



**CITY OF MARSHALL  
AGENDA ITEM REPORT  
L&O 3/12/24**

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, March 12, 2024
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Administrative Citation
<b>Background Information:</b>	<p>An Administration Citations ordinance has recently been approved by the Council to offer staff an alternative method of enforcement for city code violations rather than relying on the criminal court system. This new ordinance allows staff to impose administrative fines on ordinance violators thus providing additional tool to deal with noncompliance.</p> <p>The way the new ordinance is written, it is applicable to practically all ordinance provisions with few exceptions. The procedure for applying the new ordinance is very much determined in its text and has also been summarized in the Brochure and Handbook compiled by the City Clerk. However, staff would like to have a discussion about a few specific details of implementation with the Committee to confirm applicability and penalty imposition.</p> <p>The most common violations this ordinance will be used for are the zoning code ones, even though it may be used in cases when people start a construction project without a permit, violate the Building Code, do not secure a required city license, and multiple other minor stuff. This new tool is very powerful, and staff will exercise discretion in applying it, but it is a given that at some point some people may be unhappy.</p> <p>The new Ordinance calls for potential applicable fines to accumulate daily, as each day of violation is considered another violation. The fine amount has not been set yet, but staff plans to go to the Ways and Means committee in the near future to review it. Just for reference, the proposed amount will be \$100 unless stated differently otherwise in the fee schedule. Internal discussion on fine accumulation has led to opinion that the City will not be adding this amount daily, but, instead, every time a new staff action is required, such as a new letter due to violation not being abated.</p> <p>Additionally, staff needs Committee’s opinion on City’s action in cases violations are fixed after a penalty is imposed but not paid. The Ordinance is mute on this situation, but staff believes that for cases when violation is abated within allocated period right after the first citation is issued, penalties may be waived, since the goal is compliance, not revenue, and insisting on paying penalties after a violation is quickly fixed may be seen as excessive. Of course, if we need to keep issuing citations for not fixing the violation, this good will gesture will not apply.</p> <p>Staff would like to receive Committee’s support for new ordinance implementation and agreement with suggested course of actions in specific situations mentioned above. The above considerations will be presented to the entire council at the time of approval of the fee schedule change to include generic Administration fine amount.</p>
<b>Fiscal Impact:</b>	N/A
<b>Alternative/ Variations:</b>	N/A
<b>Recommendations:</b>	Staff recommends expressing support for staff’s interpretations of the new ordinance.