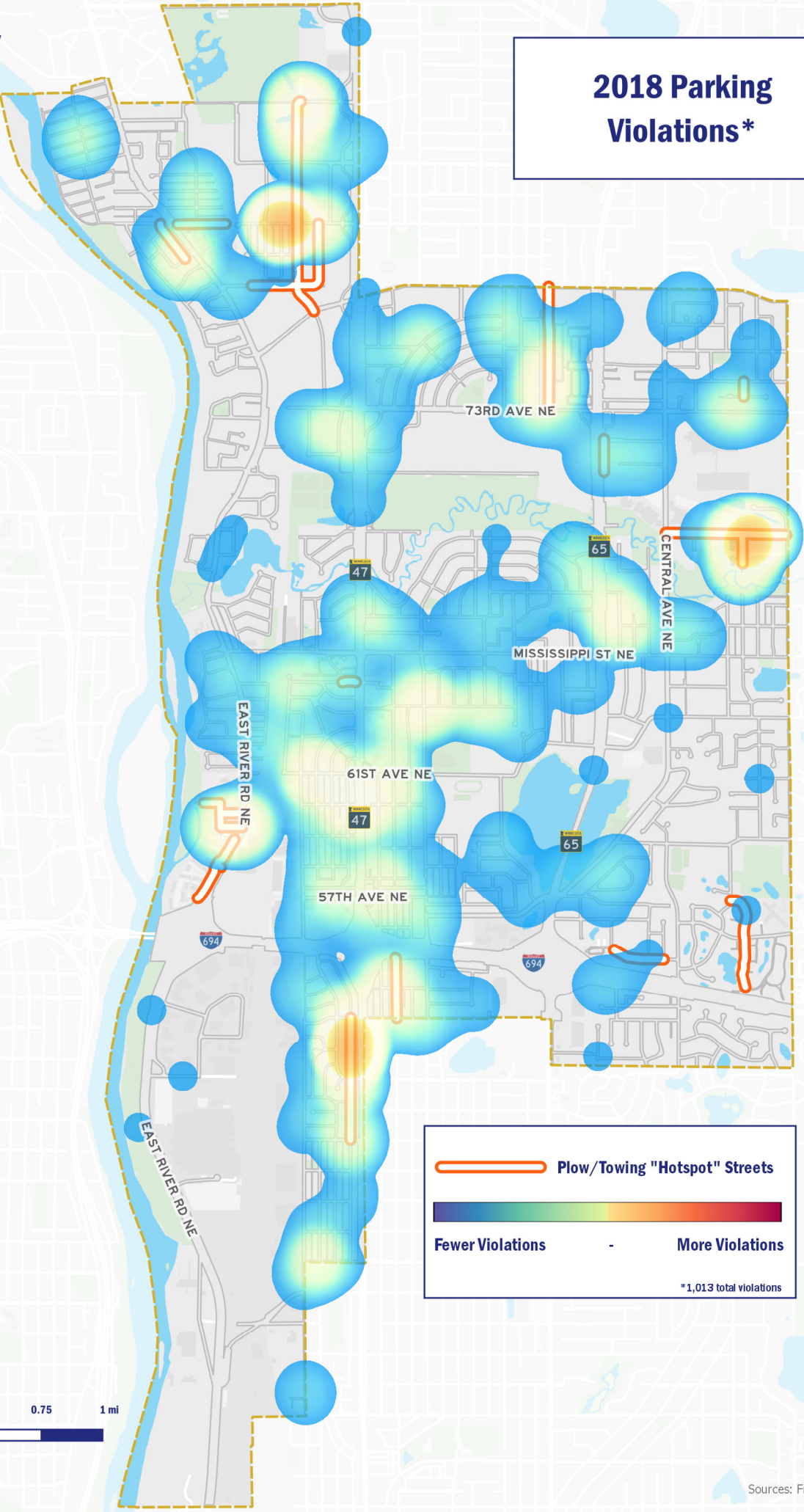
- Exhibit A: Heatmap of 2018 Parking Citations
- Exhibit B: Property Addresses Near Hotspot Areas

Vision Statement

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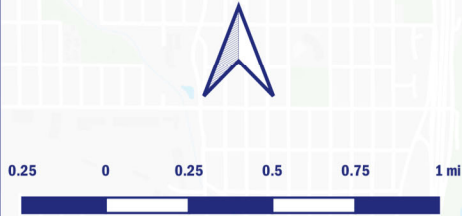
2018 Parking Violations*



Plow/Towing "Hotspot" Streets

Fewer Violations - More Violations

*1,013 total violations



R-3: General Multiple Dwelling District

Property Address
7861-7889 FIRWOOD WAY
NE

Aerial View of Area



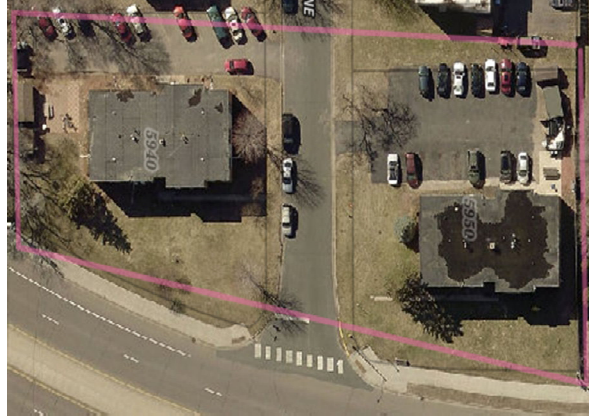
7825- 7875 EAST RIVER RD
NE



5680-5760 EAST RIVER RD
NE



5940 & 5950 EAST
RIVER RD NE



150-190 ISLAND PARK DR
NE



5980 ANNA AVE NE



101 & 180 CHARLES ST NE



6425 HIGHWAY 65 NE



401 53RD AVE NE



5300-5450 FIFTH ST NE



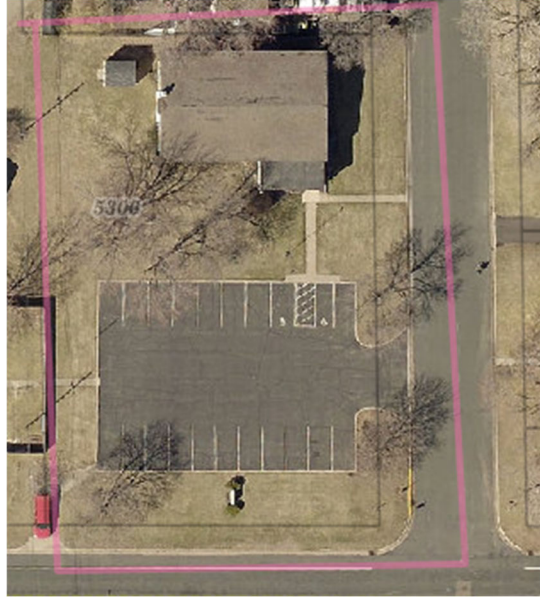
5605 -5691 WEST
BAVARIAN PASS NE



1531-1537 TRAPP CT NE



5300 SIXTH ST NE



S-2 Redevelopment District

200-210 CHRISTENSON
WAY NE



221-235 SATELLITE LN NE



R-2 Two-Family Dwelling District

6343-6417 HIGHWAY 65
NE



1503-1548 SOUTH
TIMBER RIDGE NE



1501-1546 SOUTH
TIMBER RIDGE NE



7301-7595 ABLE ST
NE



R-4 Manufactured Home Park

7500 HIGHWAY 65 NE





AGENDA REPORT

Meeting Date: July 25, 2022

Meeting Type: City Council Conference Meeting

Submitted By: Brian Weierke, Public Safety Director

Melissa Moore, City Clerk/Communications Manager

Title

Fridley City Code Chapter No. 110, Public Nuisance

Background

Chapter No. 110 of the Fridley City Code (Code) establishes the City's rules and regulations for how it will handle and process nuisance activities in the City. In 2021 staff began a review of the current Code to begin drafting suggested revisions to modernize language, update the style of the ordinance to include sections such as Purpose, Scope and Definitions, and add processes that will allow the City to impose a Repeat Nuisance Service Call fee to address overconsumption of City services to properties (Exhibit A).

Codes pertaining to public nuisances from 20 other cities in Minnesota were reviewed to establish common practices within the metropolitan area. Of those cities, six had provisions to address repeat nuisance calls (Exhibit B). Those six cities were all very similar in how they issue and administer repeat nuisance designations. Similar processes and fees are proposed in Exhibit A:

- Section 110.10 establishes the City's authority to declare a property a Repeat Nuisance and issue a Repeat Nuisance Service Call Fee. It outlines the criteria the City will follow in determining if and how a property will be designated as a Repeat Nuisance. The section also exempts calls for service related to medical emergencies, domestic-related incidents, or police-initiated calls. A designation as a Repeat Nuisance will not transfer to new owners of a property.
- Section 110.11 details the notification steps the City will take in identifying and declaring a property as a Repeat Nuisance, and how the City will communicate that with the property owner.
- Section 110.12 establishes an appeal process an owner may follow. Appeals, if properly filed, will be heard by the Council.
- Section 110.13 allows the City to pursue other legal remedies for Code violations.
- Section 110.14 describes how the City will recover fees that are not paid.

At this time, staff propose the number of incidents (Code violations or calls for service) be three within 365 days of the first incident. The 365-day demarcation will ease administration by the City

Vision Statement

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when it documents incidents and issues notifications. Staff recommend the Repeat Nuisance Service Call fee be set at \$250 for the third incident, and every other incident after that within 365 days of the first incident (excluding calls for service that are medical emergencies, domestic-related incidents, or police-initiated calls).

Staff ask the Council to review the proposed revisions to Chapter No. 110 and provide direction to staff.

Attachments and Other Resources

- Exhibit A: Proposed revisions to Chapter No. 110
- Exhibit B: Repeat Nuisance Table of Other Cities

Vision Statement

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Fridley City Code
Chapter 110 Public Nuisance

110.01 Purpose

The purpose of this Chapter is to protect the public safety, health and welfare of the residents and business owners in the City of Fridley (City). The Fridley City Council (Council) finds it necessary to protect those in the City from anything injurious to health, indecent or offensive to the senses, or that obstructs the free use and comfortable use of life or property. It is also the intent of this Chapter to prevent repeat service response calls by the City to the same property or location, which prevent public safety services to other properties in the City.

110.02 Definitions

For the purpose of this chapter, certain terms and words are defined in Fridley City Code (Code) Chapter 205, Zoning, Code and ~~or~~ Chapter 101, Animal Control.

Interested Party, Interested Person, or Occupant: Any known lessee or tenant of a building or affected portion of a building, any known person holding an unrecorded contract for deed, being a mortgagee or vendee in physical possession of the building.

Public Nuisance or Nuisance: Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

1. Creates, maintains or permits a condition that unreasonably annoys, injures or endangers the safety health, comfort, repose of any number of members of the public, or will tend to alarm, anger, disturb others, or provoke breach of the peace to which the City is required to respond;
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public;
3. Causes obstruction or excavation affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law;
4. Causes any well hole or similar excavation to be left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
5. Stores items outdoors including but not limited to machinery, equipment, abandoned, unsafe, or junk motor vehicles, household furnishings or materials in a manner conducive to the harboring of wild animals, or to fire, health or safety hazards from such accumulations, or from the rank growth of vegetation among the items so accumulated.

Items stored outside a building according to the stipulations of an approved Special Use Permit are not a public nuisance;

6. Deposits or causes placement of hazardous material in a manner that causes those materials to drain into a storm sewer drain or waterway as defined in the Code or any other unpaved ground surface within the City. Hazardous material shall include, but not be limited to, paints, solvents, oil, automotive fluids or any other hazardous wastes as defined in Minnesota Statute (M.S.) § 116.06, subd. 11;

7. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided; or

8. Any conduct, activity, or condition constituting a violation of M.S. Chapter 609.

Nuisance Call: When the City is required to respond to any nuisance.

Owner or Owner's Agent: The person(s) identified as the property owner of record in the Anoka County Recorder's Office.

Repeat Nuisance: A designation made by the City Manager or their designee upon a private property where the City has rendered services or responded to such property on three or more occasions within a period of 365 days from the first call in response to or for the abatement of a nuisance condition.

110.03 Scope

This section applies to all owners of private property which is the subject or location of public nuisance or repeat public nuisance service calls by Public Officials.

~~110.01~~110.04 Minnesota Statutes by Reference

Minnesota Statutes Sections 609.74 and 609.745 are hereby adopted by reference and ~~be~~are in full force and effect in the City of Fridley ~~as if set out here in full.~~

~~110.03~~ Public Nuisance Defined

~~Whoever, by an act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:~~

~~Maintains or permits a condition that unreasonably annoys, injures or endangers the safety health, comfort, or repose of any considerable number of members of the public;~~

~~Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way, or waters used by the public;~~

~~Causes obstruction or excavation affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable law;~~

~~Causes any well hole or similar excavation to be left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;~~

~~Stores items outdoors including but not limited to machinery, equipment, abandoned, unsafe, or junk motor vehicles, household furnishings or materials in a manner conducive to the harboring of wild animals, or to fire, health or safety hazards from such accumulations, or from the rank growth of vegetation among the items so accumulated. Items stored outside a building according to the stipulations of an approved special use permit are not a public nuisance;~~

~~Deposits or causes placement of hazardous material in a manner that causes those materials to drain into a storm sewer drain or waterway as defined in Section 105.02.7 of City Code or any other unpaved ground surface within the City. Hazardous material shall include, but not be limited to, paints, solvents, oil, automotive fluids or any other hazardous wastes as defined in State Statute 116.06, subd. 11; or~~

~~Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.~~

~~110.04~~110.05 Driveway Nuisance

1. Any driveway located within the city ~~City~~ and not paved is a public nuisance.

2. Any nuisance under this provision must be abated by construction of an approved surface on the driveway in a manner prescribed by the City. The City expressly reserves and declares its statutory authority to abate any such nuisances under the assessment and levying powers granted by ~~Minnesota Statutes~~M.S. ~~Chapters 429 and 463, according to the procedures established in Chapter 128 of City the Code.~~

3. "Driveway", for the purpose of this Chapter, shall not include any public owned or dedicated unpaved road or alleyway used for purpose of access to any property; nor any roadway, path or other access to a parcel of unsubdivided property that can, without variance, be subdivided in the City. A roadway or path to subdividable property in the City shall be a "driveway" subject to this Chapter at such time as the property on which it is located is subdivided and the roadway or path continues to be used for the purpose of access to the property. Any roadway or path to subdividable property must be paved to a distance of at least twenty feet from the edge of any connecting curb or roadway surface ~~in order~~ to qualify for this exception.

~~110.05~~110.06 Power of ~~Officers~~Public Officials

1. Whenever in the judgment of ~~a City official, designated by the City Manager or their designee~~, it is found by investigation that a public nuisance is being maintained or exists on property within the City, the following procedures shall be followed to abate the nuisance:

- (a) Written notice shall be issued to the owner requiring the termination or abatement of said nuisance or to remove such conditions or remedy such defects;
- (b) ~~Service-Delivery~~ of said written notice may be hand-delivered to the owner or posted on the property, ~~but and~~ shall also be sent via U.S. ~~mail~~ Mail;
- (c) If the nuisance involves public right-of-way space, it must be abated or permitted according to the requirements of Chapter 407 of the Code. If the nuisance poses a public health or safety risk, City staff may follow emergency abatement procedures to protect public safety or require that the violation be abated within a reasonable timeframe following notice posted on the property. Other nuisances must be abated within a reasonable timeframe, according to the procedures established in Chapter 128 of the ~~City~~ Code.

~~110.06~~110.07 Abatement and Assessment of Nuisance

If after such service of notice, the owner fails to abate the nuisance or make the necessary repairs, alterations, or changes as directed by the ~~City official~~ Public Official, said official may abate the nuisance and assess costs according to the procedures established in Chapter 128 of the ~~City~~ Code.

~~110.07~~110.08 Permitting Public Nuisance

Whoever permits real property under ~~his or her~~ their control to be used to maintain a public nuisance, or lets the same knowing it will be so used, is guilty of a misdemeanor.

~~110.08~~110.9 Emergency Abatement

If the ~~City~~ Public Official determines that a public nuisance exists and that the public health, safety, or welfare may be in immediate danger, the City may implement emergency abatement procedures to remove or abate the nuisance. When emergency abatement is authorized, the City shall post a notice at the property and attempt to notify the owner, agent, or occupant of the property. ~~However, notice to the owner, agent, or occupant of the property is not required prior to abatement.~~ Following emergency abatement, the City will mail notice of the action taken to the property owner and assess costs according to the procedures established in Chapter 128 of the ~~City~~ Code.

~~110.09~~ Penalties

~~Any violation of this Chapter is a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 206 901 of this Code.~~

~~110.10.~~ SEVERABILITY

~~Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part thereof.~~

110.10 Repeat Nuisance Service Calls

1. 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.

2. The City hereby imposes a repeat nuisance service call fee upon the owner of rental properties where the City has rendered services or responded to such individual rental units on three or more occasions within a period of 365 days in response to or for the abatement of a nuisance condition.

3. 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 Fees chapter of the Code. The fee is intended to reimburse the City for, among other things, the salaries of employees and officials who respond to or remain at the nuisance event, the pro rata cost of 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.

4. A repeat nuisance service call fee imposed under this section 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. The City may not impose a repeat nuisance service call fee against an owner or occupant for a public safety response relating to a medical emergency, a domestic-related incident, or a police-initiated service call, in the City's reasonable discretion.

6. A designation as a repeat nuisance property by the City Manager or their designee will not transfer to new owners upon the sale of said property.

10.11 Notice

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. The written notice must:

- (a) Identify the nuisance conduct that previously occurred on the property, and the dates of the previous nuisance conduct;
- (b) 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 any further nuisance 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 delivered by U.S. Mail upon the owner or occupant at the last known address or by posting the subject property.

2. 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 before the Council.

110.12 Appeals

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 to appeal.

2. The owner or occupant upon whom the fee is imposed must request a hearing within 30 business days of the mailing of the billing statement. The request for a hearing must be in writing and delivered to the City Clerk. The hearing will occur within 30 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 Chapter, the right to a hearing is waived.

3. The hearing will be conducted by the Council 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 Council will make written findings of fact and conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service fee. The Council will mail the findings of fact and conclusions upon the owner or occupant by U.S. Mail within ten business days of the hearing.

4. If the owner or occupant fails to appear at the scheduled hearing date, the right to a hearing is waived.

5. Upon waiver of the right to a hearing or upon service of the Council'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 10 business days.

110.13 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 Code.

110.14 Recovery of Fee

1. If a repeat nuisance service call fee remains unpaid 30 days after the billing statement is sent by the City, it shall constitute:

(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.

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

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

City	Threshold to repeat nuisance	Timeframe to repeat nuisance	Fee	Late Fee	Appeal process
Columbia Heights	3 or more	365 days	\$250	Delinquent if not paid within 30 days after notification sent. 10% late penalty for delinquent payments.	30 days to appeal. Must be in writing to City Clerk. Matter heard before the Council.
Golden Valley	3 or more	365 days	\$250	Delinquent if not paid within 30 days after notification sent. 10% late penalty for delinquent payments.	30 days to appeal. Must be in writing to City Clerk. Matter heard before the Council.
Inver Grove Heights	4 or more	Within continuous 12 months	\$250	Delinquent if not paid within 30 days after notification sent. 10% late penalty for delinquent payments.	30 days to appeal. Must be in writing to City Clerk. Matter heard before the Council.
Maplewood	3 or more	365 days	\$250	Delinquent if not paid within 30 days after notification sent. 10% late penalty for delinquent payments.	30 days to appeal. Must be in writing to City Clerk. Matter heard before the Council.
Richfield	3 or more	365 days	\$300	Delinquent if not paid within 30 days after notification sent. 10% late penalty for delinquent payments.	30 days to appeal. Must be in writing to City Clerk. Matter heard before a Hearing Officer.
Robbinsdale	3 for public safety calls, 5 for administrative penalties (code violations)	365 days for public safety calls, 730 days for administrative penalties	\$250	Delinquent if not paid within 10 days after notification sent.	10 days to appeal. Must be in writing to the City Clerk. Matter heard by the City Manager, who issues findings of facts within five days.