



CITY COUNCIL WORK SESSION MEETING

AGENDA SECTION	WORK SESSION ITEM
MEETING DATE	AUGUST 5, 2024

ITEM:	Discussion on Administrative Citations (20 minutes)							
DEPARTMENT:	Community Development	BY/DATE: Andrew Boucher, City Planner; August 2, 2024						
CORE CITY STRATEGIES: <i>(please indicate areas that apply by adding an "X" in front of the selected text below)</i>								
<table> <tr> <td><input checked="" type="checkbox"/> Healthy and Safe Community</td> <td><input type="checkbox"/> Thriving and Vibrant Destination Community</td> </tr> <tr> <td><input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly</td> <td><input checked="" type="checkbox"/> Strong Infrastructure and Public Services</td> </tr> <tr> <td><input type="checkbox"/> Trusted and Engaged Leadership</td> <td><input checked="" type="checkbox"/> Sustainable</td> </tr> </table>			<input checked="" type="checkbox"/> Healthy and Safe Community	<input type="checkbox"/> Thriving and Vibrant Destination Community	<input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly	<input checked="" type="checkbox"/> Strong Infrastructure and Public Services	<input type="checkbox"/> Trusted and Engaged Leadership	<input checked="" type="checkbox"/> Sustainable
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BACKGROUND:

Staff responded to feedback regarding usage of criminal citations and examined Administrative Citation processes and fines ordinances to provide an alternative means to achieving compliance with code enforcement cases in a more informal, less intimidating, and more effective method than the Anoka County Court System. Minnesota Statute 462.362 – Enforcement and Penalty enables a municipality to, by ordinance, provide for the enforcement of ordinances or regulations adopted; Chapter 6 – Administration of City Affairs in the City Charter explicitly states that the City Manager has the authority to prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure and suggest amendments to the same.

The Cities of Crystal, Fridley, Hopkins, New Hope and Richfield and their administrative enforcement processes were examined. Each of these cities that have implemented administrative enforcement of ordinance violations have several common components that the City Council should address in a draft ordinance such as: purpose; general provisions defining administrative offense, exemptions, civil penalties, and schedule of fines and fees; procedures for administrative citations and hearings, and payments/recovery of civil penalties. The City Manager will need to provide a list of lawyers for the City Council to approve as hearing officers, these officers cannot be city employees, and the fee schedule will need to either address fines based on the type of offense or whether a flat consistent fee is desired.

SUMMARY OF CURRENT STATUS:

Current city code Chapter 3 – Administrative Code addressing administrative citations through Article V: Administrative Offenses; this section of code contains a definition for administrative offense, noticing, payment, failure to pay, disposition of penalties, powers and duties of finance director, and scheduled penalties. However, the existing code does not establish a procedure for noticing, nor does it set compliance deadlines, or include a procedure for appealing the citation.

STAFF RECOMMENDATION:

Staff recommends updating the existing ordinance, Chapter 3 – Administrative Code: Article V – Administrative Offenses with the following amendments:

1. Adding a purpose section to 3.501 identifying that the City Council has the ability to provide an alternative means for the enforcement of ordinances or regulations adopted through Minnesota Statute 462.362 and Chapter 6 of the City Charter.
2. Removing the Definitions section from 3.502 and establishing General Provisions for Administrative offenses including exemptions, civil penalties, schedule of fines and fees, and abatement procedures.
3. Revising 3.503 to read as Administrative Citation Application specifying who may conduct enforcement; set procedures for how to issue citations; the required contents of a citation including the nature, date, and time of the violation, name of the official issuing the notice, amount of the scheduled initial penalty, and the right of the recipient to contest the citation. The City shall appoint a neutral third party to hear and rule on such challenges. Additional items are the failure to pay and administration of any fines assessed pursuant to Minnesota Statute 169.999.
4. Amending 3.504 to read as Administrative Hearing detailing the necessary components to a lawful administrative hearing including: requesting a hearing, confirmation of the hearing, extensions, file transmittal requirements, presentation of the case, decision, right to appeal, failure to appeal, and means for judicial review as provided in state law and administrative review before the City Council.
5. Amending 3.504 Failure to Pay to 3.506 Failure to Pay and Recovery of Civil Penalties establishing procedures for collecting nonpayment including through liens, personal obligation, assessing of late fees/charges, license revocation or suspension, and criminal penalties in accordance with state law.
6. Amending 3.507 to read as Abatement of Public Nuisances or Other Code Violations Including Removal and Impoundment of Vehicles or Recreational Vehicles From Private Property to reflect the abatement process through periodic inspections, setting an abatement order and procedure for removing public nuisances and other code violations with a specific section for removal and impoundment of vehicles or recreational vehicles from private property.

ATTACHMENT(S):

Existing City Code

Draft Ordinance

City of New Hope Ordinance

City of Crystal Ordinance

City of Fridley Ordinance