

**ORDINANCE 2016-05**

**CITY OF MONTROSE  
COUNTY OF WRIGHT  
STATE OF MINNESOTA**

THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:

Chapter 25 of the City of Montrose Code of Ordinances is hereby amended and restated as follows:

**CHAPTER 25: ADMINISTRATIVE ENFORCEMENT**

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**25.01. PURPOSE AND INTENT.**

A) 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. Any violation of a provision of this Code may be enforced by an administrative citation under this Chapter.

B) Participation in the administrative citation program is voluntary on the part the city as well as on the part of an individual charged with an administrative citation. At any time prior to submitting payment of the administrative fine, an individual charged by administrative citation may withdraw from the program. If this is done, the city can immediately file criminal charges or commence civil litigation in accordance with statutes and ordinances. Also, the city is not obligated to issue an administrative citation before criminal charges or civil litigation can be filed.

**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, may 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, or such penalties may be included in the city's fee ordinance.

D) Payment of Fine: The person responsible for the violation shall, within 14 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 applicable law, a lien in the amount of the unpaid 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.**

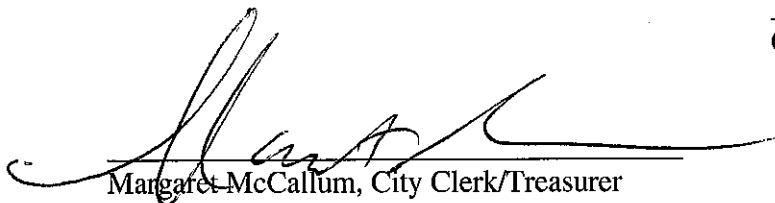
A) Requesting a hearing. Any person contesting a citation issued pursuant to this chapter may, within 10 days of the issuance of the citation, request a hearing before the City Council. Any request for a hearing shall be made in writing. Timely receipt of such a request will toll the requirement of the cited party to pay the assessed fine.

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.

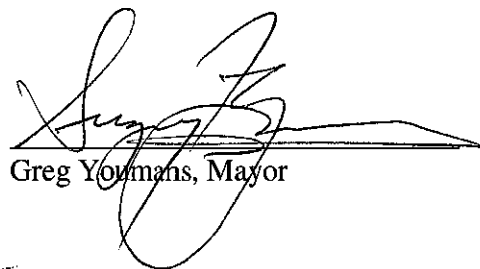
### **25.04. APPEAL OF CITY COUNCIL DECISION.**

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

**PASSED, ADOPTED AND APPROVED** by the Montrose City Council, Wright County, Minnesota, this 14th day of March, 2016.



Margaret McCallum, City Clerk/Treasurer



Greg Youmans, Mayor



**CITY OF MONTROSE, MINNESOTA  
SUMMARY OF ORDINANCE NO. 2016-5**

**NOTICE: THIS PUBLISHED MATERIAL IS ONLY A SUMMARY OF AN ORDINANCE OF THE CITY OF MONTROSE AMENDING THE MONTROSE CITY CODE BY AMENDING PORTIONS OF TITLE II – ADMINISTRATION, CHAPTER 25: ADMINISTRATIVE ENFORCEMENT**

**THE FULL TEXT IS AVAILABLE FOR PUBLIC INSPECTION AT MONTROSE CITY HALL DURING REGULAR BUSINESS HOURS.**

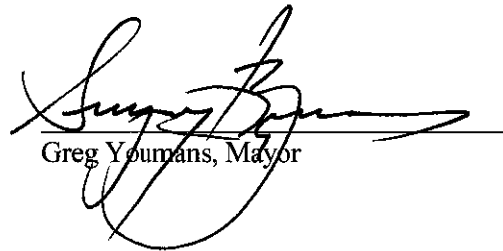
**TITLE: AN ORDINANCE OF THE CITY OF MONTROSE, MINNESOTA AMENDING TITLE II – ADMINISTRATION, CHAPTER 25: ADMINISTRATIVE ENFORCEMENT, OF THE MONTROSE CITY CODE**

**SUMMARY OF MONTROSE ORDINANCE NO. 2016-5**

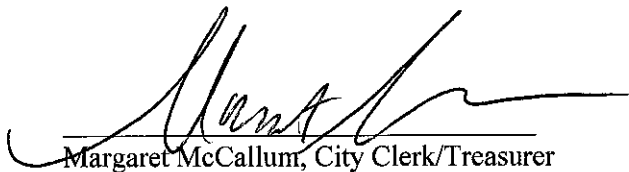
The purpose of the amendment to Title II – Administration, Chapter 25, Administrative Enforcement, of the Montrose City Code is to strengthen the City of Montrose’s power to enforce violations of the Montrose City Code through the administrative process. Section 25.01(A) clarifies that all Code violations may be enforced under Chapter 25, and Section 25.01(B) provides that participation in the administrative citation program is voluntary on the part of the City as well as an individual charged with a Code violation. Section 25.02 simplifies the administrative citation procedure, and Section 25.03 allows for appeals to come before the City Council.

PLEASE NOTE: THIS TITLE AND SUMMARY CLEARLY INFORMS THE PUBLIC OF THE INTENT AND EFFECT OF THE ORDINANCE AND CONFORMS WITH MINNESOTA STATUTES, SECTIONS 412.191 AND 331A.01, SUBDIVISION 10.

Passed and adopted by the City Council of the City of Montrose, Minnesota, this 14th day of March, 2016.

  
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Greg Youmans, Mayor

ATTEST:

  
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Margaret McCallum, City Clerk/Treasurer

