

CHAPTER 13 ENFORCEMENT OF ADMINISTRATIVE OFFENSES**Contents**

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Sec. 13-01 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.

Sec. 13-02 SCOPE/RELATION TO CRIMINAL PROCEEDINGS

Chapter 13 is intended to apply to certain traffic-related offenses as defined by Minnesota State Statute § 169.999. The City, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance.

Sec. 13-03 GENERAL PROVISIONS AND ADMINISTRATIVE OFFENSE

A traffic-related administrative offense is a violation of a provision of this code that is designated as an administrative offense in a resolution duly adopted by the City Council. Such resolution shall establish administrative penalties for each administrative offense.

Sec. 13-04 ADMINISTRATIVE CITATION

Any licensed peace officer providing police services to the City of Hilltop or any other person employed by the city, and having authority to enforce a code provision designated as an administrative offense, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

Sec. 13-05 PAYMENT

Once such notice is given, the alleged violator must, within 30 days after the issuance of the notice of the violation, pay the amount set forth on the schedule of penalties for the violation, or within 10 days may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

Sec. 13-06 ADMINISTRATIVE HEARING

(A) Any person contesting an administrative offense pursuant to this chapter may, within 10 days after the issuance of the notice of the violation, request a hearing. The request must be in writing and addressed to the City Clerk. The Request must include the violators name and contact information, case or citation number, date of offense and a brief description of why a hearing is being requested. A form may be prescribed by the City Clerk.

(B) The City shall establish certain dates and times when administrative hearings will be held but hearings should be conducted within 90 days from the time of request.

(C) A hearing officer shall conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed within 30 days or within the time specified by the hearing officer.

Sec. 13-07 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 provided for in this chapter.

Sec. 13-08 FAILURE TO PAY

In the event a party charged with an administrative offense fails to pay the administrative citation, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes, or the City may use traditional debt collection methods to collect the fine amount and any associated fees. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.

Sec. 13-09 DISPOSITION OF PENALTIES

All penalties collected pursuant to this chapter shall be paid to the city's clerk and may be deposited in the city's general fund. Minnesota Statute 169.999, sub. (5) sets the fine amount for certain traffic offenses and requires that a portion of the fine payment shall be dispersed to both the State Commissioner of Finance and the police department for law enforcement purposes.

Sec. 13A-98 SUMMARY PUBLICATION

At least four-fifths of the City Council's members direct the City Clerk to publish only the title and a summary of this Ordinance as follows:

"AN ORDINANCE ESTABLISHING ENFORCEMENT OF ADMINISTRATIVE OFFENSES. It is the intent and effect of this Ordinance to establish administrative offense procedures 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."

A printed copy of the Ordinance is available for inspection by any person during regular office hours at City Hall.

Sec. 13-99 OFFENSES AND PENALTIES

(A) Offenses that may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.

First Reading: 11/21/2022

Second Reading: 12/5/2022

Approved: Date: 12/5/2022

Offered by: Johnson Second by: Shear

Roll Call:

Ayes: Gunter, Johnson, Risdahl, Shear and Wiggan.
Nays: None.

Published: 12-2022

Adopted by the Hilltop City Council this 5th of December, 2022.

Terry Wiggan
Terry Wiggan, Mayor

Ruth Nelsen
Ruth Nelsen, City Clerk