

§205 ADMINISTRATIVE OFFENSES.

205.010 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 in the procedures in which event the City may bring criminal charges in accordance with the 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 procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect 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 violation.

205.020 ADMINISTRATIVE OFFENSE DEFINED. An administrative offense is a violation of a provision of this code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 205.090, hereafter.

205.030 NOTICE. Any officer of the White Bear Lake Police Department, or any other person employed by the City, authorized in writing by the City Manager, 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 the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

205.040 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, 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.

205.050 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 has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.

205.060 HEARING OFFICER. A City employee designated in writing by the City Manager shall be the hearing officer for all administrative offenses except speeding. For speeding offenses, the hearing officer shall be an impartial, qualified individual appointed by the City Council of the City of White Bear Lake who has experience in law or court proceedings. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this chapter. (Ref. Ord. 962, 8/11/98)

205.070 FAILURE TO PAY. In the event a party is 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 to not have committed the administrative offense by the hearing officer, no such charge may be brought by the City for the same violation. 1/14/99

205.080 DISPOSITION OF PENALTIES. All penalties collected pursuant to this chapter shall be paid to the City's Finance Director and may be deposited in the City's general fund.

205.090 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 City Manager.

205.100 SUBSEQUENT OFFENSES. In the event a party is charged with a subsequent administrative offense (except speeding) within a twelve (12) month period of 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 penalty except as otherwise provided by resolution. (Ref. Ord. 929, 2/13/96)

205.110 COMPLIANCE WITH MINNESOTA STATUTES. All administrative citations for traffic offenses shall be issued in compliance with Minnesota Statutes Section 169.999. (Ref. Ord. No. 1066; 1/12/10).