

**CHAPTER 38 ADMINISTRATIVE CITATIONS FOR ENFORCEMENT OF THE CITY CODE**

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**§ 38.01 PURPOSE**

Administrative offense procedures established pursuant to this chapter are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions.

**§ 38.02 SCOPE**

The administrative citation procedures and penalties in this chapter may be used for any violation of city code except those governed by Chapter 37 of the City Code. The provisions of this chapter may be used concurrently with or in addition to any other procedure or remedy, criminal or civil, the City may pursue under City Code, state law, or federal law.

**§ 38.03 GENERAL PROVISIONS**

(A) A violation of any provision of the city code is considered an administrative offense subject to the issuance of an administrative citation and civil penalties pursuant to this chapter. Each day a violation exists constitutes a separate offense. Violations may also be considered criminal offenses and charged out accordingly.

(B) In cases where code violations involve real property, both the responsible party and the property owner may be held accountable for violations occurring on the said property after proper notice is given.

(C) Persons authorized to enforce city code violations include, but is not limited to, any licensed Police Officer, any Police Reserve Officer, Community Service Officer, or police personnel approved by the Chief of Police, any designated City Code Enforcement personnel, Building Official, Building Inspector, Zoning Administrator, Fire Chief, Deputy Fire Chief, and the City Administrator. Persons may be restricted to enforcement of offenses within their respective departments.

## **§ 38.04 NOTICE OF VIOLATION AND ADMINISTRATIVE CITATION PROCEDURE.**

(A) A person authorized to enforce provisions of the city code may issue an administrative citation upon belief that a code violation has occurred.

(B) If the code violation involves real property, a Property Maintenance Concern Letter must be sent to the property owner and the tenant notifying them of the violations before an administrative citation is issued, unless this is a subsequent violation within a 12 month period, at which time the letter can accompany any citation issued.

(C) The citation must be issued in person or by US first class mail to the person responsible for the violation and to the property owner identified by the Isanti County Property Record. The owner of the property is responsible for the actions of the property tenants and shall ensure compliance with city codes as it affects their property.

(D) The person responsible for the violation must either pay the scheduled civil penalty and bring the property into compliance within 10 days, or request a hearing within 10 days after issuance of the citation.

(E) A property owner or tenant may request an extension to come into compliance, which may be granted or denied by the City. If an extension to come into compliance is requested and granted, and the property owner or tenant does not come into compliance by the extension date, the administrative fine imposed with the citation for the violation shall not be rescinded. Additionally, a request for an extension to the compliance deadline shall constitute an admission to the violation, and a waiver of a right to request a hearing and under subparts (D) of 3804 and Subpart (C) of 38.05.

(F) The City reserves the authority to use the abatement process as outlined in Chapter 92 Nuisances, Section 92.21, in lieu of or in addition to the process as outlined in this Chapter.

(G) The City Administrator and the Chief of Police are authorized to promulgate rules and forms to affect the procedures herein.

## **§ 38.05 ADMINISTRATIVE HEARING**

(A) Any person contesting an administrative offense pursuant to this chapter may, with 10 days after the issuance of the administrative citation, request a hearing, except for those persons who requested an extension as indicated in 38.04 (D).

(B) If requesting a hearing for code violations not involving real property, the request must be in writing and executed by the person cited. It must be addressed to the Chief of Police and minimally state the violators name and contact information, case or citation number, date and type of the offense and a brief description of why a hearing is being requested. A form may be prescribed by the Chief of Police.

(C) If requesting a hearing for a code violation involving real property, the request must be in writing and addressed to the City's Code Enforcement Officer and executed by the property owner, tenant, person cited, or person with an ownership interest in the property. It must minimally state the location involved, date, and type of offense, the name and contact information of that person, that person's relationship to the property involved, the property owner's current name and contact information, and a brief statement why the hearing is being requested. In cases where a non-owner tenant is seeking a hearing, and where action is required to bring the property into compliance, the property owner will be notified and should be present during any hearing to represent their interest and responsibilities. The City is not required to hold more than one hearing per property for same or similar offenses. Failure to bring a property into compliance will result in potential criminal, civil or abatement action being taken against both the property owner and the tenant.

(D) The City may designate certain days when administrative hearings will be held, but hearings should be conducted within 90 days from the time of request if not sooner. The City may at any time, dismiss an administrative citation and issue a criminal citation if it is believed this is a better course of action to gain compliance.

(E) A hearing officer shall conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have the authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the person(s) found responsible shall pay the penalty imposed and a library fee equal to the cost of the hearing within thirty days (30) of the date of the decision or within the time specified by the hearing officer. If the case involves real property and code violations requiring attention, the property shall also be brought into compliance by the date specified by the hearing officer. Both the property owner and tenant may be held responsible for this.

### **§ 38.06 HEARING OFFICER**

The hearing officer shall be a neutral third party appointed by the City Council. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses of the city code.

### **§ 38.07 PENALTIES AND CIVIL RECOVERY**

(A) An administrative offense may be subject to a civil penalty not less than \$20.00 nor shall it exceed \$2,000. The City Council must adopt a schedule of civil penalties for offenses initiated by administrative citation. The City Council may adopt a schedule of fees to be paid to administrative hearing officers.

(B) Subsequent offenses. In the event a person or property owner is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty

for the same or substantially similar offense, the subsequent administrative penalty may be doubled except as otherwise provided by resolution.

(C) Any person cited for an administrative offense must either pay the scheduled civil penalty within 30 days, or request a hearing within 10 days after citation issuance.

(D) Any person, tenant, or property owner, cited for an administrative offense involving code or zoning violations upon real property, must either pay the scheduled civil penalty within 30 days, and bring the property into compliance within 10 days or request a hearing within 10 days after citation issuance.

(E) Payment of the civil penalty constitutes admission of the violation.

(F) If a civil penalty is not paid within the time specified, a lien will be placed upon the real property upon which the violation occurred. A lien may be assessed against the property and collected in the same manner as taxes.

(G) A personal obligation may be collected by any appropriate legal means. The City may use traditional debt collection methods to collect the fine and any associated fees.

(H) A late payment fee of 10% can be assessed for each 30 day period, or part there-of, that the fine remains unpaid after the due date.

(I) During the time the civil penalty remains unpaid, no city approval will be granted for a license, permit, or other city approval sought by the violator of for property under the violator's ownership or control.

(J) If the citation is not paid and the violations not corrected a Criminal Citation may be issued as well.

(K) The City reserves the authority to use the abatement process as outlined in Chapter 92 Nuisances, Section 92.21, in lieu of or in addition to the process as outlined in this chapter.