

CITY OF HOLDINGFORD
STEARNS COUNTY
STATE OF MINNESOTA

ORDINANCE NO. 26-4-21

AN ORDINANCE AMENDING SECTION 10.98 OF THE HOLDINGFORD
CITY CODE PERTAINING TO ADMINISTRATIVE CODE ENFORCEMENT

THE CITY COUNCIL OF THE CITY OF HOLDINGFORD, MINNESOTA DOES HEREBY
ORDAIN:

SECTION 1. Title I, Section 10.98 of the Holdingford City Code is hereby amended by deleting the existing language and replacing it with the following new language:

' **10.98 ADMINISTRATIVE CITATIONS.**

(A) *Purpose.* The City Council finds that there is a need for additional alternative methods of enforcing the City Code. While criminal fines and penalties have been the most frequent enforcement mechanism, the administrative enforcement of the City Code will increase compliance with the Code, will encourage citizens to become more receptive to enforcement efforts, will be more informal and cost-effective, and will keep many violations out of the criminal court system. Accordingly, the City Council finds that the use of administrative citations is a legitimate alternative method of enforcement of the City Code that is also an effective way to promote the health, safety, and welfare of the citizens. This method of enforcement shall be in addition to and not exclusive of any other legal remedy, including, without limitation, the filing of criminal charges or other civil remedies for City Code violations.

(B) *Definition.* "Administrative offense" is any violation of a provision of the City Code or any violation of a condition or requirement of a City-issued permit or license, and such violations may be subject to the administrative citation process set forth herein. Each day a violation exists constitutes a separate administrative offense.

(C) *Procedure.*

(1) *Authority to Issue Notices.* The following representatives of the City shall have the authority to issue notices for City Code administrative offenses:

- i. City Clerk/Treasurer;
- ii. Zoning Administrator; or
- i. Utility Superintendent.

All notices will be administered through the City Clerk/Treasurer's office to ensure proper tracking and record keeping activities are in place.

(2) *Administrative Notice.*

- i. Upon determining that an administrative offense has occurred, the City may issue an administrative notice to the violator, either in person or by regular U.S. mail. In the case of a vehicular violation, the administrative notice may be attached to the vehicle. The notice will state the date, time, and nature of the administrative offense, the action necessary to remedy the administrative offense, a deadline for such action, and the name of the official issuing the notice.
- ii. If the violator is making a good faith attempt to remedy the administrative offense, the City may grant an extension, the length of which must be agreed upon in writing between the City and the violator.

(3) *Administrative Citation.* If the violator fails to correct the administrative offense within the time period provided in an administrative notice, a representative listed in subsection (C)(1) above may issue an administrative citation. The citation must be issued to the violator in person or by regular mail. In the case of a vehicular violation, the citation may be attached to the vehicle. The citation must state, at a minimum, the date, time, and nature of the administrative offense, any action necessary to remedy the administrative offense, the name of the representative issuing the citation, the amount of the scheduled fine, and manner for paying the fine, and the manner for contesting the citation under subsection (E) below.

(D) *Payment.*

- (1) *Amount.* The amount payable for administrative citations shall be established by the Fee Schedule as adopted by the City Council. In the event that a violator is issued a subsequent administrative citation for the same or substantially similar offense within a twelve (12) month period, the subsequent fee shall be increased by fifty percent (50%) above the previously charged fee.
- (2) *Effect of Payment.* Payment of an administrative citation to the City within ten (10) days of the notice will preclude the City from further enforcement efforts for the specific violation cited, but will not act to prevent or affect criminal or petty misdemeanor charges that may result from any ongoing conduct of the violator, including any and all City Code violations that occur after the issuance of the original administrative citation.
- (3) *Failure to Pay.* If the violator fails to pay the fee for the violation in the amount of time specified in the administrative citation, the City may suspend or revoke any City-issued license that is associated with the administrative offense and pursue additional enforcement efforts. Additionally, any unpaid fee shall constitute:
 - i. A lien upon the real property upon which the violation occurred if the property

- or improvements on the property was the subject of the violation and the property owner was found responsible for that violation; or
- ii. A personal obligation of the violator in all other situations.

A lien may be assessed against the property and collected in the same manner as taxes. A lien may be collected as a special charge, as authorized by Minnesota Statutes, sections 366.011 and 366.012, as well as Minnesota Statutes, section 415.01, subd. 2. A personal obligation may be collected by any appropriate legal means.

(E) Contesting Administrative Citations.

- (1) Any person issued an administrative citation under this section shall have the right to appeal such citation by filing a written notice of appeal with the Clerk/Treasurer within seven days of the date of such citation. Upon receipt of such written notice, the Clerk/Treasurer shall schedule the appeal hearing before the City Council within 30 days from the date of such notice.
- (2) The appeal will be heard by the City Council. At the hearing, the parties will have an opportunity to present testimony and documentary evidence and question witnesses, but strict compliance with Minnesota Rules of Evidence will not be required. The City Council may impose limitations on the scope of evidence to be allowed, as well as time limits which may apply to such appeal hearings, and any other substantive or procedural elements which the City Council deems appropriate.
- (3) The City Council shall issue its findings of fact and conclusions, in writing, within 30 days following the hearing. The City Council, upon finding that an administrative citation was justified, may uphold the citation as issued, or may amend the penalties pursuant to those available in the City's fee schedule. If the City Council finds that the administrative citation was not justified, it may overturn the citation and take any other action it deems reasonably necessary.
- (4) The City may suspend or revoke a City-issued license, permit, or other approval associated with the violation, subject to any applicable procedural requirements contained in the City Code. Suspension or revocation of a license, permit or other approval is authorized regardless of whether additional penalties (such as administrative fines) are imposed for the violation. A hearing on appeal of a citation will meet any hearing requirement for the suspension or revocation of such license, permit or other approval as long as notice of such hearing includes notice that suspension or revocation will also be considered, and no additional hearing will be required.
- (5) Failure to attend the appeal hearing constitutes a waiver of the violator's rights to a hearing and an admission of the violation. The City Council may waive this result upon

a showing of good cause. Examples of "good cause" are death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include forgetfulness and intentional delay.

(6) An aggrieved party may obtain judicial review of the decision of the City Council according to any applicable law.

(F) *Disposition of Penalties.* All penalties collected pursuant to this section shall be paid to the City and deposited into the City's general fund.

(G) *Penalties Cumulative.* Nothing in this section shall prevent the City from taking such other actions as are permitted under law, and the penalties provided herein shall be cumulative.

SECTION 2. The City of Holdingford Fee Schedule is hereby amended by incorporating a \$300 fine for all first-time administrative offenses. Said fine amount is subject to escalation pursuant to subsection 10.98(D)(1) of the Holdingford City Code.

SECTION 3. This ordinance shall take effect following its adoption and publication in accordance with law.

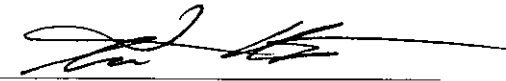
Adopted by the Holdingford City Council on this 21 day of April, 2026.

CITY OF HOLDINGFORD:

ATTEST:



Nicky Lahr, City Clerk-Treasurer



Travis Harlander, Mayor