



City of Saint Paul

Signature Copy

Resolution: RES 24-1572

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

File Number: RES 24-1572

Pursuant to Minn. Stat. 410.12, subd. 7, seeking a recommendation from the Charter Commission to amend Chapter 6.03 of the City Charter by ordinance pertaining to the application of Administrative Citations for violation of City ordinances.

WHEREAS, in every department in the City of Saint Paul, when there is a violation of City ordinance, the goal is to achieve compliance; and

WHEREAS, the City prioritizes education, abatement, restoration, and restitution above for compliance to all City ordinances; and

WHEREAS, for many ordinances the City is limited to criminal citation for enforcement purposes; and

WHEREAS, criminal citations can result in a criminal record which can create severe unintended consequences for community members such as harming their ability to secure and maintain housing and employment; and

WHEREAS, there are situations where criminal citations may be too harsh, punitive, and/or unreasonable as a response to the violation that occurred; and

WHEREAS, the City seeks to add an enforcement tool, to the benefit of Saint Paul's visitors, residents, and workforce, with the ability to implement ordinances without the severity and lasting consequences of criminal citations, when appropriate; and

WHEREAS, the City does not currently have specific authority under its Charter to issue civil penalties; and

WHEREAS, administrative citations are a standard tool that governments across the nation utilize every day with great effect; and

WHEREAS, the use of administrative citations provides municipalities with various levels of tools to ensure compliance in all situations and the City of Saint Paul seeks to include this authority for improved health and safety of its residents on par with comparable municipalities; and

WHEREAS, the City believes that civil penalties will assist in reaching compliance goals in a timely, consistent, and appropriate manner and provide the public and the city with an effective, transparent, alternative method for addressing code violations without encumbering violators with the burdens of criminal consequences; and

WHEREAS, the City will continue to prioritize education and abatement as enforcement tools above the civil penalties allowed by the addition of Administrative Citations; and

WHEREAS, this resolution will be submitted to Saint Paul's Charter Commission after review from all members of Council, the Mayor and his administration, and numerous departments and their

staff and leadership; and

WHEREAS, upon the Charter Commission's review and approval, their recommendation will be returned to the Council for a final approval of the Charter's amendment; and

WHEREAS, the addition of a civil penalty in any future ordinance will require the same process as every City ordinance: three public readings at Council, including a public hearing to incorporate community input; and

WHEREAS, the Council will also need to pass an Ordinance establishing an appeal process to address due process and transparency before civil penalties are imposed for violations of City ordinances; and

WHEREAS, pursuant to Minn. Stat. Section 410.12, subd. 7, the Council may request the Charter Commission to propose an amendment to the Charter by resolution; and

WHEREAS, the Saint Paul Charter Commission has not adopted formal Rules related to process and timelines for proposals to amend the Charter: and

WHEREAS, the Council of the City of Saint Paul requests that the Charter Commission consider this resolution at its earliest convenience and recommend the proposed amendment and now, therefore be it

RESOLVED, that, pursuant to Minn. Stat. Sec. 410.12, subd. 7, the Council of the City of Saint Paul requests that the Charter Commission consider and recommend the following amendments to Chapter 6.03.1 to allow for administrative fines:

Section 6.03.1 - Legislative ordinances

Subdivision 1. Every act of the council which defines, licenses, regulates, suppresses, prevents or prohibits any act, business or person, grants or modifies or modifies any franchise, imposes a civil penalty or is in any way an exercise of legislative powers, shall be done by legislative ordinance. Except as otherwise provided in this Charter, such ordinances shall require an affirmative vote of at least four (4) members of the council.

Subdivision 2. With the exception of the failure to pay fines or fees, the council may establish, alter, amend or repeal an ordinance to impose a civil penalty for each violation of a city ordinance. For each ordinance the City would like to enforce using a civil penalty, the Council must adopt or amend an ordinance (a) outlining the amount of fine and other penalties that can be imposed for a first or subsequent violation of that ordinance; and (b) describing the procedure to impose civil penalties.

1. Any civil monetary penalty amount must be imposed equitably.
2. The procedure to impose civil penalties must include notice of an ordinance violation and an opportunity to be heard through an appeal process, prior to imposition of a civil penalty. The appeal process may consider the financial circumstances of the individual or entity.
3. The district court has jurisdiction to enforce any order to pay a civil monetary penalty imposed under this section.

and be it

FURTHER RESOLVED that, the City Council of the City of Saint Paul requests that the Charter Commission make its recommendation within 60 days of the passage of this resolution.

At a meeting of the City Council on 10/23/2024, this Resolution was Passed.

Yea: 7 Councilmember Noecker, Councilmember Jalali, Councilmember Yang, Councilmember Kim, Councilmember Bowie, Councilmember Jost, and Councilmember Johnson

Nay: 0

Vote Attested by Shari Moore
Council Secretary Shari Moore

Date 10/23/2024

Approved by Mayor Melvin Carter III
Melvin Carter III

Date 10/29/2024