

ORDINANCE NO.: 2024-05

BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE ADOPTING ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES

THE BOARD OF SUPERVISORS OF BALDWIN TOWNSHIP DOES HEREBY ORDAIN:

Section 1. Ordinance 600 (fee schedule) is hereby amended to include the following provision:

General Fees	
Administrative Citation Civil Penalty	\$50.00

Section 2. Ordinance 610 Administrative Code Enforcement is hereby adopted as follows:

Ordinance 610
ADMINISTRATIVE CODE ENFORCEMENT

Section

610-1: Purpose

610-2: Definitions

610-3: Enforcement

610-4: Procedure

610-5: Appeals

610-6: Payment

610-7: Separability

610-1: PURPOSE:

- A. The administrative enforcement procedures established within this Ordinance are intended to provide Baldwin Township with an informal, cost-effective, and more efficient alternative to criminal prosecution or civil litigation for certain violations of adopted Town ordinances, codes, and regulations.
- B. The Town retains the right, at its sole discretion, to enforce provisions of ordinances, codes, and regulations adopted by the Town Board by bringing criminal charges or commencing civil litigation in any case where the Town determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the Town to protect public health, safety, and welfare.
- C. The Town and further finds that that such a process is a legitimate and necessary alternative method of enforcing code violations.

610-2: DEFINITIONS:

Action Plan: A list which outlines the specific infractions (after the Code Enforcement Officer has verified the suspected violations), defines how they will be resolved and specifies an agreed-upon completion date.

Code: Any law, ordinance, regulation, or code adopted by the Town Board in effect within the Town.

Code Enforcement Officer(s): Is any officer of the Sherburne County Sheriff's Department, any employee of the Baldwin Township, or any person or company contracted to provide code enforcement services who is designated by the Town Board to enforce Town Ordinances; there may be more than one person designated as Code Enforcement Officer at any given time.

Code Violation: A breach of law or infraction as it pertains to violation of any section, subdivision, paragraph or provision of Baldwin Township Ordinances and is subject to an administrative enforcement action.

Owner: Is an individual, association, syndicate, partnership, corporation, limited liability company, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

Person: Means a natural person of either sex, a firm, partnership, corporation, limited liability company, any other association of people, and includes the manager or agent of that person or organization.

Town: Baldwin Township, Minnesota.

Town Board: The Baldwin Township Board of Supervisors.

610-3: ENFORCEMENT:

- A. A Code Enforcement Officer may, at the direction of the Town Board, institute in the name of the town any appropriate actions or proceedings against a violator as provided by statute, charter, or ordinance, including the administrative procedures established by this Ordinance.
- B. The imposition of any penalty shall not exempt the offender from compliance with the requirements of the law, ordinance, Code, or regulation and the Town may pursue, by appropriate actions or proceedings, any additional remedies.
- C. Nothing in this section shall prevent the town from taking such other actions as are permitted under law, and the penalties provided here shall be cumulative.
- D. Each day a code violation exists constitutes a separate code violation.
- E. The Town may suspend or revoke a license or permit or other approval associated with a code violation if the code violation is not abated or the civil penalty and any accrued late charges are not timely paid.

610-4: PROCEDURE:

A. **Code Enforcement Letter.** Upon receipt of a complaint by the Town, a Code Enforcement Officer may issue via US Mail or in person a preliminary notification of a potential code violation and outlining the means to avoid formal enforcement action to a person suspected or known to have committed a code violation and/or to be the owner of property upon which a code violation is being committed.

1. The letter shall request a response from the property owner within 15 calendar days from the date of the letter.
2. A site inspection shall be scheduled to identify or validate any specific ordinance violations and the infractions shall be discussed by the Code Enforcement Officer and the person having committed a code violation and/or property owner.
3. An action plan shall be created that outlines specific code violations and how they will be resolved with an agreed-upon completion date approved by a Code Enforcement Officer.

B. **Administrative Notice.** A Code Enforcement Officer may issue, either in person or by United States first class mail, an Administrative Notice to a person suspected or known to have committed a code violation and/or to be the owner of property upon which a code violation is being committed.

1. The Administrative Notice shall identify the code violation, the location upon which the code violation occurred or is occurring, and the recommended corrective action for the code violation.
2. The Administrative Notice shall state that the alleged violator has, at the discretion of the Code Enforcement Officer, up to 15 days to correct or abate the Code Violation.
3. If the alleged violator and/or property owner upon which a code violation is being committed is unable to correct or abate the Code Violation within the prescribed time, that person may request in writing an extension from the Code Enforcement Officer.
4. Any extension granted at the discretion of the Code Enforcement Officer shall be in writing and shall specifically state the date of expiration.
5. If the code violation is not corrected or abated as outlined in the Administrative Notice within the prescribed time or any extension thereto, the Code Enforcement Officer may issue a citation, as provided below.

C. **Citation.** At the direction of the Town Board, a Code Enforcement Officer is authorized to issue a citation for a Code Violation, whether or not a Code Enforcement Letter or Administrative Notice has first been issued in regard to said code violation.

1. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the code violation has occurred, either by personal service or by United States first class mail.

2. The citation shall state the nature of the code violation, the time and date said code violation occurred, the civil penalty applicable to that code violation as set forth in the Town Fee Schedule Ordinance, and the manner for paying the civil penalty or requesting a hearing to appeal the citation.
 3. After a citation is issued, the alleged violator and/or the owner of the property upon which the code violation has occurred shall, within 15 days of the date of issuance of the citation, either pay the civil penalty set forth in the citation or request an appeal in writing according to the procedure set forth in Section 610-6 of this Ordinance.
- D. **Continued or Subsequent Violations.** The Code Enforcement Officer may immediately issue an additional citation for continuation or reoccurrence of a code violation for which a citation has been issued to the alleged violator and/or owner of the property upon which the violation has occurred within 18 months of the issuance of a previous citation for the same code violation.

610-5: APPEAL:

A. Requesting an Appeal:

1. Any person appealing a citation issued pursuant to this Chapter may, within 15 days of the time of issuance of the citation, request a hearing before a Board of Appeals.
2. Any request for a hearing shall be made in writing on a form provided by the Town for such a request and either delivered to the Town, either in person at the Town Hall or mailed to the Town by United States first class mail, postage prepaid, and postmarked within said prescribed 15 days.
3. Failure to attend a hearing as provided for by this section constitutes a waiver of the violator's rights to such hearing and is an admission of the violation unless waived by the Board of Appeals upon good cause being demonstrated.
4. Enforcement of code violations subject to appeal shall be suspended until a decision is issued by the Board of Appeals.

B. Board of Appeals:

1. The Town Board shall by resolution appoint a list of hearing officers authorized to act as a Board of Appeals to be constituted of an odd number of appointees of one or more persons.
2. The hearing officers may be compensated by the Town for such hearings and related findings.
3. The Board of Appeals shall have the authority to uphold or dismiss the citation or reduce, stay, or waive the civil penalty imposed upon such terms and conditions as the Hearing Officer shall determine.

C. Conduct of Hearing:

1. The hearing shall be held at the Town Hall within 45 days of the date the Town received a timely written notice that an appeal has been requested.
2. Audio and/or video of the hearing proceedings shall be recorded.
3. The parties will have the opportunity to present testimony, documents, and exhibits and question witnesses at the hearing.
4. The Board of Appeals will receive exhibits and testimony without application of strict rules of evidence and shall give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
5. The decision of the Board of Appeals shall be made in writing on a form provided by the Town for such purpose.
6. A copy of the Board of Appeals decision shall be served by United States first class mail upon the person requesting the hearing within 15 days from the date of said decision.
7. The Board of Appeals decision is final, except for appeal of the Hearing Officer's decision in limited cases to the Town Board, as set forth below.
8. Appeal of Board of Appeals Decision:
 - a. The decision of the Board of Appeals shall be appealable to the Town Board only for the following matters:
 - (1) An alleged failure to obtain a required permit, license, or other approval from the Town as required by ordinance; or
 - (2) An alleged violation of a permit, license, or other approval, or the conditions attached to the permit, license or approval, that was issued by the Town Board; or
 - (3) An alleged violation of regulations governing a person or entity who has received a license issued by the Town Board.
 - b. An appeal to the Town Board of the Board of Appeals decision shall be made in writing on a form provided by the Town for such an appeal and must be served on the Town Clerk, either in person at the Town Hall or by United States first class mail, postage prepaid, within 15 days after the date of the Board of Appeals decision.
 - c. A timely appeal shall be heard by the Town Board after a notice of hearing is served by the Town upon the appellant in person or by certified mail at least 10 days in advance of the date of the hearing.

- d. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Board of Appeals decision.
- e. The Town Board shall consider the record, the Board of Appeals decision, and any additional arguments before making a determination, but shall not be bound by the Board of Appeals decision and may adopt all or part of the Board of Appeals decision.
- f. The town clerk shall notify the applicant via first class U.S. Mail of the town board decision stating, in detail, the reasons for the action within ten (10) days of the close of the hearing.

610-6: PAYMENT:

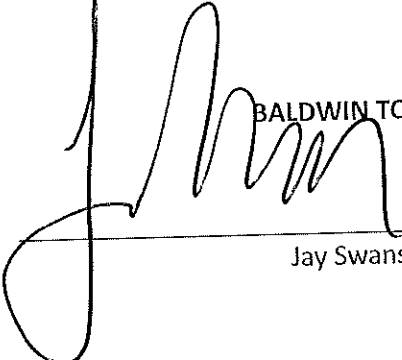
- A. The civil penalty imposed by issuance of a citation may be paid either in person at the Town Hall or by United States first class mail, postage prepaid and postmarked within said prescribed 15 days.
- B. Payment of the civil penalty shall be deemed to be an admission of the Code Violation.
- C. Failure to Pay:
 - 1. In the event a person issued a citation fails to pay the civil penalty for a code violation within the prescribed time, a late charge of 15 percent shall be imposed thereon for each seven days the civil penalty remains unpaid and the code violation remains uncorrected or unabated beyond the due date.
 - 2. An unpaid civil penalty and accrued late charges will constitute a personal obligation of the person(s) to whom the citation was issued and the Town shall have the right to collect such unpaid civil penalty and accrued late charges, together with the Town's costs and reasonable attorney's fees, in criminal or civil proceedings.
 - 3. Pursuant to Minn. Stat. Chapter 429.101., Minn. Stat. Chapter 514.67, and other applicable law, a lien in the amount of the civil penalty and any accrued late charges may be assessed against the property where the code violation occurred and collected in the same manner as taxes.
 - 4. Assessment of an unpaid civil penalty shall not preclude the Town from issuing additional citations for a continuing code violation, nor shall it preclude the Town from making additional assessments against the same property resulting from a continuing or new code violation.

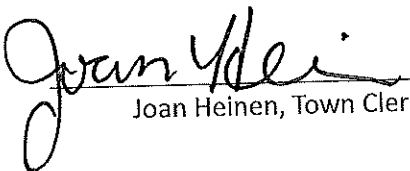
610-7: SEPARABILITY: If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

Section 3. This Ordinance shall become effective after passage and publication.

ADOPTED by the Board of Supervisors of Baldwin Township this 17th day of June, 2024.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:


BALDWIN TOWNSHIP
Jay Swanson, Chair

ATTEST:

Joan Heinen, Town Clerk/Treasurer



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Baldwin Town Board of Supervisors

FROM: D. Daniel Licht

DATE: 13 June 2024

RE: Baldwin Township -- Code Enforcement

TPC FILE: 269.01

BACKGROUND

Baldwin Township assumed responsibility for administration and enforcement of the Zoning Ordinance, Subdivision Ordinance, and Building Ordinance on 20 June 2022. The Town is also responsible for enforcement of other various ordinances and regulations that have been adopted from time-to-time. The Sherburne County Sheriff's Office and County Attorney work with the Town on enforcement of Statutory laws.

Enforcement actions are typically only initiated when there is a complaint made to the Town that requires a response be made by the Town. Enforcement of the ordinances that are the responsibility of the Town can be carried out via administrative procedures, civil litigation, and/or criminal prosecution. An administrative enforcement process is intended to be more informal and cooperative in working with property owners when violations are identified. The nature of administrative code enforcement has been found to be more successful in achieving the goal of compliance. Administrative code enforcement processes are also more often less costly for the Town than either civil litigation or criminal prosecution. Establishment or use of administrative code enforcement as a tool to address code violations does not preclude any other available remedy that the Town may utilize to abate a condition.

The Town Board directed Town staff to prepare a draft ordinance establishing administrative code enforcement procedures. The draft ordinance attached defines the purpose, process, and procedures for Town staff to administer and enforce Town regulations. Included as part of these procedures are ample notices to property owners regarding potential violations, the ability to issue citations imposing a civil fine for unabated violations and due process for property owners to appeal Town staff decisions. Town staff has also prepared templates for a first contact letter, Administrative Notice, and Administrative Citation.

Town staff is recommending that, in conjunction with the adoption of the administrative code enforcement ordinance, the fee schedule be amended to establish a civil penalty for issuance of an Administrative Citation. City staff suggests that the civil penalty for an Administrative Citation be \$50.00. This amount is equal to the penalty for a parking violation upon Town roads currently adopted as part of the fee schedule.

The Planning Commission reviewed the draft administrative code enforcement ordinances at their special meetings on 17 April 2024 and 15 May 2024. The Planning Commission formally considered recommendations to the Town Board regarding the administrative code enforcement procedures, ordinance, and forms at their meeting on 22 May 2024.

Exhibits:

- Draft Ordinance
- Summary of Draft Ordinance
- Draft First Contact Letter
- Draft Administrative Notice
- Draft Administrative Citation

CONCLUSION

The Planning Commission at their meeting on 22 May 2024 voted 7-0 to recommend approval of the proposed administrative code enforcement procedures, ordinance, and forms.

The Town Board will consider adoption of the proposed ordinance at their meeting on 17 June 2024.

Town staff recommends approval of the proposed ordinance as presented and approve publication in summary form

c. Joan Heinen, Town Clerk/Treasurer