

ORDINANCE #100-005
AN ORDINANCE ESTABLISHING ADMINISTRATIVE OFFENSES AND PENALTIES

The City Council of the City of Hewitt does hereby ordain:

SECTION 1: 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. The procedures are intended to be voluntary on the part of those who have been charged with an administrative offense(s). At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation on the procedures, in which event the City may bring criminal charges in accordance with law. Likewise, the City, at its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance in accordance with law. In the event a party participates in the administrative offense procedure but does not pay the monetary penalty which may be imposed, the City will ask to collect the costs of the administrative offense as part of a subsequent criminal sentence in the event the party is charged and is found guilty of the criminal offense or violation.

SECTION 2: Definition: An administrative offense shall be defined as a violation of a provision of the City Code and is subject to the administrative penalties referred to in Attachment "A" hereto, as may be amended from time to time.

SECTION 3: Notice: Any police officer, peace officer or law enforcement officer having jurisdiction, or any other person employed by the City, authorized in writing by the City and having authority to enforce this Code, shall, upon determining that there has been a violation of the Code, notify, in writing and by certified United States Postal Service, the violator(s) of the violation(s). In the case of a vehicular violation(s), attach to the vehicle a notice of the violation. Said notice shall set for the nature, date and time of the said violation(s), the name of the official issuing the notice and the amount of the scheduled penalty.

SECTION 4: Payment: Once such notice is given, the alleged violator may, within ten (10) days of the date and time of issuance of the notice, pay the amount as set forth in Attachment "A" hereto, or may request, in writing, a hearing of the as provided for herein. The penalty may be paid for in person or by mail and payment of such penalty shall be deemed an admission of the violation.

SECTION 5: Hearing: Any person contesting an administrative offense pursuant to this Chapter may, within ten (10) days of the date and time of issuance of notice of a violation of this Code, request a hearing by the City Council or by a hearing officer(s) who shall forthwith conduct an informal hearing to determine whether or not the violation occurred. The City Council or the hearing officer(s) shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the City Council or hearing officer(s), the violator shall pay the penalty imposed.

SECTION 6: Hearing Officer: A city employee, designated in writing by the City Council of the City of Hewitt, shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to the administrative offense(s). The hearing officer is authorized to refer the violation to the City Council for a hearing, if the hearing officer is unable to make a proper and fair determination of the alleged administrative offense.

SECTION 7: Failure to Pay: In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with the applicable statutes. If the penalty is paid or if the alleged

violator has been found not to have committed the alleged violation, no such charge may be brought by the City for the same violation.

SECTION 8: Disposition of Penalties: All monies collected for administrative penalties as provided for in this Chapter shall be paid to the City Clerk and deposited in the City's General Fund.

SECTION 9: Offenses and Penalties: Offenses which 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.

SECTION 10: Subsequent Offenses: In the event a party is charged with a subsequent administrative violation within a twelve (12) month period of paying an administrative penalty for the same or substantially similar offense or violation, the subsequent administrative penalty shall be increased by twenty-five percent (25%) above the previous administrative penalty.

Passed and adopted by the City Council, City of Hewitt, County of Todd and State of Minnesota on this 24th day of February, 20089.

By Mayor Juanita Mitchell

Attest: Miriam A. Collom, City Clerk/Treasurer