

The background image shows a city skyline with a prominent clock tower and red-roofed buildings. A semi-transparent blue overlay covers the bottom half of the image, where the text is located. On the right side of the blue overlay, there is a small, stylized brown figure of a person wearing glasses and reading a book.

CITY OF SAINT PAUL

ADMINISTRATIVE CITATIONS

SAUL.GOV
City of Saint Paul
Office of the City Clerk



AGENDA

- Objective, Opportunities and Benefits
- Where It Could be Used and Examples
- Proposed Charter Language
- What would the Charter Change Do?
- Process and Administrative Enforcement
- Engagement and FAQs
- Next Steps



OBJECTIVE: Develop a Fair and Effective Tool to Obtain Compliance with City Ordinances

The City of Saint Paul is proposing an amendment to the City Charter.

Currently, many ordinances can only be enforced by criminal citation. The City is seeking to join several other large Minnesota cities and create an administrative process for certain ordinance violations. This administrative process would involve imposing civil fines.



OPPORTUNITY AND BENEFITS

- The goal of administrative enforcement is compliance in a timely manner, consistent and appropriate enforcement, and elimination of unintended consequences.
- Create City managed enforcement system to improve timeliness, maintain priority of standards, and right sized fine.
- Reduce the use of criminal citations and related negative impacts associated with a criminal record.
- Provides tool where no tool exists.



WHERE IT COULD BE USED AND EXAMPLES:

- Department of Safety and Inspections (DSI)
 - Animal Control - 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
- Human Rights and Equal Economic Opportunity (HREEO)
 - Earned Sick and Safe
 - Minimum Wage
 - Conversion Therapy
- Water Department
 - Illegal use of hydrants
 - Performing plumbing services without a permit
 - Plumber not to shut water on or off



CHARTER LANGUAGE PROPOSED IN 2018

Sec. 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 any franchise, imposes a civil penalty or punishment 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. The council shall have full power and authority to establish, enforce, alter, amend or repeal a procedure by ordinance to impose civil penalties for each violation of a city ordinance. This procedure must provide an opportunity to be heard by a neutral party.

Key changes:

- Cannot be used for unpaid fines or fees.
- Fines capped.
- Individual ordinance must be amended, triggering public hearing requirement regarding:
 - Procedures
 - Penalty Matrix/Fine Schedule



NEW PROPOSED CHARTER LANGUAGE

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. The procedure to impose civil penalties must include notice of an ordinance violation and an opportunity to be heard, prior to imposition of a civil penalty. Any civil monetary penalty amount must be imposed equitably and must not exceed twice the maximum fine amount authorized for misdemeanor offenses for violation of the City Code. The district court has jurisdiction to enforce any order to pay a civil monetary penalty imposed under this section.



LEGISLATIVE PROCESS AND TIMELINE

1. Council, by resolution, asks Charter Commission to consider amendment.
2. Charter commission reviews within **60 days**, may extend additional **90 days**. (total 150)
3. If approval or substitute recommended, the Council may:
 - a) Submit originally proposed or substitute amendment for a vote; or
 - b) Amend Charter (following ordinance procedure). Within **one month**, publish notice of a public hearing, which must be **2-4 weeks** after the notice is published. Vote within **one month** of public hearing, Must pass 7-0 and cannot be vetoed by the Mayor.
4. Charter Amendment effective **90 days** after passage and publication.
5. If Charter commission does not recommend approval, or if Mayor vetoes, submit to voters at a general or special election, requires 51 percent of the votes cast. The amendment takes effect in 30 days from the date of the election.

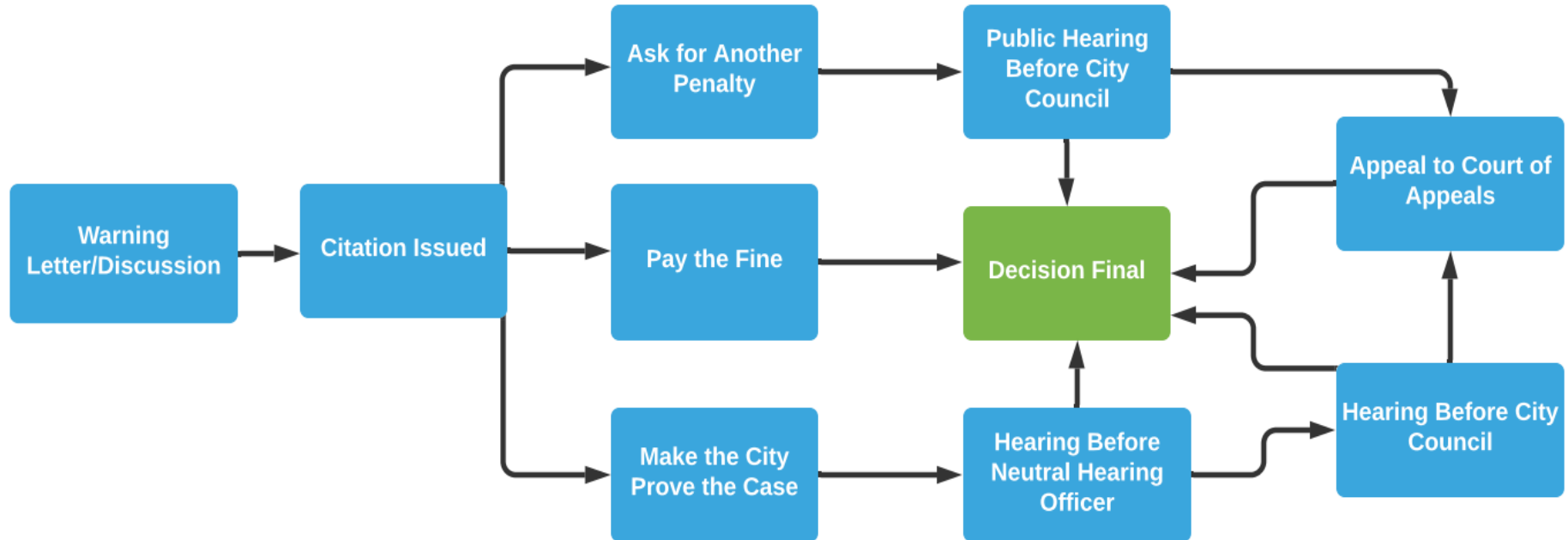


ORDINANCE CHANGES:

1. Charter – adopting proposed amendment.
2. Administrative Code – creating a "standard" procedures chapter.
3. Legislative Code – amending each chapter where administrative Fines will be used outlining:
 - Specific hearing requirements
 - Penalties for specific violations



PROCESS PROCEDURES MAP





APPROACH TO ENGAGEMENT

- Goal: Provide a broad overview of rationale for administrative citations, where it's proposed to be used, and how process would work
- Three (3) virtual information sessions over the course of March
- Promoted to a list of key stakeholders (business groups, labor groups, contractors, district councils, etc.)
- Presentation at the Business Review Council
- Plan is for ongoing engagement at each step in the process (charter change, ordinance changes, period before ordinance changes go into effect)



FROM COMMUNITY MEMBERS:

1. What does use of Administrative Citations mean and how does it differ from existing enforcement practices?
2. How will the city ensure equitable fine structure and enforcement
3. What other violations would Administrative Citations apply to (i.e., skyway rules)?
4. What is the process (at council/in the charter/public hearing) for adding violations that would be addressed by Administrative Citations?
5. What authority and what role does the Charter Commission have?
6. What is the timeline for adopting Administrative Citations?
7. When will the Charter language be shared with the community?



NEXT STEPS....

- Engagement on Charter Language – May
- Council Request to Charter Commission – May
- Charter Commission - May/June
- Council Adoption of Charter Language - July
- Engagement on Proposed Ordinance Changes - July/August
- City Council Action on Ordinance Changes - August thru December
- 2022 Budget Discussions - August through December
- Develop City Tool/Processes/Staff Training – Sept. through December
- Tentative Implementation - First Quarter 2022



THANK YOU!!!!