

CHAPTER 5 PUBLIC SAFETY

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ORDINANCE 520 ADMINISTRATIVE OFFENSES

Section 520.01: PURPOSE AND INTENT. Administrative offense procedures established pursuant to this Section are intended to provide the public and the City of Kimball 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 administrative offenses. At any time prior to the payment of the administrative penalty as is provided for thereafter, the individual may withdraw from participation in the procedures, in which event the City may bring criminal charges in accordance to law. Likewise, the City of Kimball, 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 of Kimball will seek to collect the costs of administrative offense procedures as part of a subsequent criminal sentence, in the event the party is charged and is adjudicated guilty of the criminal violation.

Section 520.02: 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 520.09, entitled “Offenses and Penalties”, hereinafter.

Section 520.03: NOTICE. Any officer of the City of Kimball Police Department or any other person employed by the City, authorized in writing by the Mayor of Kimball, 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.

Section 520.04: PAYMENT. Once such notice is given, the alleged violator may, within fifteen (15) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as if provided for hereinafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

Section 520.05: HEARING. Any person contesting an administrative offense pursuant to this Section 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 has occurred. The hearing officer shall have the authority to dismiss the violation or reduce or waive the penalty imposed within seven (7) days.

Section 520.06: HEARING OFFICER. The Mayor shall designate in writing a hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative

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offenses provided for in this Section and may be compensated by the City for such hearings and related findings.

Section 520.07: 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 applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City of Kimball for the same violation.

Section 520.08: DISPOSITION OF PENALTIES. All penalties collected pursuant to this Section shall be paid to the City of Kimball and deposited in the General Fund except vehicular penalties. Vehicular penalties shall be disposed according to MN State Statute 169.999 Subd. 5. as it may be amended from time to time.

Section 520.09: OFFENSES AND PENALTIES. Offenses which may be charged as administrative offenses and the penalties for such offenses shall be established by resolution of the City Council from time to time. Copies of such resolution shall be maintained in the Office of the City Clerk Treasurer Administrator.

This ordinance shall supersede and repeal all prior and consistent ordinances. This ordinance shall be effective upon passage and publication required by law.