

CITY COUNCIL WORK SESSION
April 11, 2023
IMMEDIATELY FOLLOWING THE REGULAR MEETING OF REDA
Robbinsdale City Hall
4100 Lakeview Avenue North

A G E N D A

1. CITY COUNCIL SPECIAL WORK SESSION CALLED TO ORDER BY MAYOR PRO TEM
2. ROLL CALL: Mayor Pro Tem Wagner, Blonigan, Murphy, Parisian, Webb
3. Discussion: Annual Update – Municipal Liquor Store (no attachment)
4. Discussion: Narcan (pg 2-3)
5. Discussion: Unmanned Aerial Vehicle (UAV or drone policy update) (pg.4-34)
 1. RPD Policy
 2. UAV MN Statute
 3. Public Feedback
6. Discussion: Rental License Discussion (35-37)
7. Discussion: Leasing Downtown Plaza (no attachment)
8. Staff Updates
 - a. Other
9. Council Updates
 - a. Other
10. ADJOURNMENT



TO: Mayor and City Council

FROM: Tim Sandvik, City Manager

DATE: April 11, 2023

RE: Unmanned Aerial Vehicle (UAV or drone) program

Analysis:

The Robbinsdale Police Department anticipates implementing an Unmanned Aerial Vehicle (UAV or drone) program. Technological advancements within the past several years related to UAVs have greatly increased. Public safety agencies across the country are beginning to see the benefits of the remote viewing capabilities of commercially available systems. Already, over 93 agencies throughout the State are utilizing active UAV programs.

The Robbinsdale Police Department has continually identified more reasons in which a UAV program can not only be beneficial for police services but aiding the Fire, Public Works, and Engineering Departments. Implementing a UAV program may also aid the police department with recruitment and retention efforts.

State Statute addresses authorized uses of a UAS, limitations on use, documentation requirements, data classification and retention, public comment, written policies and procedures required, notice of disclosure of a UAV with a warrant, and the mandatory reporting requirements to the BCA.

Council was introduced to the policy on March 14, 2023 at the Council Work Session. One of the requirements for implementation of a UAV program by the Minnesota Legislation is public comment. Staff advertised and accepted public comment through April 6th, 2023 (additional comment received, through April 13th, 2023). Law enforcement agencies must provide an opportunity for public comment before purchase or use of a UAV. At a minimum, the agency must accept public comments submitted electronically or by mail. The governing body with jurisdiction over the budget of a local law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting. RPD seeks to engage the community through multiple communication paths.



A handwritten signature in black ink, appearing to read "T. Sandvik", is positioned above a horizontal line.

Tim Sandvik, City Manager



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Attachments (3)
Robbinsdale Police Department Policy
Minnesota Statutes 629.19 Use of Unmanned Aerial Vehicles
Public Comments



A handwritten signature in black ink, appearing to read "T. Sandvik", is positioned above a horizontal line.

Tim Sandvik, City Manager

Robbinsdale Police Department

Policy Manual

Unmanned Aerial Vehicle (UAV) Operations

606.1 PURPOSE AND SCOPE

The purpose of the unmanned aerial vehicle (UAV) is to enhance the City's ability to provide enhanced services to the community in a cost and time efficient manner. This policy establishes guidelines for the use of an UAV and for the storage, retrieval, and dissemination of images and data captured by the UAV (Minn. Stat. § 626.19).

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial Vehicle (UAV) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (also referred to as an unmanned aerial system (UAS, or Drone), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Minn. Stat. § 626.19).

Pilot - A member of the Robbinsdale Police Department who is trained, certified and authorized to exercise control over a UAV during flight

Observer - A member of the Robbinsdale Police Department or any other law enforcement agency who will act as an observer of the UAV while in flight.

606.2 POLICY

A UAV may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAV will be in strict accordance with Minn. Stat. § 626.19, constitutional privacy rights, search and seizure regulations, and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAV potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAV program. The program coordinator will ensure that policies and

procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Non-police deployments of a UAV shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAV.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAV, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for conducting criminal investigations involving a UAV, including documentation of time spent monitoring a subject.
- Developing an operational protocol governing the deployment and operation of a UAV, including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions in accordance with Minn. Stat. § 626.19
- Developing a UAV inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAV, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAV.
- Developing protocols for reviewing and approving requests for use of the department UAV by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the department policies and procedures regarding the use of UAV on the department website, as applicable (Minn. Stat. § 626.19).
- Reviewing the program for compliance with Minn. Stat. § 626.19.

606.5 USE OF UAV

Only authorized pilots who have completed the required training and obtained the proper certification shall be permitted to operate the UAV. A UAV may be used to assist with other government or civilian entities including, but not limited to Robbinsdale Public Works, Robbinsdale Fire Department or the Engineering Department with prior approval by the Chief of Police.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

Unmanned Aerial System (UAV) Operations

A UAV may be used to assist with life preservation missions including barricaded subjects, hostage situations, active shooters, to assist in locating potentially armed and dangerous fleeing suspects, high-risk search warrants, and rescue events.

UAV operations may be conducted during daytime or nighttime hours as permitted through the department's Certificate of Waiver or Authorization (COA, form 77 11-1, authorization from the FAA). A UAV should not be flown over populated areas without FAA approval, unless exigent circumstances exist.

The pilot shall complete a pre-flight inspection and test UAV equipment prior to each pilot's shift to verify the proper functioning of all equipment and the airworthiness of the device.

The pilot will complete an incident or supplement report for each law enforcement deployment of the UAV. The report will include information including reason for the flight, date, time, location, summary of the activities covered, actions taken, outcome of the deployment, and any data collected by the UAV (e.g. video/audio recording collected).

A master flight log will be maintained for all department UAV activity. Each pilot is required to record information regarding each individual flight on the flight log, including training operations. This flight log must be kept in accordance with FAA rules and regulations and department policy.

Members shall not use a UAV without a search warrant, except (Minn. Stat. § 626.19):

- a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
- b) Over a public event where there is a heightened risk to the safety of participants or bystanders.
- c) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- d) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- e) To conduct a threat assessment in anticipation of a specific event.
- f) To collect information from a public area if there is reasonable suspicion of criminal activity.
- g) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- h) Over a public area for officer training or public relations purposes.
- i) For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.

Any use of the Robbinsdale UAV at the request of another law enforcement agency shall only occur in accordance with Robbinsdale policy and applicable laws, and the operation of the UAV must be done by Robbinsdale employees.

606.5.1 DOCUMENTATION REQUIRED

Each use of a UAV should be properly documented by providing the following (Minn. Stat. § 626.19):

- a) A unique case number

- b) A factual basis for the use of a UAV
- c) The applicable exception, unless a warrant was obtained

606.6 PROHIBITED USE

The UAV video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- The UAV shall not be weaponized (Minn. Stat. § 626.19).

606.6.1 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAV shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAV shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

606.7 CLASSIFICATION OF AND RETENTION OF UAV DATA

In accordance with Minnesota Statutes, Section 626.19, subd. 6, data collected by a UAV are private data on individuals or nonpublic data, subject to the following:

- If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy;
- UAV data may be disclosed as necessary in an emergency situation under Minn. Stat. § 626.19, subd. 3(1);
- UAV data may be disclosed to the government entity making a request for UAV use under Minn. Stat. § 626.19, subd. 3(9);
- UAV data that are criminal investigative data are governed by Minn. Stat. § 13.82, subd. 7; and
- UAV data that are not public data under other provisions of chapter 13 retain that classification.

Pursuant to Minn. Stat. § 626.19, subd. 6(b), the Tennessee Warning requirement under Minn. Stat. § 13.04, subd. 2 does not apply to data collected by a UAV.

The Records Section supervisor shall ensure that data collected by the UAV is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

626.19 USE OF UNMANNED AERIAL VEHICLES.

Subdivision 1. **Application; definitions.** (a) This section applies to unmanned aerial vehicle data collected, created, or maintained by a law enforcement agency and to law enforcement agencies that maintain, use, or plan to use an unmanned aerial vehicle in investigations, training, or in response to emergencies, incidents, and requests for service. Unmanned aerial vehicle data collected, created, or maintained by a government entity is classified under chapter 13.

(b) For purposes of this section, the following terms have the meanings given:

(1) "government entity" has the meaning given in section 13.02, subdivision 7a, except that it does not include a law enforcement agency;

(2) "law enforcement agency" has the meaning given in section 626.84, subdivision 1;

(3) "unmanned aerial vehicle" or "UAV" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft; and

(4) "terrorist attack" means a crime that furthers terrorism as defined in section 609.714, subdivision 1.

Subd. 2. **Use of unmanned aerial vehicles limited.** Except as provided in subdivision 3, a law enforcement agency must not use a UAV without a search warrant issued under this chapter.

Subd. 3. **Authorized use.** A law enforcement agency may use a UAV:

(1) during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;

(2) over a public event where there is a heightened risk to the safety of participants or bystanders;

(3) to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;

(4) to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters;

(5) to conduct a threat assessment in anticipation of a specific event;

(6) to collect information from a public area if there is reasonable suspicion of criminal activity;

(7) to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;

(8) over a public area for officer training or public relations purposes; and

(9) for purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use.

Subd. 4. **Limitations on use.** (a) A law enforcement agency using a UAV must comply with all Federal Aviation Administration requirements and guidelines.

(b) A law enforcement agency must not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.

(c) A law enforcement agency must not equip a UAV with weapons.

(d) A law enforcement agency must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under subdivision 3.

Subd. 5. Documentation required. A law enforcement agency must document each use of a UAV, connect each deployment to a unique case number, provide a factual basis for the use of a UAV, and identify the applicable exception under subdivision 3 unless a warrant was obtained.

Subd. 6. Data classification; retention. (a) Data collected by a UAV are private data on individuals or nonpublic data, subject to the following:

(1) if the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy;

(2) UAV data may be disclosed as necessary in an emergency situation under subdivision 3, clause (1);

(3) UAV data may be disclosed to the government entity making a request for UAV use under subdivision 3, clause (9);

(4) UAV data that are criminal investigative data are governed by section 13.82, subdivision 7; and

(5) UAV data that are not public data under other provisions of chapter 13 retain that classification.

(b) Section 13.04, subdivision 2, does not apply to data collected by a UAV.

(c) Notwithstanding section 138.17, a law enforcement agency must delete data collected by a UAV as soon as possible, and in no event later than seven days after collection unless the data is part of an active criminal investigation.

Subd. 7. Evidence. Information obtained or collected by a law enforcement agency in violation of this section is not admissible as evidence in a criminal, administrative, or civil proceeding against the data subject.

Subd. 8. Remedies. In addition to any other remedies provided by law, including remedies available under chapter 13, an aggrieved party may bring a civil action against a law enforcement agency to prevent or remedy a violation of this section.

Subd. 9. Public comment. A law enforcement agency must provide an opportunity for public comment before it purchases or uses a UAV. At a minimum, the agency must accept public comments submitted electronically or by mail. The governing body with jurisdiction over the budget of a local law enforcement agency must provide an opportunity for public comment at a regularly scheduled meeting.

Subd. 10. Written policies and procedures required. Prior to the operation of a UAV, the chief officer of every state and local law enforcement agency that uses or proposes to use a UAV must establish and enforce a written policy governing its use, including requests for use from government entities. In developing and adopting the policy, the law enforcement agency must provide for public comment and input as described in subdivision 9. The written policy must be posted on the agency's website, if the agency has a website.

Subd. 11. Notice; disclosure of warrant. (a) Within a reasonable time but not later than 90 days after the court unseals a warrant under this subdivision, the issuing or denying judge shall cause to be served on the persons named in the warrant and the application an inventory that shall include notice of:

(1) the issuance of the warrant or application;

(2) the date of issuance and the period of authorized, approved, or disapproved collection of information, or the denial of the application; and

(3) whether information was or was not collected during the period.

(b) A warrant authorizing collection of information with a UAV must direct that:

(1) the warrant be sealed for a period of 90 days or until the objective of the warrant has been accomplished, whichever is shorter; and

(2) the warrant be filed with the court administrator within ten days of the expiration of the warrant.

(c) The prosecutor may request that the warrant, supporting affidavits, and any order granting the request not be filed. An order must be issued granting the request in whole or in part if, from affidavits, sworn testimony, or other evidence, the court finds reasonable grounds exist to believe that filing the warrant may cause the search or a related search to be unsuccessful, create a substantial risk of injury to an innocent person, or severely hamper an ongoing investigation.

(d) The warrant must direct that, following the commencement of any criminal proceeding using evidence obtained in or as a result of the search, the supporting application or affidavit must be filed either immediately or at any other time as the court directs. Until the filing, the documents and materials ordered withheld from filing must be retained by the judge or the judge's designee.

Subd. 12. Reporting. (a) By January 15 of each year, each law enforcement agency that maintains or uses a UAV shall report to the commissioner of public safety the following information for the preceding calendar year:

(1) the number of times a UAV was deployed without a search warrant issued under this chapter, identifying the date of deployment and the authorized use of the UAV under subdivision 3; and

(2) the total cost of the agency's UAV program.

(b) By June 15 of each year, the commissioner of public safety shall compile the reports submitted to the commissioner under paragraph (a), organize the reports by law enforcement agency, submit the compiled report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over data practices and public safety, and make the compiled report public on the department's website.

(c) By January 15 of each year, a judge who has issued or denied approval of a warrant under this section that expired during the preceding year shall report to the state court administrator:

(1) that a warrant or extension was applied for;

(2) the type of warrant or extension applied for;

(3) whether the warrant or extension was granted as applied for, modified, or denied;

(4) the period of UAV use authorized by the warrant and the number and duration of any extensions of the warrant;

(5) the offense specified in the warrant or application or extension of a warrant; and

(6) the identity of the law enforcement agency making the application and the person authorizing the application.

(d) By June 15 of each year, the state court administrator shall submit to the chairs and ranking minority members of the senate and house of representatives committees or divisions having jurisdiction over data practices and public safety and post on the supreme court's website a full and complete report concerning the number of applications for warrants authorizing or approving use of UAVs or disclosure of information from the use of UAVs under this section and the number of warrants and extensions granted or denied under this section during the preceding calendar year. The report must include a summary and analysis of the data required to be filed with the state court administrator under paragraph (c).

History: 2020 c 82 s 5

NOTE: This section, as added by Laws 2020, chapter 82, section 5, is effective August 1, 2020, provided that the chief law enforcement officers adopt the written policy required under subdivision 10 no later than February 15, 2021. Laws 2020, chapter 82, section 5, the effective date.

Tim Sandvik

From: Andrew Reitz <aj.reitz@gmail.com>
Sent: Friday, March 24, 2023 11:50 AM
To: Tim Sandvik
Subject: UAV Public Comment

EXTERNAL EMAIL ALERT:

This message originated from outside the City of Robbinsdale email system. Unless you recognize the sender and know the content, **DO NOT** click links or open attachments.

Dear Tim,

I am writing to express my concerns regarding the use of taxpayer money for unmanned aerial vehicles (UAVs) by the police, as well as the potential privacy violations that may result from their use.

As a taxpayer, I do not want my hard-earned money going towards the purchase and maintenance of UAVs for the police. In my opinion, there are more pressing issues that require our tax dollars, such as improving education, healthcare, and infrastructure.

Moreover, I am deeply concerned about the privacy violations that may occur as a result of police use of UAVs. I believe that the use of these vehicles could lead to excessive and unwarranted surveillance of innocent citizens. Given recent revelations about police misconduct and abuse of power, I do not trust the police to use these vehicles in a responsible and ethical manner.

Therefore, I urge you to reconsider the decision to allocate taxpayer funds for the purchase and use of UAVs by the police. I believe that this is an unnecessary expense that may lead to violations of our privacy rights and a further erosion of our trust in law enforcement.

Thank you for your attention to this matter.

Sincerely,

Andrew Reitz

Tim Sandvik

From: Kristi Roby <kristi.robby@gmail.com>
Sent: Friday, March 24, 2023 12:17 PM
To: Tim Sandvik
Subject: UAV Public Commemt

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Dear Tim,

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As a taxpayer, I do not want my money going towards the purchase and maintenance of UAVs. My tax money should be spent on issues that would better the community, such as education, healthcare, and infrastructure.

I am also deeply concerned about the privacy violations that will likely occur as a result of police use of UAVs. These vehicles could lead to excessive and unwarranted surveillance of innocent citizens. Given recent revelations about police misconduct and abuse of power, I do not trust the police to use these vehicles in a responsible and ethical manner.

I urge you to reconsider the decision to allocate taxpayer funds for the purchase and use of UAVs by the police. I believe that this is an unnecessary expense that will lead to violations of our privacy rights, damage to our community, and a further erosion of our trust in law enforcement.

Thank you for your attention to this matter.

Sincerely,
Kristina Roby

Tim Sandvik

From: Scherer, Wendy A <wendy_scherer@uhc.com>
Sent: Saturday, March 25, 2023 8:03 AM
To: Tim Sandvik
Subject: UAV policy comment

EXTERNAL EMAIL ALERT:

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Needs to say "only applies to police" or something like that. I was very confused for the first few paragraphs thinking I had to be a police officer to fly a drone.

Thanks,
Wendy Scherer
3974 Lake Curve Ave.

This e-mail, including attachments, may include confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If the reader of this e-mail is not the intended recipient or intended recipient's authorized agent, the reader is hereby notified that any dissemination, distribution or copying of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by replying to this message and delete this e-mail immediately.

Tim Sandvik

From: David Schlenk <david@schdav.org>
Sent: Monday, March 27, 2023 11:29 AM
To: Tim Sandvik
Subject: Comments on UAV Policy

EXTERNAL EMAIL ALERT:

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See attached. I understand the usefulness and efficiency of such a device but there should be a higher level of definition provided for the exception clauses in my opinion. Thanks,



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David Schlenk
3745 Lee Ave N

Robbinsdale Police Department Policy Manual

Unmanned Aerial Vehicle (UAV) Operations

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Unmanned Aerial System (UAV) Operations

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The pilot shall complete a pre-flight inspection and test UAV equipment prior to each pilots shift to verify the proper functioning of all equipment and the airworthiness of the device.

The pilot will complete an incident or supplement report for each law enforcement deployment of the UAV. The report will include information including reason for the flight, date, time, location, summary of the activities covered, actions taken, outcome of the deployment, and any data collected by the UAV (e.g. video/audio recording collected).

A master flight log will be maintained for all department UAV activity. Each pilot is required to record information regarding each individual flight on the flight log, including training operations. This flight log must be kept in accordance with FAA rules and regulations and department policy.

Members shall not use a UAV without a search warrant, except (Minn. Stat. § 626.19):

- a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person. *this is too broad & open to interpretation*
- b) Over a public event where there is a heightened risk to the safety of participants or bystanders.
- c) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- d) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- e) To conduct a threat assessment in anticipation of a specific event. *please either cite a standard of*
- f) To collect information from a public area if there is reasonable suspicion of criminal *reasonable suspicion or* activity. *define it in this doc.*
- g) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- h) Over a public area for officer training or public relations purposes.
- i) For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.

Any use of the Robbinsdale UAV at the request of another law enforcement agency shall only occur in accordance with Robbinsdale policy and applicable laws, and the operation of the UAV must be done by Robbinsdale employees.

606.5.1 DOCUMENTATION REQUIRED

Each use of a UAV should be properly documented by providing the following (Minn. Stat. § 626.19):

- a) A unique case number

Unmanned Aerial System (UAV) Operations

- b) A factual basis for the use of a UAV
- c) The applicable exception, unless a warrant was obtained

606.6 PROHIBITED USE

The UAV video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- The UAV shall not be weaponized (Minn. Stat. § 626.19).

606.6.1 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAV shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAV shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

606.7 CLASSIFICATION OF AND RETENTION OF UAV DATA

In accordance with Minnesota Statutes, Section 626.19, subd. 6, data collected by a UAV are private data on individuals or nonpublic data, subject to the following:

- If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy;
- UAV data may be disclosed as necessary in an emergency situation under Minn. Stat. § 626.19, subd. 3(1);
- UAV data may be disclosed to the government entity making a request for UAV use under Minn. Stat. § 626.19, subd. 3(9);
- UAV data that are criminal investigative data are governed by Minn. Stat. § 13.82, subd. 7; and
- UAV data that are not public data under other provisions of chapter 13 retain that classification.

Pursuant to Minn. Stat. § 626.19, subd. 6(b), the Tennessean Warning requirement under Minn. Stat. § 13.04, subd. 2 does not apply to data collected by a UAV.

The Records Section supervisor shall ensure that data collected by the UAV is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

Tim Sandvik

From: Jill Brenna <jbrenna64@gmail.com>
Sent: Thursday, March 30, 2023 4:52 PM
To: Tim Sandvik
Subject: Unmanned Aerial Vehicle Policy

Follow Up Flag: FollowUp
Flag Status: Completed

EXTERNAL EMAIL ALERT:

This message originated from outside the City of Robbinsdale email system. Unless you recognize the sender and know the content, **DO NOT** click links or open attachments.

Hello Mr. Sandvik

I am writing in opposition to the City of Robbinsdale, Inc's plan to add unmanned aerial drones to our police inventory. I do not approve of additional avenues of surveillance being added to the police force. The smart meter surveillance is bad enough. I do not consent.

Thank you
Jill Brenna (c)

Tim Sandvik

From: Andy Fischer <awfisch@gmail.com>
Sent: Wednesday, April 5, 2023 11:02 AM
To: Tim Sandvik
Subject: Critique of the Proposed Municipal Policy for Unmanned Aerial Vehicle (UAV) Operations

Follow Up Flag: FollowUp
Flag Status: Completed

EXTERNAL EMAIL ALERT:

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To whom it may concern,

I am writing to express my concerns regarding the proposed municipal policy for UAVs and drones in Robbinsdale. As a concerned citizen, I believe that this policy is unnecessary, redundant to Minnesota state laws, detrimental to local businesses, and an encroachment on citizens' liberties.

First, the policy is unnecessary as Minnesota state laws already provide comprehensive guidelines for UAV and drone operations. The proposed policy, in many instances, reiterates existing state law (Minn. Stat. § 626.19), which already covers privacy, surveillance, and data collection, among other issues. By adopting this policy, the Robbinsdale City Council would be duplicating efforts, resulting in an inefficient use of resources and time.

Second, the policy is redundant as it aligns too closely with Minnesota state laws. For example, the policy outlines the same privacy provisions, restrictions on surveillance activities, and data classification as Minn. Stat. § 626.19. Consequently, this redundancy may create confusion for drone operators and law enforcement officials who must navigate multiple layers of regulation.

Moreover, the proposed policy could negatively impact local businesses that rely on UAV and drone technology for various operations such as aerial photography, surveying, and inspections. By imposing additional regulations and bureaucratic requirements, businesses may face higher compliance costs and burdensome paperwork, ultimately stifling innovation and economic growth within Robbinsdale.

Furthermore, the policy constitutes an encroachment on citizens' liberties, specifically their freedom to easily fly drones for personal enjoyment and educational opportunities. The proposed policy, with its stringent regulations and bureaucratic requirements, could discourage hobbyists and educators from engaging in recreational drone flying or integrating drone technology into educational programs. These activities not only offer a source of entertainment but also help cultivate interest in science, technology, engineering, and mathematics (STEM) fields, which are vital to the future growth and development of our community.

In conclusion, I urge the Robbinsdale City Council to reconsider the adoption of this proposed municipal policy for UAVs and drones. Instead, the Council should focus on collaborating with relevant stakeholders to ensure that existing state laws are effectively implemented and enforced, while fostering a supportive environment for local businesses and

preserving the liberties of Robbinsdale's citizens.

Thank you for your attention to this matter. I hope you take my concerns into account when making a decision on this policy.

Sincerely,

Andrew Fischer
Robbinsdale Citizen

Tim Sandvik

From: Nicholas Heid <heidx022@d.umn.edu>
Sent: Wednesday, April 5, 2023 8:50 PM
To: Tim Sandvik
Subject: I am against Robbinsdale police use of UAV's

Follow Up Flag: Follow up
Flag Status: Completed

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There aren't enough written limits on the use of the drone. They should only be used with a warrant attached, end of story.

The policy manual outlines many different ways to use the drone that **any** situation could call for. This allows police to essentially use the UAV indiscriminately and without restriction. The public does not need an officer flying around cameras invading privacy, videotaping everything that happens in the city. There aren't real "threat assessments" in this city. Police don't need to "collect information for potential criminal activity". This language is Cop speak for "it captures video".

This disturbs peace (noise, feeling like someone is monitoring you, threatening others). This is not regulated for discrimination or bias like officer stops/visits are. Limit the language in the policy to ONLY be used when there is a warrant issued by a judge.

Here are some concerning policies that should be deleted:
quoting police manual

Members shall not use a UAV without a search warrant, except (Minn. Stat. § 626.19):

- e) To conduct a threat assessment in anticipation of a specific event.
- f) To collect information from a public area if there is reasonable suspicion of criminal activity.
- h) Over a public area for officer training or public relations purposes.

These four points are all concerning to me and I believe should be removed. Again, the police should only use this device if there is a judge issued warrant - no other times!

Also; if these UAV's are used, their video recordings should be released to the public after each flight, even training flights. This isn't a toy for our police department to goof around with.

Nick

--

Nick Heid

Robbinsdale Spanish Immersion

Univ. of Minnesota - M.Ed.

Phone - 763-360-9127

Tim Sandvik

From: Jonathan Healy <jonathanhealy@gmail.com>
Sent: Thursday, April 6, 2023 12:41 AM
To: Tim Sandvik
Subject: Public feedback on Draft Unmanned Aerial Vehicle Policy

Follow Up Flag: FollowUp
Flag Status: Completed

EXTERNAL EMAIL ALERT:

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Greetings,

I have reviewed the draft policy, and while the language prohibiting the use of unmanned aerial vehicles to target people based on protected status and prohibiting weaponization are good, the scenarios under which a UAV can be used without a warrant are overly broad. We need to make a distinction between something being permissible under state law and what will benefit our community. I have personally spoken with various people of color living in Robbinsdale over the past year who feel racially profiled or outright harassed by RPD. Robbinsdale is also referred to as a "Sundown town", meaning that people of color do not feel safe being in or driving through Robbinsdale after dark. This policy and use of UAVs could further erode the trust the public has in RPD to protect and serve ALL of the public.

More transparency and accountability are needed from RPD, especially before we give them more power and methods. Specifically, I am calling for an independent citizen advisory board and a public searchable database of police misconduct records and trainings.

An independent civilian advisory board should oversee complaints against the RPD, determine whether or not circumstances call for discipline, and perform audits to ensure that best practices are followed.

A database of police misconduct records and trainings should be publicly available online, should be sortable, should be searchable, provide information about complaints made, disciplinary actions taken, and the reasoning for action or inaction. Law enforcement misconduct records are allowed to be open to the public under Minnesota's Public Record Laws, and the state currently has a record of peace officer license revocations in PDF format. There are examples of the searchable database I am calling for elsewhere, such as in Illinois, New York, and an excellent one in Alberta, Canada: <https://www.policemisconductdatabase.ca/database/>

We have the opportunity to lead the state in transparency and accountability, and doing so will help build trust that it is 'better in Birdtown' for ALL of us.

Thank you,
Jonathan Hansen

Tim Sandvik

From: Kate Richardson <everafter1.mpls@hotmail.com>
Sent: Friday, March 24, 2023 11:32 AM
To: Patrick Foley
Subject: Drone

EXTERNAL EMAIL ALERT:

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Hi Patrick,

I see the city is considering a Drone for the PD.

I fully support it for the pd.

What I want to know is the use by the other entries. The way the city wrote the policy sounds like a free for all use by anyone in the city who becomes trained and wants to snoop around. - this is concerning.

What I am wondering is, do I understand this right? That you will grant permission if requested to lend this out to anyone in the city for government use?

I know law enforcement has laws and regulations on privacy and they follow them.

The city government on the other hand does not even follow the law now on privacy. They enter and trespass on people's properties for code compliance searches without any administrative warrants which I know is not legal. I have talked to them about this and they seem to think its legal and ok to enter people's backyards and take pictures of things not visible from the street or public view. I believe the code compliance, targets some people more than others unfairly.

So my concern is they ask to borrow it from you and then take it around to conduct Aerial searches for dumb stuff like unlicensed dogs or look for chipping paint to cite people.

Would they be able to do that or do they need to follow laws like police do for searches and surveillance? This is not clear in the draft policy if they have to follow the process like police or they can use this as a tool to just do aerial searches on properties whenever they want.

Sorry for bothering you with this, I just don't know who to ask about this.

Thank you,
Kate
612-578-1126

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Tim Sandvik

From: Tim Sandvik
Sent: Thursday, April 6, 2023 2:03 PM
To: 'John Keller'
Subject: RE: UAV policy questions

Makes sense.

Thanks for staying engaged, John.

Tim Sandvik
City Manager – City of Robbinsdale
763. 531.1258 (direct)



From: John Keller <jkeller@kellerjohn.com>
Sent: Thursday, April 6, 2023 1:40 PM
To: Tim Sandvik <TSandvik@CI.ROBBINSDALE.MN.US>
Subject: Re: UAV policy questions

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And also I don't really have an issue with the UAV, if it helps the Police, great.

Just mostly curious to learn more about the UAV, thanks for all the info.

On Thu, Apr 6, 2023 at 1:38 PM John Keller <jkeller@kellerjohn.com> wrote:

You can include our exchange for the work session.

And thanks for the link to the state statute, I will check that out!

On Thu, Apr 6, 2023 at 10:30 AM Tim Sandvik <TSandvik@ci.robbinsdale.mn.us> wrote:

Quick follow up –

Your message will be included in City Council packet materials for the April 11th work session and April 18th City Council meeting (unless you provide direction that you prefer our exchange is not included – please let me know ASAP).

If you have further questions, comments, or concerns, please let me know.

Best,

Tim Sandvik

City Manager – City of Robbinsdale

763. 531.1258 (direct)



From: Tim Sandvik
Sent: Thursday, April 6, 2023 10:29 AM
To: 'John Keller' <jkeller@kellerjohn.com>
Subject: RE: UAV policy questions

Thanks for the clarification.

All operations will be defined by state statute. If you haven't had an opportunity to review, the following shares guidelines: <https://www.revisor.mn.gov/statutes/cite/626.19>

Specifically, Subd 12 includes guidance for reporting.

Tim Sandvik

City Manager – City of Robbinsdale

763. 531.1258 (direct)



From: John Keller <jkeller@kellerjohn.com>
Sent: Thursday, April 6, 2023 7:47 AM
To: Tim Sandvik <TSandvik@CI.ROBBINSDALE.MN.US>
Subject: Re: UAV policy questions

EXTERNAL EMAIL ALERT:

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Hi Tim,

Yes. That's what I was wondering, if there is an additional body or organization that reviews the UAV footage.

On Wed, Apr 5, 2023, 8:46 PM Tim Sandvik <TSandvik@ci.robbinsdale.mn.us> wrote:

Mr. Keller

Thanks for reaching out.

I'm not sure what your first question is asking. To clarify – are you asking if there is an additional body or organization that reviews use of a UAV?

Any data collected by a UAV would be subject to Data Practice(s) law.

Please let me know if there are other questions, comments, or concerns that I can respond to.

Tim Sandvik

City Manager – City of Robbinsdale

763. 531.1258 (direct)

From: John Keller <jkeller@kellerjohn.com>
Sent: Wednesday, April 5, 2023 3:25 PM
To: Tim Sandvik <TSandvik@CI.ROBBINSDALE.MN.US>
Subject: UAV policy questions

EXTERNAL EMAIL ALERT:

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Hi Mr. Sandvik,

My name is John Keller and I am a Ward 2 resident over by Sanborn Park.

With regards to the UAV Policy.

The questions I have are;

1) Who will be the 'watch-dog', per say, to ensure the UAV isn't being used nefariously and/or infringe on residents constitutional rights outside of the police department?

2) Will residents be able to view the UAV footage (excluding active investigations of course)?

Thanks!

--

John Keller
612-203-1435

--

John Keller
612-203-1435

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John Keller
612-203-1435

927.01. Repeat nuisance call service fee.**Subd. 1. 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 conduct, 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 service 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. It is not the City's intent to limit the rights of individuals to request police assistance for bona fide emergencies and victim-related crimes, including but not limited to calls related to domestic, spousal, or child abuse. The city shall not impose a repeat nuisance service call fee against an owner or occupant for a police response relating to such bona fide calls. (Amended, Ord. No. 21-12)

Subd. 2. Scope and application.

This section applies 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 applies to any repeat nuisance service call made by a city of Robbinsdale peace officer; part-time peace officer; community service officer; and/or code enforcement officers. (Amended, Ord. No. 21-12)

927.03. Definition of nuisance conduct.

For the purpose of this chapter "nuisance conduct" means conduct under any of the following statutes or ordinances occurring upon private property within the city, to which the city is required to respond:

- (a) Minn. Stat. § 609.75 through Minn. Stat. § 609.76, which prohibit gambling.
- (b) Laws relating to prostitution or acts relating to prostitution as defined in Minn. Stat. §§ 609.321, subd. 9 and 609.324, housing individuals engaged in prostitution.
- (c) Robbinsdale city code, section 2000 (drug abuse and control) or laws relating to the possession of and/or sales of controlled substances, as defined in Minn. Stat. §§ 152.01 et seq.
- (d) Robbinsdale city code, Chapter XII (sale, consumption and display of liquor and beer) or laws relating to the sale of intoxicating liquor as defined in Minn. Stat. §§ 340A.401, 340A.503, 340A.701, 340A.702, or 340A.703.
- (e) Robbinsdale city code, section 925 (firearms and weapons) or laws relating to unlawful use, possession, transportation, sale or use of a firearm as defined in Minn. Stat. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716.
- (f) Laws relating to murder and manslaughter as defined in Minn. Stat. §§ 609.185, 609.19, 609.195, 609.20, and 609.205.
- (g) Laws relating to assault (1st, 2nd, 3rd, 4th-assault on a police officer and 5th degree assault) as defined in Minn. Stat. §§ 609.221, 609.222, 609.223, 609.2231 and 609.224, excluding domestic assaults, spousal or child abuse.
- (h) Laws relating to criminal sexual conduct as defined in Minn. Stat. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451.
- (i) Laws which prohibit indecent exposure as defined in Minn. Stat. § 617.23.
- (j) Laws which prohibit theft as defined in Minn. Stat. § 609.52.
- (k) Laws which prohibit arson as defined in Minn. Stat. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632.

- (l) Laws which prohibit burglary as defined in Minn. Stat. § 609.582.
- (m) Laws which prohibit criminal damage to property as defined in Minn. Stat. § 609.595.
- (n) Laws which prohibit interference with a police officer as defined in Minn. Stat. § 609.50.
- (o) Laws which prohibit terroristic threats as defined in Minn. Stat. § 609.713.
- (p) Law relating to contributing to the need for protection or services or delinquency of a minor as defined in Minn. Stat. § 260C, et. seq.
- (q) Laws relating to owning, leasing, operating, managing, maintaining, or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house, as defined in Minn. Stat. § 609.33.
- (r) Robbinsdale city code, section 2000.07 (public nuisances).
- (s) Robbinsdale city code, section 605 (garbage and refuse).
- (t) Robbinsdale city code, section 915 (dog control, animals) and Minn. Stat. § 609.226 and Minnesota Statutes Chapter 347 relating to dangerous dogs.
- (u) Robbinsdale city code, section 1150 (fireworks) and Minn. Stat. § 624.20.
- (v) Robbinsdale city code, section 2005.15 (noise control).
- (w) Laws relating to disorderly conduct as defined in Minn. Stat. § 609.72.
- (x) Laws relating to false emergency calls and interference with emergency calls as defined in Minn. Stat. § 609.78.

(Amended, Ord. No. 21-12)

927.05. Repeat nuisance service call fee.

Subdivision 1. The city may impose a repeat nuisance service call fee upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on three or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct. The city may impose an administrative penalty pursuant to city code section 117 upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on five or more occasions within a period of 730 days in response to or for the abatement of nuisance conduct. The City may take additional adverse action related to rental licenses in accordance with Section 425 . (Amended, Ord. No. 15-05; Amended, Ord. No. 21-12)

Subd. 2. The repeat nuisance service call fee will be as set forth in the city’s fee schedule (appendix B of the city code, as amended). An additional amount may be imposed to reflect the salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing city equipment and property damaged as a result of the nuisance call, and the cost of any medical treatment of injured officers.

Subd. 3. A repeat nuisance service call fee imposed under this section will be deemed delinquent if it is not paid within ten calendar days after the city mails the billing statement for the fee. If said fee, or any portion thereof, is unpaid, then a late payment fee will also be charged per the schedule of fees as set forth on Appendix B. (Amended, Ord. No. 13-01)

927.07. Notice.

Subdivision 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 which are the basis for the fee. The written notice must:

Subd. 2. Identify the nuisance conduct that previously occurred on the property, and the dates of the previous nuisance conduct; and

Subd. 3. 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 the same nuisance conduct; and

Subd. 4. State that the city has the right to seek other legal remedies or actions for abatement of the nuisance conduct or compliance with the law; and (Amended, Ord. No. 21-12)

Subd. 5. Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address.

927.09. Right to appeal.

Subdivision 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.

Subd. 2. The owner or occupant upon whom the fee is imposed must request a hearing within ten 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 delivered to the city clerk. The hearing will occur within 14calendar 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 section, the right to a hearing is waived. (Amended, Ord. No.13-01)

Subd. 3. The hearing will be conducted by third-party designee 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 third-party designee will make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service fee. The third-party designee will serve the Findings of Fact and Conclusions upon the owner or occupant and the city clerk by U.S. Mail within five calendar days of the hearing. (Amended, Ord. No. 13-01; Amended, Ord. No. 21-12)

Subd. 4. The right to a hearing is waived if the appellants fail to appear at the scheduled hearing date, unless prior contact is made to the city clerk requesting reschedule at least 24 hours prior to the hearing. (Amended, Ord. No. 21-12)

Subd. 5. Upon waiver of the right to hearing under subdivision 2 or 4 or upon service of the hearing officer’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 ten calendar days of service in the manner required by Minnesota Rules of Civil Procedure or service by U.S. Mail upon the owner or occupant at the last known address. (Amended, Ord. No. 13-01; Amended, Ord. No. 21-12)

927.11. Legal remedies nonexclusive.

Nothing in this section 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.

927.13. Applicability of repeat nuisance service call fee.

The city may not impose a repeat nuisance service call fee against an owner or occupant for a police response relating to emergency assistance, including, but not limited to, domestic, spousal and child abuse.

927.15. Recovery of fee.

Subdivision 1. If a repeat nuisance service fee is not paid within 30 calendar days after the billing statement is sent by the city, it will constitute: (Amended, Ord. No. 13-01)

- (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.

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

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