

A photograph of an outdoor ice sculpture festival at night. The scene is illuminated by warm, golden-yellow lights that highlight the intricate carvings of the ice. In the foreground, a large, detailed sculpture of a figure, possibly a deity or a warrior, stands prominently. To its right, a smaller sculpture of a winged figure is visible. In the background, other sculptures and the silhouettes of trees are visible against a dark blue night sky. The overall atmosphere is festive and artistic.

CITY OF SAINT PAUL **ADMINISTRATIVE CITATIONS**

CHARTER COMMISSION December 12, 2024



Agenda



Revisiting the Conversation



Department Examples



Across the Nation



MN Cities



Process Examples



Questions



Revisiting the Conversation: Why are we here today?

The City Council, in alignment with the Administration, passed a resolution to ask the Charter Commission to amend the charter to include the Council's ability utilize administrative citations if they so choose.

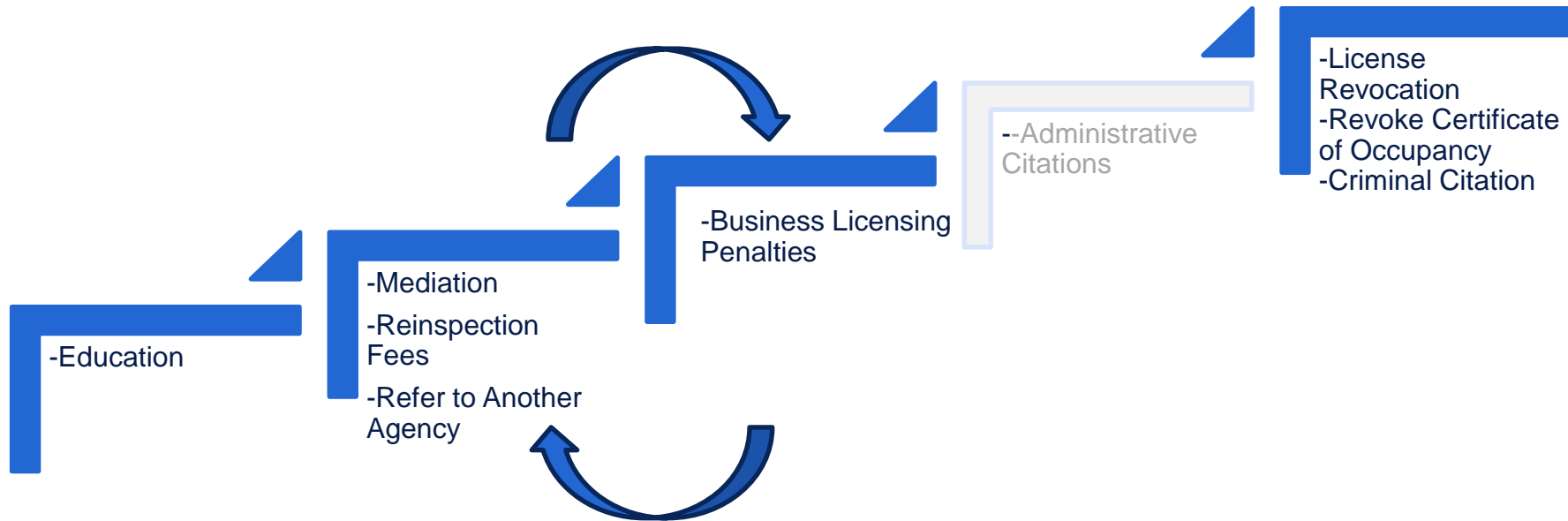
With this Resolution, the Council is asking the Charter Commission to turn on the Council's ability to add administrative citations to ordinances as a compliance tool.

Why?

The City of Saint Paul's current tools to achieve compliance are not effective nor appropriate options for all situations.



Revisiting Current Tools for Compliance



Due process is always built into all compliance actions of the city.



Department Examples -- Authority Given by Council

Department of Safety and Inspections (DSI)

- Animal Services - Unlicensed Animals, Dog Bites, Dog at Large
- Construction - Work without proper permits, Work without competency card, Safety violations, Failure to final permits
- Zoning - Compliance with Site Plans, Un-permitted Signs, Unapproved Land Uses, Lighting Violations
- Rent Stabilization- increasing rent above 3% without approval or meeting an exception
- Housing – long term non-compliance

Human Rights and Equal Economic Opportunity (HREEO)

- *Earned Sick and Safe Time (ESST) Ordinance*
- *Minimum Wage Ordinance*
- Wage Theft Ordinance

Public Works Department (PW)

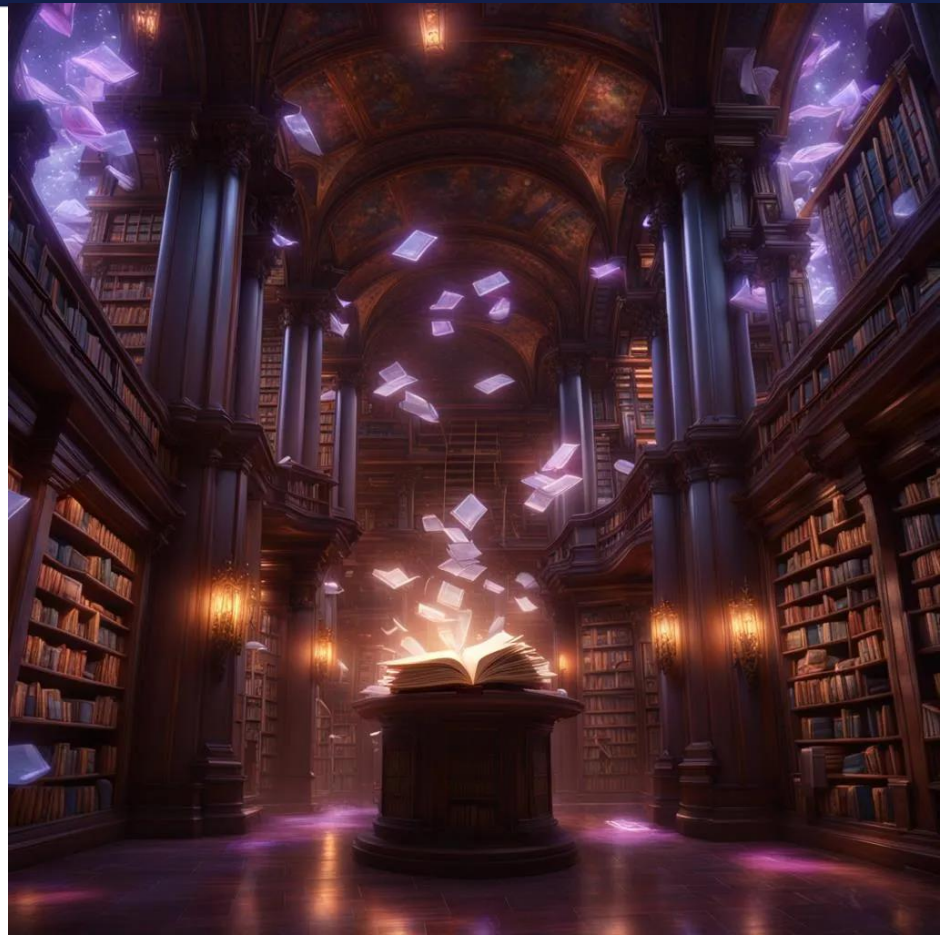
- Right of Way (ROW) permits (all areas)
- Sewer Utility permits
- Encroachment permits
- Illicit discharges to the storm or sanitary sewer systems
- Sidewalk permits
- Ordinance permits
- Unauthorized use of the ROW and other Public Works infrastructure



Breadth of Responsibilities: DSI

- Saint Paul Legislative Code, over 170 chapters
 - Zoning Code alone is about 280 pages
- Minnesota Building Code
 - Over 13 disciplines
- State Laws
 - Cigarette compliance checks
 - Financial compliance/audits
 - Gambling enforcement, fund distribution
 - Flood plain management
 - MS4 compliance (via State via EPA)
 - Subsurface sewage treatment system inspections
 - On and off sale liquor enforcement
 - Investigation of dangerous animals
- SAC collection and auditing
- State delegated agreements

For context, the city Charter is 57 pages, covering 18 chapters.





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Example: DSI

Housing Non-Compliance

- Downtown high rise serving mainly residents earning below 50% AMI (known housing shortage for <50% AMI residents)
- Routine Fire Certificate of Occupancy inspection progressing then stalls out
 - Education, reinspections, mediation for months
- Owner essentially abandons responsibility for the building
- City joins the lender in court to have a receiver appointed
 - Likely would still have ended up in court but we could have gotten there sooner, resulting in;
 - Better outcome for residents
 - Better starting point for incoming receiver
- Receiver makes progress then has numerous setbacks
 - Without permanent heat or operable fire suppression, water damage, and electrical equipment damage; immediate condemnation and owner temporarily rehouses 71 people

Civil Court

Reinspection Fees

Mediation

Education

Condemnation



Example: HREEO – ESST Case in Homecare

- ✓ Total of 314 employees over 4 years
- ✓ Average hourly rate for employees is \$20.33.
- ✓ Complaint filed 8/5/22

Now

- Respondent and their attorneys have asked for 3 official extensions and all have been approved.
- HREEO has asked for information from the Respondent attorneys **18 times** and still have not received ALL information to date.
- Respondent's Attorneys have sent a total of **15 emails refusing to provide all the information requested in the NOIs** for the investigation.

With Admin Cites

- The team is projecting a 6-month timeline to resolve cases.

Potential Administrative Fines

See 233.13 (h 1-6) ESST Ordinance

- ✓ First Violation: \$250 x 314
= \$78,500
- ✓ Lack of confidentiality: \$1,000
- ✓ Retaliation: \$1,000
- ✓ Lack of Notice/Posting: \$1,000
- ✓ Insufficient Records: \$1,000

Total Admin Fines, Up to \$82,500

*Please see the
Timeline of Case Activities*



Example: Public Works

Right of Way Car/Ped/Bike Access Violations

- **Now:** When a contractor does not comply with access requirements (for cars/peds/bikes), our only remedy is to place them on probation or issue a misdemeanor ticket.
 - This impacts their fees (2x) but not necessarily their subcontractors.
 - Compliance is delayed or ineffective.
- **With Admin Cites:** Fines would apply to anyone using the right of way (contractor or subcontractor).
 - Fine process would have to be established.
 - Compliance would be greater.





Administrative Fines Used Across the Nation

Rank	City	Population	Issues Fines?
1	New York City, NY	8,258,04	Yes
2	Los Angeles, CA	3,820,914	Yes
3	Chicago, IL	2,664,452	Yes
4	Houston, TX	2,314,157	Yes
5	Phoenix, AZ	1,650,070	Yes
6	Philadelphia, PA	1,550,542	Yes
7	San Antonio, TX	1,513,974	Yes
8	San Diego, CA	1,388,320	Yes
9	Dallas, TX	1,302,868	Yes
10	Jacksonville, FL	985,843	Yes
11	Austin, TX	979,882	Yes
12	Fort Worth, TX	978,468	Yes
13	San Jose, CA	969,655	Yes
14	Columbus, OH	913,175	Yes
15	Charlotte, NC	911,311	Yes

Rank	City	Population	Issues Fines?
16	Indianapolis, IN	879,293	Yes
17	San Francisco, CA	808,988	Yes
18	Seattle, WA	755,078	Yes
19	Denver, CO	716,577	Yes
20	Oklahoma City, OK	702,767	Yes
21	Nashville, TN	687,788	Yes
22	Washington, DC	678,972	Yes
23	El Paso, TX	678,958	Yes
24	Las Vegas, NV	660,929	Yes
25	Boston, MA	653,833	Yes
26	Detroit, MI	639,111	Yes
27	Portland, OR	652,503	Yes
28	Louisville, KY	633,045	Yes
29	Memphis, TN	633,104	Yes
30	Baltimore, MD	585,708	Yes



Administrative Fines Used Across Minnesota

Rank	City	Population	Issues Civil Fines		Rank	City	Population	Issues Civil Fines
1	Minneapolis	425,115	Yes		14	Burnsville	64,772	Yes
2	Saint Paul	303,830	No		15	Coon Rapids	63,377	Yes
3	Rochester	122,413	Yes		16	Eden Prairie	62,166	Yes
4	Duluth	87,680	Yes		17	Apple Valley	55,336	Yes
5	Bloomington	87,398	Yes		18	Edina	53,348	Yes
6	Brooklyn Park	82,017	Yes		19	Minnetonka	52,463	Yes
7	Woodbury	79,538	Yes		20	St. Louis Park	49,697	Yes
8	Plymouth	77,648	Yes		21	Shakopee	47,158	Yes
9	Lakeville	76,243	Yes		22	Mankato	45,742	Yes
10	Blaine	73,774	Yes		23	Moorhead	45,202	Yes
11	Maple Grove	71,288	Yes		24	Cottage Grove	42,056	Yes
12	Saint Cloud	71,013	Yes		25	Maplewood	39,958	Yes
13	Eagan	67,396	Yes					



Due Process – Already Built into every City action

- ✓ DSI -- Fire Certificate of Occupancy, Code Enforcement, Vacant Building orders go to the Council's Legislative Hearing Officer then to City Council.
 - Can be further appealed to the District Court of Appeals.
- ✓ DSI, PW, Water -- Property Assessments go to the Council's Legislative Hearing Officer then to Council to be ratified before going to Ramsey County Property Records.
- ✓ PED, DSI -- Zoning issues are appealable to the Planning Commission or Board of Zoning appeals before going to Council.
 - Can be further appealed to the District Court of Appeals.
- ✓ DSI -- Business License adverse actions go to an ALJ or Council.
 - Can be further appealed to the District Court of Appeals.
- ✓ DSI -- Building Code appeals go to the Building Official.
 - Can be further appealed to the MN DLI.
- ✓ HREEO – Appeal to Department, Council, and/or Court of Appeals.

In all situations, you have a right to be heard, present evidence, and be represented.

See ESST
Ordinance,
233.13 (d)
employee
options to appeal
233.13 (e-g)
employer options
to appeal



Processes Examples -- Rochester

Purpose & Intent

Rochester -- CHAPTER 5. ADMINISTRATIVE ENFORCEMENT PROCEDURE

5.01. Purpose and Intent.

Subd. 2. The Common Council finds that there is a need for alternative methods of enforcing the Code. While criminal fines and penalties have been the most frequent enforcement mechanism, there are certain negative consequences for both the city and the accused. The delay inherent in that system does not ensure prompt resolution. Citizens resent being labeled as criminals for violations of city ordinance regulations. The higher burden of proof and the potential for incarceration are not appropriate for most ordinance regulations. The criminal justice system does not always regard Code violations as important. Accordingly, the Common Council finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for a Code violation.

Subd. 6. Authority of Hearing Officer. The hearing officer shall have the authority to:

- 1.) Determine whether a violation occurred;
- 2.) Dismiss the administrative citation;
- 3.) Impose the scheduled civil fine; or
- 4.) Reduce or waive a scheduled civil fine either unconditionally or upon compliance with appropriate conditions.



Process Examples -- Various



Health & Inspections Department
400 2nd Street South
St. Cloud MN 56301
(320)255-7214
Fax (320)650-3145

Animal Control
Environmental Health
Rental Housing Inspections

June 21, 2013
Citation #: 2013-00440
Parcel #:

Administrative Citation

This citation charges you with one or more violations of the City of St. Cloud Code of Ordinances.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Process to Issue
& Due Process

Apple Valley: **What if the property owner fails to comply with an ordinance?** Property owners who do not comply after the initial contact receive a 2nd letter stating the property is in violation. Continued noncompliance results in a 3rd and final letter informing the property owner they will receive a citation if they do not comply with the code(s). Each letter informs the owner of the reinspection date, which is not less than five days from the date of the letter. It is important to note that a conviction of a code violation is a misdemeanor and can result in fines of up to \$1,000 and/or up to 90 days in jail.

Maple Grove: Hearing officer than Council. Council is final decision.

Coon Rapids: See brochure



Process Examples – Minneapolis

Departments & Due Process

Minneapolis, Chapter 2

2.50. Orders to correct; administrative citations. Upon the reasonable belief that an offense detailed in section 2.40 of this chapter has occurred, the city officials listed in section 2.20 of this chapter may serve on the violator an order to correct the violation or may issue a citation for the violation. If compliance is not achieved by an order to correct, the official is authorized to issue an administrative citation pursuant to this chapter of the Code. An administrative citation must be served on the alleged violator, or, in the case of citations issued for **parking violations under to the traffic code**, the citation may be issued in the same manner as a traffic tag pursuant to section 478.480. The administrative citation must state the date and nature of the offense, the name of the official issuing the citation, or designee, the amount of the scheduled civil fine, and the manner for paying the fine or appealing the citation by requesting a mediation and hearing. (2001-Or-104, § 1, 9-14-01; 2010-Or-040, § 2, 4-16-10; Ord. No. 2018-067, § 1, 11-16-18; Ord. No. 2021-017, § 2, 4-16-21)

2.100. Administrative hearing procedures.

Authority of hearing officer. The hearing officer will have the authority to:

- (1) Mediate and enforce a settlement of the dispute;
 - (2) Hear an appeal of the issuance of a notice of noisy or unruly assembly under section 389.65 and either uphold or rescind the issuance of the notice;
 - (3) Determine whether a violation occurred;
 - (4) Dismiss the administrative citation;
 - (5) Impose the scheduled fine;
 - (6) Reduce, stay, or waive a scheduled fine upon compliance with appropriate conditions; or
 - (7) Increase the scheduled fine when the actual costs of enforcement are shown by a preponderance of the evidence to be greater than the amount of the scheduled fine.
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Appeal Processes – Burnsville as Example

Due Process

Burnsville, Ordinance No 1359

1-4-6, ADMINISTRATIVE APPEALS.

A) Appeal of a Notice of Code Violation. An owner of property, City licensed establishment or other person receiving a Notice of Code Violation, such as a compliance letter, invoice, or letter of adverse license action from the City may appeal the alleged violation, the amount of any fee or civil penalty, or the adverse license action. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee...and must be filed with the city manager or designee within ten (10) calendar days after service of the notice. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the City determines that such a stay would cause imminent peril to life, health, or property.

B. Hearing Officers.

(3) Authority of Hearing Officer(s). The Hearing Officer/s has the authority to do any of the following, or a combination thereof:

- A) Make a finding that a violation has occurred.
- B) Impose, reduce, stay, or waive any fees or civil penalties either unconditionally or upon compliance with reasonable conditions.
- C) Require compliance with the City Code within a specified timeframe.
- D) Make a finding that no violation has occurred and dismiss the Notice of Violation.
- E) Suspend, revoke, deny or approve businesses licenses.

Revisiting the Conversation

Administrative Citations are a very common tool that governments across the nation and state use to great effect.

Amend charter to allow the City Council to do the work with the Administration and the Community to utilize administrative citations as a fair and effective tool to obtain compliance with city ordinances.





Questions?