

Fine Schedule

The fine amount is based on the city code section that is violated. Non-payment if not paid within the specified time will constitute a lien on the real property upon which the violation occurred. The lien will be certified to the Lyon County Auditor/Treasurer to be placed on your property tax for the following taxable year.

Failure to Pay

If you do not pay the fine, the city may do one or more of the following:

- Issue an additional administrative citation
- Add a late fee of 10% each week outstanding if not paid within 10 days
- Assess the lien upon the property to be certified to the Lyon County Auditor/Treasurer
- Suspend or revoke any licenses or permits issued by the city related to the violation
- Initiation criminal proceedings
- Initiate other enforcement action authorized by law

The following information is a summary of Chapter 2-VII Administrative Citations of the City of Marshall Code of Ordinances. To view the ordinance in full please visit www.ci.marshall.mn.us or scan the QR code below.



Administrative Citation Appeal Form \$150 Hearing Filing Fee Required

plus charge for services rendered by hearing officer if in favor of the city

Citation No: _____

Date: _____ Penalty Amount: \$ _____

Property Address: _____

PLEASE PRINT

Explain the reason for the appeal (why you feel the violation did not exist) or attach a letter:

Name: _____

Address: _____

Phone #: _____

Email: _____

Signature: _____

Best Day(s) of the Week for Hearing Availability (please circle all that apply)

M T W TH F

Best timeframe for Hearing Availability (please indicate all that apply)

- Morning (8am—11am)
- Mid-Afternoon (11am-2pm)
- Afternoon(2pm-4pm)



Requesting an Administrative Hearing



City of Marshall
344 West Main Street
Marshall, MN 56258
Phone: (507) 537-6760
www.ci.marshall.mn.us

Administrative Citation Process

One of the City's goals is to maintain high standards of livability, health, and safety for our citizens. The City's Administrative Citation Ordinance is designed to resolve city code violations outside the Lyon County court system. The charge is a civil penalty and not a criminal charge. This brochure summarizes the administrative citation ordinance and process. City code can be referenced through the City website at www.ci.marshall.mn.us.

Receiving a Citation

If you receive a citation, you may correct the violation and pay the fine; or if you want to request a hearing, you must respond within 10 days from the citation date. The purpose of a hearing is to determine whether or not a violation of City Code(s) existed. City Code cannot be changed through the Administrative Citation Hearing process.

If you feel you received the citation in error or need information about how to correct the violation, please contact the city department who issued the citation. If you do not pay the fine and do not request a hearing, you are admitting the violation occurred and waived your right to a hearing.

Paying the Fine

The fines for the Administrative Citation Ordinance are determined by Council Resolution. The fine may be paid by case, check, or money order. You may either pay in person at City Hall or mail one copy of the citation with your check or money order to:

City of Marshall
Attn: Finance
344 West Main Street
Marshall MN 56258

Requesting a Hearing

If you would like to appeal the fine, the request must be submitted in writing within 10 days from the date the fine was issued, including a \$150 Hearing request deposit fee. If the hearing officer rules in favor of the city an additional \$150 per hour will be charged to cover the cost of the services of the administrative hearing officer.

Please fill out the Hearing request form on the back of this brochure and submit it to the city.

The City Clerk will send you confirmation of the date, time, location and name of the Hearing Officer for your hearing.

Before the Hearing

Contacting the Hearing Officer:

You may **NOT** contact the Hearing Officer before the hearing to discuss your case.

Changing the Assigned Hearing Officer:

If you have an objection to the assigned Hearing Officer, you may file a written request with the City Clerk no later than 5 days to change the assigned Hearing Officer.

Hearing Procedure

The hearing will be informal, without strict rules of evidence, and will be recorded. The Hearing Officer will decide whether you may make an opening and/or closing statement.

The City bears the burden of proving a violation occurred. You have the right to cross-examine the City's witnesses. After the City has finished its case, you may present witnesses, but you are not obligated to present any evidence.

After the Hearing

An aggrieved party may obtain judicial review of the decision of the hearing officer by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statute Section 606.1. This must be completed within 60 days from the date of the administrative hearing.

For more information regarding a Judicial Review, including forms or appeal process, please visit:

<http://www.mncourts.gov/> or call the Clerk of Appellate Courts at (651) 296-2581

Decision

The Hearing Officer may take up to 10 days to make a decision. A copy of all decisions will be mailed to you.

The Hearing Officer has the authority to:

- Determine that a violation occurred
- To dismiss a citation
- To impose the scheduled fine, or to reduce, stay, or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions.

Failure to Appear

The failure to attend the hearing constitutes a waiver of your right to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of good cause include: death in your immediate family, illness which incapacitates you, a court order to appear at another hearing, and lack or proper service of the citation or notice of the hearing.

