

**ORDINANCE # 79**  
**ADMINISTRATIVE OFFENSES**

Subdivision

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**Subd. 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 administrative offenses. 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, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. 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 procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violations.

**Subd. 2. Administrative Offense Defined.** An administrative offense is a violation of a provision of the Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Subd. 9 hereinafter.

**Subd. 3. Notice.** The City Clerk/Zoning Administrator of the City of Underwood 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, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation(s), the name of the official issuing the notice, and the amount of the scheduled penalty.

**Subd. 4. Payment.** Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation(s) or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation(s).

**Subd. 5. Hearing.** Any person contesting an administrative offense pursuant to this Chapter may, within seven(7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation(s) has occurred. The hearing officer shall have authority to dismiss the violation(s) or reduce or waive the penalty. If the violation(s) is sustained by the hearing officer, the violator shall pay the penalty imposed.

**Subd. 6. Hearing Officer.** A City employee or official designated in writing by the City shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Chapter.

**Subd. 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 an individual is found not to have committed this administrative offense by the hearing officer, no such charge may be brought by the City for the same violation.

**Subd. 8. Disposition of Penalties.** All penalties collected pursuant to this Chapter shall be paid to the Clerk-Treasurer and may be deposited in the City's general fund.

**Subd. 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. Copies of such resolutions shall be maintained in the office of the Clerk-Treasurer.

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

**Subd. 11. Effective Date.** This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by MN §412.191, subd. 4, as it may be amended from time to time.

Adopted by the City Council of the City of Underwood, County of Ottertail, State of Minnesota, this the 6th day of May 2013.

ATTEST

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Mayor Paul Hoff

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City Clerk Anna Kiser

Summary Published \_\_\_\_\_

