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ORDINANCE 14 PENALTIES AND FEES

Section 14.01: PETTY MISDEMEANORS. All violations this City Code designates as a petty offense or petty misdemeanor shall be punishable by a fine up to Three Hundred (\$300) Dollars. The City Council may from time to time establish fines for particular offenses to be included in Appendix A.

Updated Section 14.01 on 1/4/06

Section 14.02: MISDEMEANORS. All violations this City Code designates as a misdemeanor shall be punishable by a fine up to One Thousand (\$1,000) Dollars and up to ninety (90) days in jail. The City Council may from time to time establish fines for particular offenses to be included in Appendix A.

Updated Section 14.02 on 1/4/06

Section 14.03: NO STATED PENALTY. If this City Code does not expressly provide a penalty for a Code violation, a violation of any rule or regulation adopted pursuant to this Code shall be a misdemeanor subject to the penalties in Section 14.02.

Section 14.04: PERMIT AND APPLICATION FEES. Appendix A of this City Code lists permit, application, connection, inspection and other types of fees or charges the City may assess regarding licensing or services. The City Council may change and amend these fees and charges by resolution as the Ordinance establishing the fee or charge provides. The City Clerk/Administrator shall amend Appendix A to reflect any changes in the charges or fees the City Council approves.

Section 14.05: PENALTIES FOR EACH OFFENSE. When this City Code provides a penalty or forfeiture for a violation, the penalty or forfeiture shall be for each violation.

Section 14.06: PAYMENT OF FINES AND PENALTIES. The Court or office receiving payment of all fines, forfeitures and penalties recovered for any violation of this City Code shall pay the amount into the City Treasury in the manner, time and proportion the law provides.

Section 14.07: ADMINISTRATIVE PENALTIES.

Subd. 1: Purpose. The City Council determines that there is a need for alternative methods of enforcing the City Code. While criminal fines and penalties have been the most frequent mechanism, there are certain negative consequences for the City and the accused. The delay in the criminal justice system does not ensure prompt resolution, citizens resent being labeled criminals for violating administrative regulations, the high burden of proof and potential incarceration are not appropriate for many Code violations, and the criminal process does not

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always regard City Code violations as important. As a result, the City Council finds the use of administrative citations and imposition of civil penalties is a legitimate and necessary alternative enforcement method, which will be in addition to any other legal remedy that may be pursued for Code violations.

Subd. 2: Administrative Offense. An administrative offense is a violation of any section of this Code when one performs an act prohibited, or fails to act when the failure is prohibited, and is subject to the penalties set forth in this Code and the City's penalty schedule.

Subd. 3: Notice. Any Police Officer, the Building Inspector or any designee by the City with authority to enforce this Code shall, upon determining that there has been a violation, notify the violator, person responsible for the violation, or in the case of a vehicular violation, attach notice of the violation to the vehicle. The notice shall state the nature, date, and time of the violation, the name of the official issuing the notice, the amount of the scheduled initial penalty and any applicable charges.

Subd. 4: Payment. Once a notice is given, the person responsible for the violation shall, within seven (7) days after the notice is issued, pay the penalty amount to the City Clerk/Administrator in person or by mail, and payment shall be an admission of the violation. A late charge established in Appendix A shall be imposed for each seven (7) days the penalty remains unpaid after the first seven (7) day period.

Subd. 5: Hearing Officer. The City Council shall be the Hearing Officer authorized to hear or determine a cause of controversy under this Section. The Hearing Officer is not a judicial officer but is a public officer as defined by Minnesota Statute 609.415, as amended, and is subject to Minnesota Statutes relating to public officers.

Subd. 6: Hearing. Any person contesting an administrative offense under this Section may request, within seven (7) days after the notice is issued, to be heard by the Hearing Officer who shall hear and determine the grievance. Upon receiving a request for a hearing, the Hearing Officer shall set a hearing date and provide a written notice of the hearing at least five (5) days in advance, unless the parties accept a shorter time period. The Hearing Officer shall have authority to impose a penalty, dismiss the violation for cause, and reduce or waive the penalty upon the terms and conditions the Hearing Officer determines. The Hearing Officer must state the disposition reasons in writing. If the Hearing Officer sustains the violation, the violator shall pay the penalty imposed or sign an agreement to pay upon the terms and conditions set forth by the Hearing Officer.

Subd. 7: Failure to Pay. If a violator fails to pay a penalty imposed by this Section, or as agreed upon following hearing before the Hearing Officer, the City may bring a misdemeanor or petty misdemeanor charge against the alleged violator according to this Code and applicable law. If the violator pays the penalty or if the Hearing Officer finds the individual not to have committed the administrative offense, the City shall not bring a criminal charge for the same violation.

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Subd. 8: Disposition of Penalties. All penalties collected under this Section shall be paid over to the City Clerk/Administrator, who shall deposit the penalty in the City's general fund and issue a receipt.

Subd. 9: Scheduled Penalties. Penalties shall be imposed for violating administrative offenses according to a penalty schedule the City Council establishes periodically by resolution.

Subd. 10: Appeal. An aggrieved party may obtain judicial review of the Hearing Officer's decision according to State law.

Subd. 11: Option to Withdraw. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time before paying the administrative penalty as is provided in this Ordinance, the individual may withdraw from participation in the procedures whereupon the City may bring criminal charges according to this Code and State law. Likewise, the City in its' discretion, may choose not to pursue an administrative offense and may bring criminal charges instead."