

ORDINANCE # 140  
**AMENDED OCTOBER 6, 2009**  
AN ORDINANCE FOR THE CITY OF HOKAH ESTABLISHING A SYSTEM FOR THE  
ISSUANCE OF ADMINISTRATIVE CITATIONS AND THE GENERAL PROCEDURE IN  
THE IMPLEMENTATION THEREOF

The City Council of the City of Hokah, Houston County, Minnesota, hereby ordains:

**SECTION 1. PURPOSE**

Administrative offense procedures established pursuant to this ordinance are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional, primarily petty misdemeanor criminal charges for violations of certain statutes, ordinances and of other city regulation. 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 provided on the administrative citation, the person charged may withdraw from participation in the procedures, in which event the city may bring criminal charges in accordance with the law consistent with the facts involved underlying the administrative citation. Likewise, the city may, without issuing an administrative citation, bring the appropriate criminal charges initially. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty specified on the administrative citation, the city may recover the costs entailed as part of a criminal disposition should the party charged be eventually adjudicated guilty.

**SECTION 2. OFFENSES**

An administrative offense is a violation of a provision of the City Code, City Ordinance or State Law and is subject to the administrative penalties set forth in the schedule of offenses and penalties and as noted on the administrative citation, as periodically set by the City Council by resolution duly enacted. No penalty, as scheduled for administrative offenses, shall exceed \$100.00 for any offense. An administrative offense, a petty misdemeanor, is not a crime. When used for traffic offenses, it is the policy of the Hokah Police Department to issue administrative citations for petty misdemeanors only. Administrative citations shall not be used in cases involving personal injury, property damage, or where litigation is pending.

**SECTION 3. PROCEDURE**

Officers of the Hokah Police Department will be issued separate citation (ticket books) for issuing administrative citations. The citation form shall include necessary space for all pertinent vehicle information, driver information, month, date and time of the violation, ordinance or other regulation number, and the officer's signature and badge number.

**SECTION 4. ISSUING ADMINISTRATIVE CITATIONS**

At the time of a traffic stop or during initial contact by an officer, violators may be given the option of receiving an administrative citation or the citation the officer would otherwise issue

(non-administrative citation) where issuance of administrative citation is not an option. Violators continue to enjoy the presumption of innocence, hence may seek judicial determination by not remitting the amount specified on the face of an administrative citation and as directed thereon. If the officer ascertains in the initial contact with a violator of the violator's intention to plead not guilty, the officer would issue a non-administrative citation. The administrative citation shall disclose on the face thereof the local ordinance number, statute or other regulation citation violated and the issuing officer shall prepare and place on file brief incident report for each administrative citation issued.

## **SECTION 5. PAYMENT OF ADMINISTRATIVE CITATIONS**

When issuing the administrative citation, the payment **due date shall be** written on the citation, affording the violator seven (7) days to pay the specified penalty at the Hokah City Clerk's Office or other designated depository. Although payment constitutes admission of the violation, the violation shall not appear anywhere on the violator's driving or criminal history record. Failure to pay the administrative penalty on or before the date specified on the citation will result in it being processed in the same manner as a non-administrative citation. Upon issuance of the misdemeanor or petty misdemeanor charge, (non-administrative citation) the administrative offense procedure shall not be initiated or if it is initiated shall thereupon terminate. In instances where the administrative citation amount has been paid and a non-administrative citation issues, the violator may disclose to the Houston County Court Administrator the fact of the payment evidenced by receipt thereof. The Prosecuting City Attorney to make the final dispositional decision in such cases.

## **SECTION 6. PROCESSING ADMINISTRATIVE CITATIONS**

The City Clerk's Office shall receive a copy of all administrative citations issued, to enable effective administrative record thereof and to account for payments received for administrative citations. Receipts will be issued for all payments received. All proceeds received and data collected pertaining to payment of an administrative penalty shall be maintained by the Hokah City Clerk's Office. All penalties collected pursuant to this section shall be paid to the City of Hokah and deposited to the City's General Fund. Each administrative citation will be classified as paid, unpaid or void. If a citation is dismissed or voided for any reason, it must be marked and filed as such and forwarded to the Chief of Police. All data collected and generated from the issuance of administrative citations shall be filed and maintained by the Hokah Police Department.

## **SECTION 7. SEVERABILITY AND SAVINGS CLAUSE**

If any part of this ordinance is declared unconstitutional, invalid or otherwise determined unenforceable by a court of competent jurisdiction, all other remaining provisions and parts t hereof shall continue remain in full force and effect.

## **SECTION 8. EFFECTIVE DATE**

This ordinance shall be effective upon its due passage, enactment and publication according to law.

Adopted by the Hokah City Council this 1<sup>st</sup>. day of July, 2008.

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Mayor, Jerry Martell

Attest:

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City Administrator – Rodney Blank

October 6, 2009  
AMENDMENTS TO ORDINANCE # 140

1. The City hereby sets the fine for committing an administrative traffic violation designated by Minn. Stat. §169.999 at the amount designated by Minn. Stat. §169.999, subd. 5, as it may be amended from time to time.
2. The City hereby directs that no administrative traffic citation authorized by this resolution may be issued to a holder of a commercial driver's license or the driver of a commercial vehicle in which the administrative violation was committed.
3. The City hereby directs the appointment of a neutral third party to hear and rule on challenges to administrative traffic citations authorized by this resolution. Such appointment may be renewed annually at the first meeting of the year as all other Council appointments, or more immediately as the Council directs, in its sole, reasonable discretion.
4. The City hereby adopts the uniform administrative traffic citation form prescribed by the Commissioner of Public Safety.
5. The City hereby authorizes City staff to create materials as necessary to supplement the uniform administrative traffic citation to provide recipients of an administrative traffic citation with information related, but not limited to, the recipient's right to challenge the citation; the City's process for handling challenges to administrative traffic citations; the location, dates, and times designated to hear traffic citation challenges; the process for paying a traffic citation; and the effect of an administrative traffic citation on a recipient's driving record.
6. City staff is hereby directed to separately account for administrative traffic citations authorized by this resolution in City financial reports, summaries, and audits in keeping with common accounting practices and standards.
7. City staff is hereby directed to designate a special fund for the portion of administrative traffic fines that must be spent on law enforcement purposes, in keeping with common accounting practice and standards, and to report annually, or as otherwise directed by Council, to the City Council on said fund.
8. Two-thirds of the fine monies collected remains with the City. One third of the fine is paid to the State Commissioner of Finance.

Whereupon said amendments were declared duly passed and adopted by the City Council of the City of Hokah, on October 6, 2009.

BY:

ATTEST:



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Mayor

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City Administrator