

ORDINANCE 2013-05
AN ORDINANCE CHARGING FOR EXCESSIVE
CONSUMPTION OF EMERGENCY SERVICES

The City Council of the City of Trimont hereby ordains:

Section 1. The Trimont City Code, Chapter 6, Public Protection and Offenses is amended by adding the following section 6.17, an ordinance for excessive consumption of emergency services.

Section 2. Section 6.17 Charging for Excessive Consumption of Emergency Services.

Subd. 1. Definitions.

For purposes of this section, the terms defined in this Section have the following Meaning ascribed to them:

- A. Nuisance Event. An event requiring special security assignment in order to protect the public peace, health, safety and welfare. A nuisance event includes, but is not limited to the following:
- (i) Unlawful sale, possession, storage, delivering, giving, manufacture, cultivation, or use of a controlled substance.
 - (ii) Prostitution or prostitution-related activity;
 - (iii) Illegal gambling or gambling related activity;
 - (iv) Unlicensed sales of alcoholic beverages or unlawful sales or gifts of alcoholic beverages by an unlicensed person or underage consumption at a specific location;
 - (v) Loud and boisterous conduct, noises and activities that disturb the Peace;
 - (vi) Events between 11:00 p.m. and sunrise which disturb the peace and tranquility of the neighborhood;
 - (vii) Congregating in a tumultuous, noisy or rowdy crowd;
 - (viii) Fighting or use of obscene or inflammatory language;
 - (ix) Loud music constituting a nuisance or disturbing the peace;
 - (x) Activities causing excessive pedestrian or vehicular traffic or Parking problems or congestion;
 - (xi) Indecent exposure or lewd conduct;

For the purposes of this section, the term nuisance event shall not include an event of Domestic abuse as that term is defined in Minnesota Statutes Section 518B.01 Subd. 2 (a)

B. Owner. A person or persons shown to be owner or owners of property on the property tax records of Martin County, Minnesota.

C. Personal Service. Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

D. Emergency Services Fee. A fee imposed by law enforcement services associated with a special security assignment. Such fee shall be set by the City Council of the City of Trimont and be based on, but not limited to, salaries of police officers and other emergency responders while responding to or remaining at the nuisance event, the pro-rata cost of equipment, the cost of repairing city Equipment and property and the cost of any medical treatment of injured police officers.

E. Responsible Person. A person who owns the property where the nuisance event takes place, and/or a person in charge of the premises, and/or a person in charge of the premises, and/or a person who organized or served as a host of the nuisance event. If the responsible person is a minor, then the parents or guardians of that minor will also be considered responsible persons.

F. Special Security Assignment. The assignment of police officers, services and/or equipment, during a second or subsequent response to a nuisance event at a particular location after the service of a written notice to the responsible persons, that an emergency services fee may be imposed for costs incurred by the City for any subsequent emergency response at such location.

Subd. 2. Initial Police Response to a Nuisance Event.

When any Police Officer responds to any nuisance event and determines that there is a threat to the public peace, health, safety or general welfare, the police officer may serve a written notice by mail or personal service to the responsible person or persons that any subsequent police or emergency service response to that same location or address within a 90 day period, shall be deemed to be a special security assignment and that the responsible person or persons may be liable for an emergency services fee.

Subd. 3. Subsequent Emergency Responses; Liability.

If after a written notice is served, pursuant to this article, a subsequent police or emergency services response or responses are necessary to the same location or address within a 90 day period, then each such subsequent response or responses shall be deemed a special security assignment. Responsible Persons who had previously received a notice of warning shall be jointly and severally liable for an emergency services fee for a special security assignment. The City reserves its rights to seek reimbursement for actual costs and damages exceeding \$1,000 through other legal remedies or procedures.

Subd. 4. Cost; Collection.

The Chief of Police shall notify the City Clerk in writing of the performance of each special security assignment, of the name and address of the responsible person or persons, the date and time of the incident, the services performed and the amount of the emergency services fee.

If the emergency services fee is in excess of \$250.00, the Chief of Police shall provide documentation to support the additional amount. The City Clerk shall thereafter cause appropriate billings to be made and be responsible for the collection of the emergency services fee.

Subd. 5. Administrative Appeal.

An administrative appeal of an emergency services fee may be made to the Trimont City Council within 10 days from the date of mailing of the billing. The request for a hearing shall be in writing and addressed to the Trimont City Council and shall include a copy of the billing and the grounds for the appeal. The Trimont City Council may excuse or modify the service fee upon a finding that a responsible person or persons had made a good faith effort to remedy the situation or that the nuisance event was not the fault of the person or persons filing the appeal.

Thomas Eckmann
Mayor

ATTEST:

Melissa Flohrs
City Clerk

Introduced: May 20, 2013
Adopted: June 17, 2013
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