

CITY OF MONTROSE
WRIGHT COUNTY, MINNESOTA

ORDINANCE NO. 2014-02

**AN ORDINANCE AMENDING CHAPTER 25 OF THE
CITY CODE RELATING TO ADMINISTRATIVE ENFORCEMENT**

Section 1. Chapter 25 of the Montrose City Code is hereby amended as follows:

Sections 25.01 – 25.07 are hereby repealed in their entirety.

Section 2. Chapter 25 is hereby amended by adding the following new sections:

25.01. PURPOSE AND INTENT.

The administrative enforcement procedures established within this chapter are intended to provide the City with an informal, cost-effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of the adopted City code and zoning ordinance. The City retains the right, at its sole discretion, to also enforce provisions of this code and zoning ordinance by bringing criminal charges or commencing civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that such a process is a legitimate and necessary alternative method of enforcing code violations. The penalties imposed by this chapter may be in addition to any other enforcement mechanism available to the City for violations of the City code and zoning ordinance.

25.02. ADMINISTRATIVE CITATION PROCEDURE.

A) Notice of Violation: Any member of the Wright County Sheriff's Department and any other persons 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. The notice of the violation will set forth the nature and date 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 to the violation.

B) Administration Procedure: The city administrator, or designee, shall adopt procedures for administering an administrative citation program.

C) Scheduling Penalties: Penalties shall be imposed for a violation of the scheduled administrative offenses according to a schedule established by Resolution of the City Council.

D) Payment of Fine: The person responsible for the violation shall, within seven (7) days of the issuance of the notice, pay the full fine to the city administrator, or designee. The

person may pay the fine in person or by mail, and payment shall be admission of the violation.

E) Unpaid Fines: An unpaid fine will constitute a personal obligation of the person(s) to whom the citation was issued and the City shall have the right to collect the unpaid fine, together with the City's costs and reasonable attorney's fees, in criminal or civil proceedings.

F) Assessment of Fine: Pursuant to M.S. §§ 429.101, 514.67 and other applicable law, a lien in the amount of the fine may be assessed against the property where the code offense occurred and collected in the manner of taxes. Any such assessment shall not preclude the City from issuing additional citations for a continuing code offense, nor from making additional assessments for a continuing or new code offense.

G) Licenses or Permits: The City may suspend or revoke a license or permit or other approval associated with the code offense if the fine is not timely paid.

25.03. APPEAL TO CITY COUNCIL.

A) Requesting a hearing. Any person contesting a citation issued pursuant to this chapter may, within 15 days of the issuance of the citation, request a hearing before the City Council. Any request for a hearing shall be made in writing.

B) Conduct of hearing. At the hearing, the parties will have the opportunity to present testimony, documents and exhibits and question witnesses. The City Council shall tape record the proceedings and receive testimony and exhibits. Strict rules of evidence will not apply.


25.04. APPEAL OF CITY COUNCIL DECISION.

The City Council's decision shall be appealable as provided for in state law.

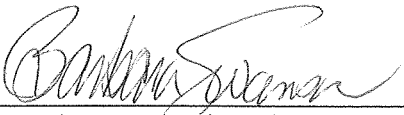
Section 3. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 10th day of February, 2014 by the City Council of the City of Montrose.

CITY OF MONTROSE

By: 
Roy Henry, Mayor

ATTEST:

By: 
Barbara Swanson, City Clerk

AYES: *Henry, Krotzer, Otto, Kuehl, Johnson*

NAYS: *NONE*