



Legislation Details (With Text)

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Title: Recommending the amendment to Chapter 6.03.1 of the Saint Paul Charter pertaining to the imposition of civil penalties for violations of city ordinances.

Sponsors:

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Date	Ver.	Action By	Action	Result
10/18/2021	3	Charter Commission	Failed	Fail
9/27/2021	2	Charter Commission	Laid Over	Pass
9/13/2021	1	Charter Commission	Laid Over	
8/2/2021	1	Charter Commission	Laid Over	

Recommending the amendment to Chapter 6.03.1 of the Saint Paul Charter pertaining to the imposition of civil penalties for violations of city ordinances.

WHEREAS, the City of Saint Paul would like the ability to implement ordinances that provide a civil penalty for appropriate violations of city ordinances; and

WHEREAS, the City believes that civil penalties will assist in reaching compliance goals in a timely, consistent, and appropriate manner, and

WHEREAS, all changes to the City Charter must be recommended by the Saint Paul Charter Commission, and

WHEREAS, the Saint Paul City Council by RES 21-720 requested the Saint Paul Charter Commission to approve the following proposed changes to Chapter 6.03.1:

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.

NOW THEREFORE BE IT RESOLVED, the Saint Paul Charter Commission hereby recommends the following amendment to Chapter 6.03.1 of the Saint Paul Charter:

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 **by a neutral party**, prior to imposition of a civil penalty. Any civil monetary penalty amount must be imposed equitably, taking into consideration the nature and seriousness of the offense and the financial circumstances of the individual or entity, and, excluding restitution, 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.