

City of Hinckley

Administrative Penalty Ordinance #641-06

1-4A-3: DEFINITION:

“Administrative offense” is a violation of any section, subdivision, paragraph or provision of this Code when one performs an act prohibited, or fails to act when such failure is thereby prohibited, and is subject to the penalty set forth in subsection 1-4A-5C of this Article. Each day a violation exists constitutes a separate offense.

1-4A-4: MISDEMEANORS AND ADMINISTRATIVE OFFENSES:

Offenses that are declared misdemeanors by this Code may be charged as administrative offenses, at the election of the City, when notice of violation is issued pursuant to 1-4A-5A of this Article, and there is a scheduled penalty established.

1-4A-5: ADMINISTRATIVE CITATION:

- A. Notice of Violation: Any member of the Public Safety Department and any other person employed by the City with authority to enforce this Code shall, upon determining that there has been a violation, notify the violator or person responsible for the violation, either in person or by mail, or in the case of a vehicular violation, by attaching to said vehicle notice of the violation, said notice setting forth the nature, date, time of the violation, the name of the official issuing the notice and the amount of the scheduled initial penalty and, where applicable, any charges relating thereto.
- B. Administration Procedure: The City Administrator or his/her designee shall adopt procedures for administering an administrative citation program.
- C. Scheduled Penalties: Penalties shall be imposed for a violation of the scheduled administrative offenses according to a schedule established by resolution of the City Council. The City Council is not bound by the established administrative fee schedule when matters are appealed to a hearing officer. The City Council may adopt a schedule of fees to be paid to the administrative hearing officer.
- D. Payment of Fine: Late Charges: Once such notice is given, the person responsible for the violation shall, within seven (7) days of the time of issuance of the notice, pay full satisfaction of the state violation schedule to the City Finance Director. The penalty may be paid in person or by mail, and payment shall be admission of the violation. A late charge of fifteen percent (15%) shall be imposed for each seven (7) days the penalty remains unpaid after the first seven (7) day period.
- E. Failure to Pay: If a violator fails to pay the penalty and interest imposed, the issuing official shall issue an ordinance complaint as authorized by law, and the violation shall be

processed as a crime by the Pine County Court as provided for in Minnesota Statutes section 488A.18, subdivision 7 (2) or the fine may be levied as a special assessment against the property. Failure to pay a fine is grounds for suspending or revoking a license. State Statute 484.01, subdivision 1.

1-FA-6: ADMINISTRATIVE HEARING:

- A. Request for Hearing: Any person aggrieved by this Article may request within seven (7) days of the time of issuance of the notice, to be heard by the hearing officers who shall hear and determine the grievance.
- B. Hearing Officer: The City Administrator shall designate a hearing officer, and the hearing officer is authorized to hear or determine a case of controversy under this Article. The hearing officer is not a judicial officer and is a public officer as defined by Minnesota Statutes section 609.415 and subject to Minnesota Statutes relating to public officers.
- C. Determination of Case: The hearing officer shall have the authority to dismiss the violation for cause, reduce or waive the penalty upon such terms and conditions as can be agreed upon by the parties; however, reasons for such dispositions shall be stated, in writing, by said hearing officer. If the violation is sustained by the hearing officer, the violator shall pay satisfaction of the penalty or shall sign an agreement to pay upon such terms and conditions as set forth by the hearing officer. The decision of the hearing officer is final without any further right of administrative appeal.

Adopted this 6th day of June, 2006.

Tom Lymburner, Mayor

ATTEST:

James M. Ausmus, City Clerk/Administrator