

CHAPTER 11

ADMINISTRATIVE CITATIONS

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1-11-1 PURPOSE

The city council of the city of Lauderdale finds that there is a need for additional alternative methods of enforcing the city code. While criminal fines and penalties have been the most frequent enforcement mechanism, the administrative enforcement of the city code will increase compliance with the code, will encourage citizens to become more receptive to enforcement efforts, will be more informal and cost-effective, and will keep many violations out of the district court's criminal justice system. Accordingly, the city council finds that the use of administrative citations is a legitimate alternative method of enforcement of the city code that is also an effective way to promote the health, safety, and welfare of the citizens. This method of enforcement shall be in addition to and not exclusive of any other legal remedy for code enforcement, including, without limitation, the filing of criminal charges or other civil remedies for code violations.

1-11-2 DEFINITION

"Administrative offense" is any violation of a provision of the Lauderdale City Code or any violation of a condition or requirement of a City-issued permit or license, and such violations may be subject to the administrative citation process set forth herein. Each day a violation exists shall constitute a separate administrative offense. In cases where code violations involve real property, both the responsible party and the property owner may be held accountable for violations occurring on the said property after proper notice is given.

1-11-3 PROCEDURE

A. Authority to Issue Notices and Citations. The following representatives of the city shall have the authority to issue notices and citations for administrative offenses:

- i. Building official;
- ii. Building inspector;
- iii. Safety/rental inspector;
- iv. City administrator;
- v. Any licensed peace officer;
- vi. Any other personnel designated by the city administrator to enforce the city code.

B. Administrative Notice.

- i. Upon determining that an administrative offense has occurred, a city representative may issue an administrative notice to the violator, either in person or by regular mail. In the case of a vehicular violation, the administrative notice may be attached to the vehicle. The notice will state the date, time, and nature of the administrative offense, the action necessary to remedy the administrative offense, a reasonable time period to come into compliance, and the name of the official issuing the notice.
 - ii. If the violator is making a good faith attempt to remedy the administrative offense, the city may grant an extension to the time period contained in the notice, the length of which must be agreed upon in writing between the city and the violator.
 - iii. If an administrative offense is a same or similar subsequent violation within any 12-month period, an administrative notice is not required before subsequent citations are issued pursuant to subsection (C) below.
- C. Administrative Citation. If the violator fails to correct the administrative offense within the time period provided in an administrative notice, a city representative may issue an administrative citation. The citation must be issued to the violator in person or by regular mail. In the case of a vehicular violation, the citation may be attached to the vehicle. The citation must state the date, time, and nature of the administrative offense, the action necessary to remedy the administrative offense, the name of the representative issuing the citation, the amount of the scheduled fine, the manner for paying the fine, that a failure to pay may result in a lien against real property to be collected via assessment or a personal obligation of the violator, and the violator's right and manner for appealing the citation under section 1-11-5.

1-11-4 PAYMENT

- A. Amount. The amount payable for administrative citations shall be established by the fee schedule as adopted by the city council and, unless an appeal is appropriately requested, shall be due within 10 days of the date of the citation. In the event that a violator is issued a second or subsequent administrative citation for the same or substantially similar offense within a twelve (12) month period, the fee for such second or subsequent offense may be increased pursuant to the fee schedule.
- B. Effect of Payment. Payment of an administrative citation to the city will not act to prevent or affect further enforcement efforts that may result from any ongoing conduct of the violator, including any and all city code violations that occur after the issuance of the original administrative citation.
- C. Failure to Pay. If the violator fails to pay the fee for the violation in the amount of time specified in the administrative citation, which shall be 10 days absent an appeal, the city may suspend or revoke any city-issued license that is associated with the administrative

offense or take additional enforcement actions afforded to the city under the law for the cited offense. Additionally, any unpaid fee shall constitute:

- i. A lien upon the real property upon which the violation occurred if the property or improvements on the property was the subject of the violation; or
- ii. A personal obligation of the violator in all other situations.

A lien may be assessed against the property and collected in the same manner as taxes. A lien may be collected as a special charge, as authorized by Minnesota Statutes, sections 366.011 and 366.012, as well as Minnesota Statutes, section 415.01, subd. 2. A personal obligation may be collected by any appropriate legal means.

1-11-5 CONTESTING ADMINISTRATIVE CITATIONS

- A. Any person issued an administrative citation under this chapter shall have the right to appeal such citation by filing a written notice of appeal with the city within 10 days of the date of such citation. Upon receipt of such written notice, the city administrator, or his or her designee, shall schedule the appeal hearing as soon as reasonably practical but in no event more than 60 days from the date of such appeal notice.
- B. The appeal will be heard by a neutral, third party hearing office appointed by the city administrator or his or her designee. At the hearing, the parties will have an opportunity to present testimony and documentary evidence and question witnesses, but strict compliance with evidentiary rules will not be required. The hearing officer may impose limitations on the scope of evidence to be allowed, as well as time limits which may apply to such appeal hearings, and any other substantive or procedural elements which the hearing officer deems appropriate to ensure an efficient appeal process.
- C. The hearing officer shall issue its findings and conclusions, in writing, within 30 days following the hearing. Upon concluding that an administrative citation was justified, it will uphold the citation as issued. If the hearing officer finds that the administrative citation was not justified, it will overturn the citation.
- D. Failure to attend the appeal hearing constitutes a waiver of the violator's rights to a hearing and an admission of the violation. The city administrator may waive this result, however, upon a showing of good cause. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; or lack of proper service of the citation or notice of the hearing. "Good cause" does not include forgetfulness or intentional delay.
- E. An aggrieved party may obtain judicial review of the decision of the hearing officer according to any applicable law.

1-11-6 DISPOSITION OF PENALTIES; ADDITIONAL CONSEQUENCES

All penalties collected pursuant to this section shall be paid to the city of Lauderdale and deposited into the city's general fund. The city may also suspend or revoke a city-issued license, permit, or other approval associated with any administrative violation, subject to any applicable procedural requirements contained in state or local laws as it relates to adverse action against such city-issued license, permit, or other approval. Suspension or revocation of a license, permit or other approval is authorized regardless of whether additional penalties (such as administrative fines) are imposed for the violation.

1-11-7 PENALTIES CUMULATIVE

Nothing in this section shall prevent the city from taking such other actions as are permitted under law, and the penalties provided herein shall be cumulative.

Adopted by the Lauderdale city council this 26th day of July, 2022.