

ORDINANCE 2025-02

CITY OF OAK GROVE
COUNTY OF ANOKA
STATE OF MINNESOTA

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION BY ADDING SECTIONS 2-185 THROUGH 2-199, RESERVED; AND ADDING SECTIONS 2-200 THROUGH 2-214 TO CREATE LOCAL STATUTES FOR ADMINISTRATIVE ENFORCEMENT

THE CITY COUNCIL OF THE CITY OF OAK GROVE, ORDAINS AS FOLLOWS:
(deletions shown as ~~strikethrough~~ and additions shown in bold/underline)

Section 1. City Code Article V, Division 3 is hereby amended as follows:

Sec. 2-185 – 2-199 – Reserved.

Section 2. City Code Article VI is hereby adopted as follows:

Article VI. – Administrative Enforcement of the City Code

Sec. 2-200. Purpose. The city council of Oak Grove finds there is a need for additional alternative methods of enforcing the city code. While criminal penalties and civil litigation have been the most frequent enforcement mechanisms, administrative enforcement of the city code will increase compliance, will encourage citizens to become more receptive to enforcement efforts, will be more informal and will keep many violations out of the district court’s criminal justice system. The use of administrative citations is a legitimate, cost-effective, and more efficient alternative method of enforcement of the city code.

Sec. 2-201. Scope. Administrative enforcement is an effective way to promote the health, life, safety, and welfare of Oak Grove residents. This method of enforcement shall be in addition to and not exclusive of any other legal remedy for code enforcement, including, without limitation, the filing of criminal charges or other civil remedies for code violations in an effort to achieve compliance.

Sec. 2-202. Definitions.

Administrative offense is any violation of a provision of the Oak Grove 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 and civil penalties. Each day a violation exists shall constitute a separate administrative offense. In cases where code violations involve real property, both the responsible party and the property owner may be held accountable for violations occurring on the said property after proper notice has been given.

Property Owner means a person or legal entity listed as the holder of the title to real property in the official land records of the jurisdiction where the property is located. A property owner is responsible for the actions of all responsible parties and shall ensure compliance with the city codes as it affects their property. Property owners include, but is not exclusive to:

- (a) Individuals, corporations, partnerships, or trusts recorded as owners of the property.
- (b) Owners of record as defined by the county or city land records.

- (c) Entities or individuals with a legal or equitable interest in the property.

Responsible Party means a person, group, or entity deemed accountable for a violation of laws, ordinances, or regulations. This includes, but is not exclusive to:

- (a) Occupants or Tenants who are individuals or entities in possession of or residing at the property where the administrative offense is occurring.
- (b) Persons or Entities in Control and who have authority over or responsibility for the property or activity that constitutes the violation, regardless of ownership.
- (c) Persons Directly Engaging in the Violation who actions or omissions resulted in the administrative offense.

Sec. 2-204. Procedure. A person authorized to enforce provisions of the city code may issue an administrative citation upon belief that a code violation has occurred.

- (a) Authority to Issue Notices and Citations. The following representatives of the City of Oak Grove have the authority to issue notices and citations for administrative offenses:
 - (1) City Administrator.
 - (2) Zoning Administrator.
 - (3) Any licensed Peace Officer.
 - (4) Designated Building Official.
 - (5) Building Inspector.
 - (6) Appointed or Designated Code Compliance Officer.
 - (7) Any other individual designated by the city administrator enforce the city code.
- (b) Administrative Citation Warning Notice. Upon determining that an administrative offense has occurred, a city representative may issue an administrative citation warning notice to the responsible party and the property owner, either in person or by regular mail. The notice will state the date, time, and nature of the offense, a reasonable time period to come into compliance, and the name of the official issuing the notice.
 - (1) If the responsible party or property owner is making a good faith attempt to remedy the administrative offense, they may request an extension to the time period contained in the administrative citation warning notice.
 - (i) The request for extension must be made in writing or email and sent to the city representative that issued the administrative citation warning notice.
 - (ii) The length of time must be agreed upon in writing or email between a city representative and the property owner.
 - (iii) The extension request may be granted by the city representative. The city administrator has the authority to direct the city representative to deny any extension requests.
 - (iv) If the extension requests is granted, and the responsible party or property owner does not come into compliance by the extension date, the fine imposed

in the administrative citation warning notice shall not be rescinded. Additionally, a request for an extension to the compliance deadline shall constitute an admission to the violation, and a waiver of a right to request an administrative hearing in Section 2-206.

- (2) If the administrative offense is a same or similar subsequent violation within any 12-month period, an administrative notice is not required before subsequent citations are issued pursuant to the subsection (c) below.
- (c) Administrative Citation. If the responsible party or property owner fails to correct the administrative offense within the time period provided in an administrative notice, a city representative may issue an administrative citation. The citation must be issued to the responsible party and the property owner in person or by regular mail. The citation must state the date, time, and nature of the administrative offense, the action necessary to remedy the administrative offense, the name of the representative issuing the citation, the amount of the scheduled fine, the manner for paying the fine, that a failure to pay may result in a lien against real property to be collected via assessment, and the responsible party or property owner's right and manner for appealing the citation under Section 2-206.

Sec. 2-205. Payment.

- (a) Amount. The amount payable for administrative citations shall be established by the fee scheduled as adopted by the city council and, unless an appeal is appropriately requested, shall be due within 10 days of the date of the citation. In the event that this is a second or subsequent administrative citation for the same or substantially similar offense within a twelve (12) month period, the fee for such second or subsequent offense may be increased pursuant to the fee schedule.
- (b) Effect of Payment. Payment of an administrative citation to the city will not act to prevent or affect further enforcement efforts that may results from any ongoing conduct, including any and all city code violations that occur after the issuance of the original administrative citation.
- (c) Failure to Pay. If the responsible party or the property owner fails to pay the fee for the violation in the amount of time specified in the administrative citation, which shall be 10 days absent an appeal, the city may suspend or revoke any city-issued licensed that is associated with the administrative offense or take additional enforcement actions afforded to the city under the law for the cited offense.

Additionally, any unpaid fee shall constitute:

- (1) 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; or
- (2) A personal obligation of the property owner 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.

Sec. 2-206. Contesting Administrative Citations.

- (a) Any person issued an administrative citation under this chapter shall have the right to appeal such citation by filing a written notice of appeal to the city representative that issued the administrative citation within 10 days of the date of such citation. Upon receipt of such written notice, the city representative shall schedule the administrative hearing as soon as reasonably practical from the date of such appeal notice.
- (b) The appeal will be heard by a neutral, third-party hearing officer appointed by the city administrator or their designee. At the hearing, the parties will have an opportunity to present testimony and documentary evidence and question witnesses, but strict 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 hearing officer deems appropriate to ensure an efficient appeal process.
- (c) The hearing officer shall conduct an informal hearing to determine if a violation has occurred.
 - (1) The hearing officer shall issue its findings and conclusions, in writing or email, within thirty (30) days following the hearing.
 - (2) Upon concluding that an administrative citation was justified, it will uphold the citation as issued and the responsible party or property owner shall pay the administrative citation along with the cost of the hearing within (3) days of the date of decision or within the time specified by the hearing officer. The property shall also be brought into compliance by the date specified by the hearing officer.
 - (3) If the hearing officer finds that the administrative citation was not justified, it will overturn the citation.
 - (4) Failure to attend the appeal hearing constitutes a waiver of the responsible party and property owner's rights to a hearing and an admission of the violation. The city administrator may waive this result, however, 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; or lack of proper service of the citation or notice of the hearing. "Good cause" does not include forgetfulness or intentional delay.

Section 2-207. Disposition of Penalties; Additional Consequences.

- (a) All penalties collected pursuant to this section shall be paid to the City of Oak Grove.
- (b) A late payment fee of 10% can be assessed for each thirty (30) day period, or part there-of, that the fine remains unpaid after the due date.
- (c) The city council may adopt a schedule of fees to be paid to administrative hearing officers, up to, and including the actual cost to hold the hearing.
- (d) In the event a responsible party or property owner is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the

same or substantially similar offense, the subsequent administrative penalty may be doubled except as otherwise provided by resolution or ordinance.

- (e) During the time the fee remains unpaid, no city approval will be granted for a license, permit, or other city approval sought by the responsible party or the property owner.
- (f) The city may suspend or revoke a city-issued license, permit, or other approval associated with any administrative offense, subject to any applicable procedural requirements contained in state or local laws as it relates to the adverse action against such city-issued license, permit, or other approval. Suspension or revocation of a license, permit, or other approval is authorized regardless of whether penalties are imposed for the violation.
- (g) The city reserves the authority to use the abatement process as outlined in Chapter 14 Nuisances, Section 14-1, in lieu of or in addition to the process as outlined in this chapter.

Section 2-208. 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.

Sections 2-209 – 2-214 – Reserved.

Section 3. This ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this XXX day of XXX 2025, by the City Council of the City of Oak Grove.

Weston Rolf, Mayor

ATTEST:

Britt Pease, Deputy City Clerk

SUMMARY PUBLICATION

The Oak Grove City Council adopted Ordinance XXX which amended City Code Chapter 2, Administration by adding Sections 2-185 through 2-199, Reserved; and added Sections 2-200 through 2-214 to create local statutes for administrative enforcement. A full copy of the ordinance is available for public inspection at Oak Grove City Hall, 19900 Nightingale Street NW, Oak Grove, Minnesota 55011-9204 in the office of the Deputy City Clerk.

ATTEST:

Britt Pease, Deputy City Clerk

Date of Publication: XXX, 2025