

**CITY OF CREDIT RIVER
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2025-02

**AN ORDINANCE REGULATING PUBLIC NUISANCES WITHIN THE CITY OF
CREDIT RIVER, MINNESOTA**

The City Council of Credit River, Minnesota Ordains

ADMINISTRATIVE CITATIONS

Sec. 1. Purpose.

The city council seeks to offer an alternative method of enforcement for city ordinance violations rather than relying on the criminal court system. The formal criminal prosecution process does not provide an environment to adequately address the unique and sensitive issues that are involved in ordinance violations, including, but not limited to, neighborhood concerns, livability issues, economic impact, physical limitations of the offenders and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the court system is a slow, overburdened and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. Finally, the penalties afforded the criminal court system are restricted to fines or physical confinement, which are not always effective solutions to address ordinance violations.

In order to provide more flexibility in addressing ordinance violations on an individualized basis that will be more efficient and effective, the city council finds that an alternative enforcement process is necessary. Therefore, to protect the health, safety and welfare of the citizens of Credit River, it is the city council's intent to create a process for the use and imposition of administrative civil penalties that will provide the public and the City of Credit River with a more effective alternative method for addressing ordinance violations.

Sec. 2. Alternative methods of enforcement.

A violation of a City's ordinance including without limitation, the Public Nuisance Ordinance, Zoning Ordinance, or Subdivision Ordinance, is a misdemeanor however, this ordinance seeks to gain compliance with city ordinances prior to the commencement of any formal civil or criminal court action. The administrative civil penalties proceedings are in addition to any other legal or equitable remedy available to the city for city ordinance violations. The city may, in its discretion, choose not to issue an administrative citation and may initiate criminal charges instead.

Sec. 3. Authority to issue compliance letters and administrative citations.

The following city employees and agents are authorized to issue compliance letters and administrative citations for violations of city ordinances:

- (1) City administrator;
- (2) Building official or building inspector;
- (3) City planner;
- (4) City engineer; and/or
- (5) City clerk.

Sec. 4. Compliance letter.

- (a) *Contents of compliance letter.* If a city employee or agent identified in section 3 hereof determines that a city ordinance has been violated then, when appropriate, a compliance letter shall be issued to the owner of the property. The compliance letter shall contain the following information:
 - (1) A description or address of the property on which the ordinance violation has occurred;
 - (2) The nature of the violation, including a reference to the appropriate ordinance;
 - (3) A compliance deadline, providing a reasonable time for compliance based on the nature of the violation;
 - (4) A statement that failure to correct the violation may result in the imposition of an administrative citation, including a civil penalty and stating the amount of the penalty as provided in the fee schedule pursuant to section 9 hereof.
- (b) *Service of compliance letter.* The compliance letter shall be served on the owner by regular mail sent to the last known legal address, by personal service or by posting a copy in a conspicuous place in or about the building or property affected by the letter.
- (c) *Reasonable extensions.* Following service of the compliance letter, the city shall attempt to work with the owner to resolve the violation, including, but not limited to, offering reasonable extensions for compliance.
- (d) *Exceptions to issuance of a compliance letter.* For violations of any of the following, the city shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in section 5 hereof:
 - (1) *Repeat offender.* If the same owner commits a subsequent violation within 12 months after a compliance letter has been issued for the same or similar offense.
 - (2) *License violations.* For any license violation, including not having a license.
 - (3) *Traffic or parking violations.* For traffic or parking violations issued under Ordinance No.2005-02.
 - (4) *Animal violations.* For any violation of Ordinance No. 2007-01, prohibiting dogs from running at large and prohibiting vicious dogs.
 - (5) *Noise violations.* For any violation of Ordinance No. 2024-02-06 (unnecessary noise).
 - (6) *Emergency situations.* When a condition exists that requires immediate action to protect the public health, safety and welfare.

- (7) Disorderly conduct or other similar behavior that tends to disrupt, injure or annoy a reasonable person for which a compliance letter would be moot, as the conduct or behavior has terminated.

Sec. 5. Administrative citation.

- (a) Upon an owner's failure to correct the violation specified in the compliance letter within the time frame established in the compliance letter or any extension thereof granted by the city, or for any offense for which a compliance letter is not required, an administrative citation may be issued to the owner. The administrative citation shall be served on the owner by regular mail or by personal service and shall contain the following information:
 - (1) A description or address of the property on which the ordinance violation has occurred;
 - (2) A copy of the relevant portion of the ordinance that the owner is alleged to have violated;
 - (3) The amount of the administrative civil penalty for the specific ordinance violation, which shall be due and payable to the city within 30 days of the date the citation is mailed or personally served;
 - (4) A statement that the violation must be corrected or a subsequent administrative or a criminal citation may be issued;
 - (5) A statement that the ordinance violation and the amount of the administrative civil penalty may be contested to be heard before an independent hearing officer by notifying the city clerk in writing within ten days after the citation was mailed or personally served; and
 - (6) A statement that failure to pay the administrative civil penalty may result in it being assessed against the property as provided in Minn. Stat. Ch. 429, as it may be amended from time to time.
- (b) *Payment of penalty and correction of violation.* If the owner pays the administrative civil penalty and corrects the ordinance violation, no further action will be taken against the owner or owner's real property for that same violation.
- (c) *Payment of penalty without correction of violation.* If the owner pays the administrative civil penalty but fails to correct the ordinance violation, the city may issue a subsequent administrative citation, initiate criminal proceedings or initiate any other proceedings or remedies available in order to enforce correction of the ordinance violation.
- (d) *No payment of penalty and no correction of violation.* If the owner fails to pay the administrative civil penalty and fails to correct the ordinance violation, the city may do any of the following, or any combination thereof:
 - (1) Assess the administrative civil penalty against the property pursuant to Minn. Stat. Ch. 429, as it may be amended from time to time;
 - (2) Issue a subsequent administrative citation, thereby commencing a new administrative penalties process;
 - (3) Initiate criminal proceedings; and/or
 - (4) Initiate other enforcement action authorized by law.

- (5) Failure to pay an administrative citation for which the costs cannot be assessed shall be a misdemeanor.

Sec. 6. Contesting the administrative citation.

An owner receiving an administrative citation may contest the alleged ordinance violation and the amount of the administrative civil penalty. In order to contest any part of the administrative citation, the owner must notify the city clerk in writing within ten calendar days after the citation is mailed or personally served stating that the owner contests the alleged violation, the amount of the penalty or both.

Sec. 7. Administrative citation hearing.

- (a) *Scheduling the hearing.* After receipt of the written notice to contest the citation as provided in section 6 hereof, the city clerk shall schedule a hearing before the city council or an independent hearing officer, which will be held within 30 days, unless otherwise agreed to in writing by the parties. The city clerk shall notify the owner of the date, time, and location of the hearing.
- (b) *Independent hearing officer.* If the council appoints an independent hearing officer, who may be from the office of administrative law judges, the hearing officer shall preside over the administrative citation hearing.
- (c) *Conduct of the administrative citation hearing.* At the hearing, both parties may be represented by counsel, shall have the opportunity to present testimony, shall be able to call and question witnesses and introduce any exhibits; however, strict rules of evidence shall not apply. The hearing officer shall receive and give weight to the evidence, including hearsay evidence. The hearing shall be recorded and a full record of the proceedings shall be maintained by the city according to its data retention schedule.
- (d) *Authority of hearing officer.* The city council or the independent hearing officer has the authority to do any of the following, or a combination thereof:
 - (1) Make a finding that a violation has occurred;
 - (2) Reduce, stay, or waive a scheduled administrative civil penalty either unconditionally or upon compliance with reasonable conditions;
 - (3) Require compliance with the ordinance within a specified timeframe;
 - (4) Make a finding that no violation has occurred and dismiss the administrative citation.
- (e) *Decision and order.* The city council or hearing officer may announce a decision at the conclusion of the hearing or may take the matter under advisement. The city council or hearing officer shall issue a decision in the form of an order and shall serve a written copy of the order upon the parties no later than ten days after the hearing. Any administrative civil penalty that the independent hearing officer imposes must be paid to the city within the time frame established in the order. If no date is specified, it must be paid within 30 days of the hearing officer's order. If the administrative civil penalty is not paid, the city may assess the civil penalty against the owner's property pursuant to Minn. Stats. ch. 429, as it may be amended from time to time. If the city council or hearing officer determines that no violation occurred, then the city may not proceed with criminal prosecution for the same act or conduct.

- (f) *Owner found in violation.* If the violation is upheld, then the owner must pay for the cost of the hearing, in an amount not to exceed \$1,000.
- (g) *Failure to appear.* Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. If the owner fails to appear, the administrative citation shall be sustained and the fee for the cost of the hearing shall be imposed. If the city fails to appear, the administrative citation shall be dismissed.

Sec. 8. Appeal.

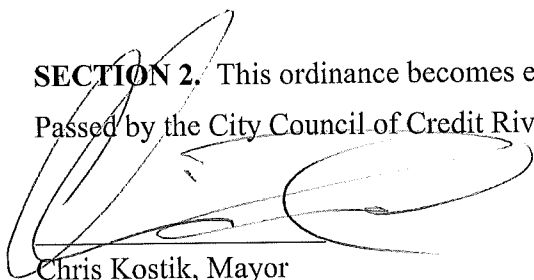
The city council's or hearing officer's decision is final and may only be appealed to the Minnesota Court of Appeals.

Sec. 9. Schedule of administrative civil penalties.

The city shall adopt a fee schedule of administrative civil penalties for ordinance violations by resolution. The maximum amount of an administrative civil penalty may not exceed the maximum fine authorized by state law for misdemeanor offenses or the maximum fine authorized by state law for an administrative process.

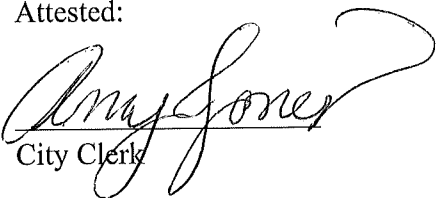
SECTION 2. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Credit River, Minnesota this ____ day of Month, 2025.



Chris Kostik, Mayor

Attested:



City Clerk