

ORDINANCE NO. 26-0X

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE FALCON HEIGHTS CITY
CODE CONCERNING ADMINISTRATIVE CITATIONS**

Section 1. Chapter 30, Article III of the Falcon Heights City Code is amended in its entirety to read as follows:

ARTICLE III - ADMINISTRATIVE CITATIONS

Sec. 30-44 – Purpose

(a) The City Council seeks to offer an alternative method of enforcement for city code 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 city code violations, including, but not limited to, 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 city code violations.

(b) In order to provide more flexibility in addressing city code 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 the city, 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 with a more effective alternative method for addressing city code violations.

Sec. 30-45- Definitions As used in this Article, the following terms shall have the respective meanings ascribed to them:

Administrative Citation or Administrative Penalty: A civil fine that is issued in response to a violation of this Code.

Administrative Hearing: A scheduled opportunity for parties to present testimony and question witnesses related to a specific Administrative Citation or appeal.

Sec. 30-46 – Administrative Citations

(a). The administrative procedures and penalties in this Article may, in the discretion of the City, be used for the provisions of Chapter 46, Article II of this Code,

(b) Except as expressly provided in this section, the provisions of this section may be used concurrently with or in addition to any other procedure or remedy, criminal or civil, the City may pursue under the Code, State law, or Federal law. Nothing herein restricts the right of the City to enter property immediately or to seek other remedies in emergency or other situations as authorized by the Code, State law, or Federal law. Where differences occur between provisions of this Article and other applicable Code sections, this Article controls to the extent of such differences. No provision of the Code that provides a criminal procedure or penalty, or an administrative or civil procedure or penalty, for a violation of the Code will preclude the application of this section in its entirety to such violation.

(c) The penalties and procedures provided by this Article will apply to any amendment of the Code, whether or not such penalty is reenacted in the amendment, unless otherwise provided in such amendment.

(d) Enforcement and Administrative Citation Issuance

- (1) A citation issued under Chapter 46, Article II may be issued in person to the alleged violator or attached to the motor vehicle parked in violation of this code. The citation must state the date, time, and nature of the offense, the name of the issuing officer, the amount of the scheduled fine, and the manner for paying the fine or appealing the citation.
- (2) The failure to pay an Administrative Citation within 14 business days after the citation is issued, or failure to attend a scheduled Administrative Hearing, constitutes a waiver of the violator's right to a future Administrative Hearing and is an admission of the violation.

(e) Administrative Hearings

- (1) Request for Hearing. Anyone receiving an administrative citation under this Article may either pay the Administrative Penalty, or petition the City for an Administrative Hearing.
- (2) All such petitions must identify with specificity the basis for the objection to the Administrative Citation and the interpretation of the Code, as well as summarizing any evidence the petitioner intends to present. Such requests must be filed in writing to the City Administrator, or their designee, within 14 business days after the date the Administrative Citation is issued.

(f) Hearing Procedure. Any person issued an Administrative Citation within the City may petition the City, in writing, for an Administrative Hearing before a Hearing Examiner.

- (1) The City will confirm the petitioner's request of an Administrative Hearing and include information regarding payment of the Administrative Hearing Fee as set forth in the Article and the Schedule of Fees. This fee will be refunded if the Administrative Citation is dismissed, but not if it is affirmed or modified.

- (2) Administrative Penalties and Fees. The Council may adopt by ordinance a schedule of penalties and fees for violations of the Code and the enforcement of this Article.
- (a) Unless expressly provided otherwise in the Code, each day a violation exists constitutes a separate administrative offense.
 - (b) When an Administrative Citation is issued and served as described in this Article, the party receiving service has up to 14 business days to pay the Administrative Citation fee as outlined in the City's schedule of fees. If payment is not received, or an Administrative Hearing is not requested within 14 business days of the citation being issued, a late fee will be incurred. The Administrative Penalty Late Fee is outlined in the City's schedule of fees adopted by ordinance.
- (3) Payment Process.
- (a) A party who has received an Administrative Citation must, within 14 business days of the date that the Administrative Citation is issued, pay the amount of any Administrative Penalty set forth therein, unless that party has requested an Administrative Hearing as authorized by this section. If the Administrative Citation penalty is upheld in full or in part by the Hearing Examiner, the petitioner must make payment to the City within 14 business days of the date of issuance of the Hearing Examiner's decision, unless another term is prescribed therein.
 - (b) Any Administrative Penalty may be paid in person at City Hall, by mail or by other method set forth by the City.
 - (c) Payment of any Administrative Penalty will be deemed a final admission of the violation, and thereafter the City may not bring a criminal charge for the same violation. Ongoing or continuing violations will constitute a new violation for each day that it is occurring.
 - (c) Payment of an Administrative Penalty will not excuse the failure to satisfy compliance orders referenced in the Administrative Citation and such payment will not bar further enforcement activity by the City for a continuing violation, including without limitation, the issuance of additional Administrative Citations.
- (4) Disposition of Penalties. All penalties collected pursuant to this Article must be paid to the City and deposited in the appropriate fund and with the appropriate parties.
- (5) Maximum Penalty. Each day a violation exists is a separate offense. The maximum amount of an Administrative Penalty charged for a single offense, as determined by the City, may not exceed twice the maximum fine authorized by State law for misdemeanor offenses, or the maximum fine authorized by State law for an administrative process.

Sec. 30-47 Administrative Hearings

(a) Hearing Examiner. The position of Hearing Examiner is hereby created. The City Administrator, or their designee, may, at their discretion, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this section and set the rate of compensation therefor.

(b) Qualifications. The Hearing Examiner will be an individual trained in law; however, it will not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.

(c) Duties. The Hearing Examiner will have the following duties:

- (1) Schedule hearing dates and hear all appeals;
- (2) Take testimony from all interested parties;
- (3) Examine all facts, evidence and testimony presented at the hearing;
- (4) Make a complete record of all proceedings including findings of fact and conclusions of law; and
- (5) Affirm, dismiss, or modify the Administrative Citation and/or the Administrative Penalty assessed or in the case of an appeal of a City decision, order such action as may be deemed appropriate.

(d) Hearing Procedure.

- (1) All Administrative Hearings will take place at the Falcon Heights City between 8:00 a.m. and 8:00 p.m. Monday through Friday. The Hearing Examiner may schedule an alternative date and time upon the written consent of all parties subject to the Administrative Hearing.
- (2) The Hearing Examiner must provide all parties involved with a written Notice of Hearing at least five business days prior to the Administrative Hearing.
- (3) All Administrative Hearings will be recorded with an audio recording device. A transcript of the Administrative Hearing will be transcribed and retained pursuant to the Minnesota Government Data Practices Act.
- (4) The Hearing Examiner will take testimony from the petitioner and any corroborating witnesses who wish to testify. The Hearing Examiner will then take testimony from the City. Both the petitioner and the City may appear with legal counsel.
- (5) The Rules of Evidence do not apply. The Hearing Examiner will determine the admissibility of any evidence or testimony.

- (6) The Hearing Examiner will render a written decision to affirm, dismiss, reduce or waive the penalty. Within 14 business days after the Administrative Hearing, the Hearing Examiner must provide written findings of fact, conclusions of law and if applicable, issue a timeline to pay any applicable penalties and fees. The decision of the Hearing Examiner will be final unless otherwise stated in an applicable section of the Code.
 - (7) Judicial review. If authorized by law, an aggrieved party may obtain judicial review of a final decision of the Hearing Examiner in a court of competent jurisdiction within the time limit prescribed by law.
- (e) Failure to Appear. The failure to attend the Administrative Hearing constitutes a waiver of the petitioner's rights to an Administrative Hearing and an admission of the violation or dismissal of the appeal, whichever may be applicable. The Hearing Examiner may waive this result upon good cause shown. "Good cause" may be determined by the Hearing Examiner and may include: death in the immediate family or documented incapacitating illness of the petitioner, a court order requiring the petitioner to appear for another hearing at the same time, or lack of proper service of the administration citation or notice of the Administrative Citation or Notice of Hearing.
- (f) Failure to Pay Is Separate Violation. The following are separate violations of the Code, punishable as misdemeanors in accordance with State law:
- (1) Unless a notice of appeal has been timely filed, failure to pay the Administrative Penalty within the time required after issuance of an Administrative Citation.
 - (2) Failure to pay the Administrative Penalty or fine imposed by a Hearing Examiner within 30 days after it was imposed, or such other time as may be established by the Hearing Examiner, unless judicial review has been sought for the matter in accordance with State law.

Section 2. This ordinance is effective immediately upon its passage and publication.

ADOPTED this ____ day of _____, 2026, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Randall C. Gustafson, Mayor

ATTEST:

Jack Linehan, City Administrator