

Introduced by Council Member Marlys R. Mjoen.

Seconded by Council Member Harry N. Manole.

ORDINANCE NO. 13, 3rd SERIES

**AN ORDINANCE OF THE CITY OF CROOKSTON, MINNESOTA,
AMENDING CHAPTER 36 ENTITLED "CITY POLICY" BY ADDING A SECTION PROVIDING
FOR ADMINISTRATIVE OFFENSES AND PENALTIES.**

THE CITY OF CROOKSTON ORDAINS, as follows:

Section 1. Chapter 36 of the City Code entitled "CITY POLICY", is amended by adding a Section, to read:

SEC. 36.05 ADMINISTRATIVE OFFENSES AND PENALTIES.

(A) *Purpose.* Administrative offense procedures established pursuant to this Section 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 City Code provisions. The procedures are intended to be voluntary on the part of those who have been charged with an administrative offense. At any time prior to the payment of the administrative penalty as provided for in this Section, the individual may withdraw from participation in the procedures, in which event 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 procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and subsequently adjudicated guilty of the related criminal violation.

(B) *Administrative Offense Defined.* An administrative offense is a violation of a provision of the City Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Subsection (H).

(C) *Notice.* Any officer of the Crookston Police Department or any other person employed by the City, authorized in writing by the City Administrator, and having authority to enforce the City 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 the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

(D) *Payment.* Once such notice of violation is given, the alleged violator may, within 14 days of the time of issuance of the notice, pay the amount of the scheduled penalty for the violation, or request in writing that the matter be referred to the Polk County District Court as is provided in Subsection (E). The penalty may be paid in person or by mail, and payment shall be deemed an admission of the violation.

(E) *Referral to Polk County District Court.* Any person contesting an administrative offense pursuant to this Section may, within 14 days of the time of issuance of the notice of

violation, request in writing that the matter be referred to the Polk County District Court to be processed through the usual rules of Criminal Court. The request may be delivered in person or by mail to the Chief of Police and will be deemed effective when received.

(F) *Failure to Pay.* In the event a person 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 applicable law.

(G) *Disposition of Penalties.* All penalties collected pursuant to this Section shall be paid to the City Clerk-Treasurer and may be deposited in the City's general fund.

(H) *Offenses and Penalties.* Offenses which may be charged as an administrative offense and the penalties for such offenses may be established from time to time by resolution of the City Council. Copies of such resolutions shall be maintained in the office of the City Clerk-Treasurer.

(I) *Subsequent Offenses.* In the event a person is charged with a subsequent administrative offense within a 12 month period after paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty five percent (25%) above the previous administrative penalty, except as otherwise stated in the penalty schedule or by resolution.

Section 2. This ordinance shall take effect upon its passage and publication according to the provisions of the Home Rule Charter for the City of Crookston, Minnesota.

Upon a call of ayes and nays as to the passage of this ordinance, the vote stood as follows:


Voting in the negative: _____

Voting in the affirmative: Buness, Mykleseth, Melbye, Manole,
Vedbraaten, Martin and Lindgren

Upon this vote, the ordinance was declared passed by the Mayor.

Passed this 22nd day of July, 2008.

Approved the 25th day of July, 2008.



Mayor

ATTEST: 
City Clerk-Treasurer

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