Sec. 34.24. - Excessive consumption of city services.

(1) *Council findings.* The city council finds that some property owners take little or no responsibility for the maintenance of their property until the city, through its various inspections programs, has repeatedly ordered them to remedy violations of the property maintenance chapters of the Saint Paul Legislative Code. Such property owners create excessive costs for the city which are over and above the normal cost of providing inspection services city-wide. Property owners who must repeatedly be ordered to remedy code violations on their property consume an unacceptable and disproportionate share of limited city resources. Therefore, it is the intent of the city council, by the adoption of this section, to impose and collect the costs associated with reinspections and the excessive consumption of city inspection services. The collection of such costs for certain properties shall be by assessment against the real property requiring such excessive inspection or reinspection services, pursuant to Minnesota Statutes, Section 429.101, and chapter 14 of the Saint Paul City Charter.

(2) *Definitions.* For the purpose of this chapter, the terms defined in this section shall have the meanings ascribed to them:

*Excessive initial inspection* means an inspection and observation of a new violation by an enforcement officer at a specific property address after an enforcement officer has conducted two (2) prior initial inspections within a twelve-month period and found violations of the Saint Paul Legislative Code under the jurisdiction of the department of safety and inspections, where the owner was notified in writing pursuant to section 34.24(3).

*Excessive inspection services fee* means the fee to be imposed for a reinspection or excessive initial inspection. The fee shall include, but not be limited to: the pro rata salaries of enforcement officers performing inspections of the subject property; the pro rata cost of equipment, materials and all other overhead costs used during inspection of the subject property, including ownership searches and administrative and clerical costs; and the costs of any medical treatment of enforcement officers injured as a result of these inspections.

*Reinspection* means that an enforcement officer has conducted an inspection of the premises based upon a complaint or otherwise had occasion to view the premises and observed a violation of any provision of the St. Paul Legislative Code under the jurisdiction of the department of safety and inspections issued a written notice of the violation(s), and reinspected the premises to determine compliance with the notice and found noncompliance.

(3) *Initial inspection by enforcement officer; written notice.*

a. *Written notice of violations.* When an enforcement officer conducts an initial inspection of a premises and determines that violations of the provisions of the legislative code under the jurisdiction of the department of safety and inspections exist, the enforcement officer shall, in

addition to any other action the enforcement officer may undertake, serve written notice of the violation in conformance with the requirements set forth in section 34.21 of this chapter.

b. *Notice for collection of reinspection costs and excessive initial inspection costs.* If the enforcement officer intends to collect the city costs for reinspections and excessive initial inspections, then the written notice provided for in sections 34.24.(3)(a) and 34.21 must also:

1. State that if the violations are not corrected within the time period or periods required in the notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner or owners rather than being paid by the taxpayers of the city; and
2. State that if additional new violations of the legislative code under the jurisdiction of the department of safety and inspections are discovered by enforcement officers within the next following twelve (12) months, the city's costs in conducting any additional inspections at the same location within such twelve (12) months will be collected from the owner or owners rather than being paid by the taxpayers of the city; and
3. State that such future costs will be collected by assessment against the real property.

(4) *Excessive consumption of inspection services, fee and liability.*

a. The city shall be entitled to collect its costs of enforcement from a property owner who consumes either reinspection services or excessive initial inspection services. An excessive consumption of either reinspections or excessive initial inspection services occurs after:

1. Written notice of a violation is served under section 34.24.(3) following an initial inspection; and
2. One additional initial inspection is performed at the same location within a consecutive twelve-month period after the first initial inspection for which a notice of violation was served; and
3. During each of the two initial inspections under subparagraph (3), the enforcement officer finds violations of the Saint Paul Legislative Code under the jurisdiction of the department of safety and inspections which are new violations; or
4. Written notice of a violation is served under section 34.24.(3) following an initial inspection; and
5. The enforcement officer conducts an inspection after the due date for compliance on the notice and determines that the violation still exists.

b. A flat fee of one hundred thirty-four dollars ($134.00) may be charged for each inspection under the circumstances described under section 34.24(4).

c.

No fee under section 34.24.(4)(a) shall be charged where the city has issued a written notice pursuant to section 34.24.(3) but has abated the violation under section 45.10 or 45.11 of the Saint Paul Legislative Code and assessed the costs of such abatement under section 45.11.1 of the Saint Paul Legislative Code.

d. The amount of the excessive consumption of inspection services fee shall be a debt owed to the city and shall be collected by special assessment under the authority in Minnesota Statutes, Section 429.101 and the Charter by the procedure outlined in Chapter 60 of the Saint Paul Administrative Code.

e. Action under this section does not preclude any other civil or criminal enforcement procedure.

(C.F. No. 05-740, § 1, 9-14-05; C.F. No. 07-149, § 9, 3-28-07; C.F. No. 09-678, § 1, 7-22-09; Ord 12-58, § 1, 10-24-12; Ord 16-58, § 1, 1-4-17; Ord 21-57, § 2, 12-22-21; Ord 23-9, § 2, 1-18-23)