

ADMINISTRATIVE ENFORCEMENT MANUAL



COMMUNITY DEVELOPMENT

4141 Douglas Drive North • Crystal, Minnesota 55422-1696

Tel: (763) 531-1000 • Fax: (763) 531-1188 • www.ci.crystal.mn.us

**Deaf and Hard of Hearing callers should contact
Minnesota Relay Service at 1-800-627-3529 V/TTY or call 711**

INTRODUCTION

The City of Crystal Administrative Court was adopted by ordinance in December of 2002. It is intended to be more informal, less intimidating and more effective for alleged violators than through the Hennepin County Court System. Administrative enforcement of city ordinances starts when a city inspector writes an Administrative Notice to the property owner where the violation exists. The notice includes information regarding the type of violation, the location of the violation, the correction required and the compliance date for the corrections.

This handbook explains, in common terms, the processes that take place after the citation has been issued. If you would like to see the ordinance itself, you may request a copy from the city clerk for a small charge, view a copy of the ordinances at Crystal City Hall or go to the city's official website at www.ci.crystal.mn.us, where you can view all the city ordinances.

THE ADMINISTRATIVE CITATION

When you fail to correct a code violation within 10 days after an Administrative Notice is sent, an Administrative Citation will be issued to you either in person or by certified and regular mail. You have seven (7) days to respond to the citation and may either:

- 1) Pay the scheduled fine and correct the violation OR
- 2) Request an Administrative Hearing.

PAY THE FINE AND CORRECT THE VIOLATION(S)

By paying the fine, you admit you violated city ordinance.

PAY THE FINE IN ONE OF THE FOLLOWING THREE (3) MANNERS.

1. Fines may be paid in person at Crystal City Hall by cash, check or money order. Include a copy of the citation.
2. Fines may be sent in the mail and paid by check or money order, payable to the City of Crystal for the correct amount. Do not send cash in the mail. Include a copy of the citation. Payments can be sent to the following address:

The City of Crystal
City Clerk's Office
4141 Douglas Drive North
Crystal, MN 55422-1696

3. Fines may be dropped off in the payment box located by the north entrance to Crystal City Hall and paid by check or money order, payable to the City of Crystal for the correct amount. Do not put cash in the drop box. Include a copy of the citation.

ALL PAYMENTS ARE TO BE ACCOMPANIED BY A COPY OF THE CITATION.

PLEASE NOTE: IF YOU PAY THE FINE BUT FAIL TO CORRECT THE VIOLATION(S), THE CITY MAY ISSUE ADDITIONAL CITATIONS UNTIL THE VIOLATION IS CORRECTED IN COMPLIANCE WITH APPLICABLE CITY ORDINANCES.

Failure to Pay a Fine

If within seven (7) days after issuance of a citation the city does not receive either: a) your payment of the fine in the amount shown on the citation, or b) your request for an Administrative Hearing, the city will impose a late fee equal to 10% of the fine amount for each 7-day period that payment of the fine is not received. Up to four late fees may be applied to each unpaid citation. If the payment for a citation is not received within the four-week time period, the accrued late fees will be added to the original fine amount on the citation and the city will send you an invoice for the total amount unpaid. If you fail to pay the invoiced amount, the total bill, including the original fine amount and all late fees, will be certified to your property taxes and all city licenses may be revoked.

Failure to Correct Violations

When a violation continues, the city may:

- 1) Issue another administrative citation;
- 2) Correct the violations and certify the charges for doing so onto the property taxes;
- 3) File criminal charges; OR
- 4) Take other action to require compliance with city ordinances.

Repeat or Continuing Violations

The city may charge the same property and property owner with a subsequent violation within a 12-month period a) for the same or substantially similar offense, or b) if the violation for which a previous citation was issued has not been corrected to comply with City Code. In such cases, the fine imposed will be increased by 25%. If there is a third infraction in 12 months or if the violation continues uncorrected, the fine imposed increases by 50%. The fine increases by 100% if there is a fourth or any subsequent infraction in 12 months or if the violation continues uncorrected. Citations may be issued on a weekly basis until a violation has been corrected.

REQUEST AN ADMINISTRATIVE HEARING

You may request an Administrative Hearing if you believe that you did not violate an ordinance or if you want to refute the citation.

All Administrative Hearings are held before an independent hearing officer who is not a city employee and has no other connection with the city other than to serve as a hearing officer. When a hearing is requested, the city clerk randomly selects an officer from the list of hearing officers, approved by the City Council.

To request a hearing you must file a written request in person at Crystal City Hall with either the city clerk or a customer service representative. The City Clerk's Office will work to accommodate the schedules of all involved parties and will notify you by mail of the date, time and location of the hearing. The notice will contain the names of the parties, the identity of the hearing officer, the location of the alleged violation and the type of violation alleged. You will receive the notification by mail at least 10 days in advance of the scheduled hearing unless a shorter time is accepted by all parties. Expect to be available for two (2) hours to attend the Administrative Hearing.

You may provide the City Clerk's Office with a case file containing a summary report, photographs, written testimonies or any other written, audio or video material you would like the hearing officer to review before the hearing. You must bring it to Crystal City Hall two (2) days, 48 hours, before the scheduled hearing start time. You may not contact the hearing officer before the hearing to discuss the case. Direct all questions to the City Clerk's Office at 763-531-1000.

Request to Change Hearing Officers

If you have an objection to the hearing officer assigned to your case, you may file a written request with the city clerk to have the officer changed. The request must be made no later than five (5) days before the hearing. A reason is not required and your first request will automatically be granted. Any subsequent request for a new hearing officer is referred to the officer assigned, who will determine if he or she can fairly and objectively review the case. If the request is granted, the City Clerk's Office will assign a different officer and notify you of a new date and time for the hearing. If the request is not granted, the hearing will go forward as scheduled. The officer's decision may be mailed to you or provided to you on the scheduled date of the hearing.

Request to Change Hearing Date

A request for a continuance of the case must be made to the city clerk at least five (5) days prior to the scheduled hearing date. The City Clerk's Office may grant a continuance if good cause is shown, but for no more than 10 days from the originally scheduled date.

Failure to Appear

By failing to appear for a scheduled hearing, you are admitting the charges against you and waiving any right to an Administrative Hearing. The hearing officer may impose a penalty in your absence. If city representatives fail to appear, the charge will be dismissed.

If you have a good reason for missing the hearing, contact the city clerk in writing within one (1) day after the scheduled hearing. The assigned hearing officer will be asked to decide whether there was good cause for your absence. Examples of good cause include death in the immediate family, documented incapacitating illness of the violator, a court order requiring the violator to appear for another hearing or lack of proper notification of the hearing. Good cause **does not** include forgetfulness, lack of transportation or lack of childcare.

Hearing Procedures

The hearing proceedings are informal and strict rules of evidence will not apply. All hearings are recorded. Each party will have the opportunity to present testimony and question witnesses. The city bears the burden of proving a violation and will present testimony first. You will have the opportunity to question the city's witnesses. You also may wish to testify yourself and/or present witnesses, but are not obligated to do so. All witnesses will be sworn to tell the truth. The hearing officer will decide whether there will be opening and/or closing statements.

Use of Attorneys

In order to maintain informality, the use of attorneys is discouraged. The city will not be represented by an attorney at the hearing. If you wish to have an attorney present, he or she is allowed to advise you, but may not make any presentations.

The Decision

The hearing officer may decide the case immediately after testimony has finished. However, he or she may take time to make a decision. In either case, a written decision will be mailed to you within 10 days after the hearing. It will include findings of fact, conclusions of law and an order.

The hearing officer has the authority to:

- 1) Determine a violation occurred
- 2) Dismiss a citation
- 3) Impose the scheduled fine, AND/OR
- 4) Reduce, stay or waive a scheduled fine, unconditionally or upon compliance with appropriate conditions.

When deciding which action to take, the hearing officer may consider any or all of the following factors:

- 1) The duration of the violation
- 2) The frequency of reoccurrence of the violation
- 3) The seriousness of the violation
- 4) The history of the violation
- 5) The violator's conduct after issuance of the Administrative Notice and Citation
- 6) The violator's conduct after issuance of the notice of hearing
- 7) The good faith effort by the violator to comply
- 8) The impact of the violation upon the community
- 9) Any prior record of city code violations
- 10) Other factors appropriate to a just result.

The hearing officer may not impose a fine greater than those established. The hearing officer may impose a fine for each week that the violation continues if:

- 1) The violation caused or is causing a serious threat of harm to public health, safety or welfare;
OR
- 2) The violator intentionally and unreasonably refused or refuses to comply with the code requirement.

Appeals

The decision of the hearing officer is final without any further right of appeal, except in the following two (2) matters:

- 1) The decision may be appealed to the City Council if your case involved:
 1. A failure to obtain a permit, license or other approval from the City Council;
 2. A violation of a permit, license, other approval or the conditions attached, which was granted by the City Council; OR
 3. A violation of regulations governing a person who has received a license granted by the City Council.

Your written request for appeal must be submitted to the city clerk within 10 days after the hearing officer's decision. You will be notified by mail at least 10 days in advance about which City Council meeting to attend. At the hearing you may present oral or written arguments regarding the hearing officer's decision. New witnesses or evidence are **not** allowed. The City Council will have the transcript of the hearing to review. The council has the authority to impose a civil penalty or revoke a city-issued license, permit or other approval associated with the violation.

- 2) In all other cases, you may obtain judicial review of the hearing officer's or City Council's decision as provided in Minnesota state law. You should consult with a lawyer about how to proceed in this manner.

SCHEDULE OF FINES

General Rule

- All violations of city ordinances are Level Two Violations, subject to a \$100.00 penalty unless:
 - 1) The violation is listed below as a Level One or Level Three Violation;
 - 2) The enforcement officer indicates that the offense should be lowered to a Level One Violation because it is a minor infraction; OR
 - 3) The enforcement officer indicates that the offense should be increased to a Level Four Violation because it involves critical unsafe conditions or significantly endangers life or property.

Level One Violations \$60.00

- The designation of a Level Two Violation as a minor infraction, supported by the enforcement officer's written justification.
- A violation of ordinances governing the following:
 - 400.17 Numbering of houses and buildings
 - 605.03 Refuse storage and disposal
 - 810 Snow removal; sidewalks

Level Two Violations \$100.00

- Any violation not specifically listed as a Level One or Level Three Violation.

Level Three Violations \$160.00

- The designation of a Level Two Violation as a major infraction that involves unsafe conditions, constitutes a blighting influence on surrounding properties or neighborhood, involves neglect of property maintenance, involves unlawful occupancy of non-owner-occupied dwelling units, or endangers life or property, supported by the enforcement officer's written justification.
- A violation of ordinances governing the following:
 - 425 Property Maintenance Code
 - 655 Premises conducive to high-risk sexual conduct
 - 660 Tattoo, body piercing, body branding and body painting establishments
 - 905 Fire prevention
 - 910.03 Dogs; kennels; 910.13 Confinement and control; 910.07 Procedures for licensing

Level Four Violations \$240.00

A violation conducted in such a manner that the violation significantly endangered life or property or involved critical unsafe conditions.

Continuing Violations or Repeat Violations within 12 Months

The city may charge the same property and property owner with a subsequent violation within a 12-month period a) for the same or substantially similar offense, or b) if the violation for which a previous citation was issued has not been corrected to comply with City Code. In such cases, the fine imposed will be increased by 25%. If there is a third infraction in 12 months or if the violation continues uncorrected, the fine imposed increases by 50%. The fine increases by 100% if there is a fourth or any subsequent infraction in 12 months or if the violation continues uncorrected. For example, a second citation for a Level Three Violation would be \$200.00, a third occurrence \$240.00 and a fourth occurrence \$320.00. Citations may be issued on a weekly basis until a violation has been corrected.



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Administrative Hearing Request Form

(Incomplete forms will not be accepted.)

ALL FIELDS BELOW MUST BE FILLED IN BY THE PROPERTY OWNER

Citation number: _____ Date citation was issued: _____

Property address citation was issued for: _____

Mailing address if different than above: _____

House number

Street Name

City

State

Zip Code

Name of property owner: _____

Signature of property owner: _____

Daytime Phone: _____

Hearings are scheduled between 8:30 a.m. and 11:30 a.m. on the second Thursday each month (schedule listed on back). Administrative Court adjourns at 12:00 p.m.

Consideration for an Administrative Hearing Request must be received by the city in the Administrative Offices at City Hall:

- **Within 7 days of the issuance date on the citation AND**
- ***By the scheduled deadline listed on the back of this form.***

The City Clerk will contact you with an assigned time for the hearing.

Office use only:
Hearing Officer _____
Hearing Date & Time _____
Additional comments _____

2011 Administrative Hearing Schedule

Administrative Hearing Dates in 2011	Application request deadline <i>By or before 4:30 p.m.</i>	Case File Due to City Clerk or designee <i>By 12:00 p.m.</i>
1/13/2011 →	12/23/10	1/10/2011
2/10/2011 →	1/20/2011	2/07/2011
3/10/2011 →	2/17/2011	3/07/2011
4/14/2011 →	3/24/2011	4/11/2011
5/12/2011 →	4/21/2011	5/09/2011
6/09/2011 →	5/19/2011	6/06/2011
7/14/2011 →	6/23/2011	7/11/2011
8/11/2011 →	7/21/2011	8/08/2011
9/08/2011 →	8/18/2011	*9/02/2011 (holiday 9/05/2011)
10/13/2011 →	9/22/2011	10/10/2011
11/10/2011 →	10/20/2011	11/07/2011
12/08/2011 →	11/17/2011	12/05/2011

***Indicates a change in schedule due to holidays**



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THE ADMINISTRATIVE HEARING

An Informational Guide for Appellants

- I. **Purpose for the Hearing** – The purpose of the hearing is to determine whether an Administrative Citation issued for a violation of City Code was justified. The hearing is not a mediation session.
- II. **Structure** – Hearings are informal, in that the strict rules of evidence do not apply. However, the hearing still follows a basic structure to ensure fairness and due process to all parties.
- III. **The Hearing Officer** – An Administrative Hearing Officer, who is neither an employee nor resident of the city, presides over the hearing and is responsible for deciding the case. The Hearing Officer will strive to conduct a fair, efficient hearing.
- IV. **Proper Decorum** – Individuals who appear at the hearing are required to conduct themselves at all times in a dignified, orderly and appropriate manner. During the hearing, all individuals shall address their remarks to the Hearing Officer. Debate or argument among witnesses or litigants is not permitted. Individuals who fail to conduct themselves with the proper decorum may be removed from the proceedings at the order of the Hearing Officer. Be on time for the hearing.
- V. **Failure to Appear** – By failing to appear for a scheduled hearing, you are admitting to the violation in the Administrative Citation.
- VI. **Preparation** – Both parties are expected to have all of their witnesses, documents and exhibits available and with them at the hearing. An extra copy of any documents intended to be offered as evidence is desirable. You may wish to review the *Administrative Enforcement Manual* that the city provided with the initial citation and which also is available on the city's webpage at www.ci.crystal.mn.us.
- VII. **Use of Attorneys** – In order to maintain informality, the use of an attorney is discouraged. The city will not be represented by an attorney at the hearing. If you wish to have an attorney present, the attorney may serve in an advisory capacity only and may not make any presentations, question witnesses or participate in cross-examination.
- VIII. **Witnesses** – You may wish to testify and/or present witnesses, but you are not obligated to do so. All witnesses will be sworn to tell the truth. You may bring witnesses to the hearing who have first-hand knowledge that will support your case.
- IX. **Presenting the Case** – The city bears the responsibility for presenting its case first. After the city presents, you will have an opportunity to present defenses and/or contest the allegations. Each side will have the opportunity to present and cross-examine witnesses.
- X. **The Ruling** – The written decision of the Hearing Officer as to whether the city has proven its case for issuance of an Administrative Citation will be mailed to you within 10 days of the conclusion of the hearing.