Legislation Details (With Text)

File #:	RES 21-720 **Version:** 1		
Type:	Resolution	**Status:**	Passed
		In control:	City Council
		Final action:	5/19/2021
Title:	Seeking a recommendation from the Charter Commission to amend Chapter 6.03 of the City Charter pertaining to the imposition of civil penalties for violations of city ordinances.		
Sponsors:	Amy Brendmoen		
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
5/25/2021	1	Mayor's Office	Signed	
5/19/2021	1	City Council	Adopted	Pass

Seeking a recommendation from the Charter Commission to amend Chapter 6.03 of the City Charter pertaining to the imposition of civil penalties for violations of city ordinances.

WHEREAS, the City does not currently have specific authority under its Charter to issue civil penalties, including but not limited to administrative fines; and

WHEREAS, for many ordinances, the only enforcement tool the City has is a criminal citation; and

WHEREAS, to reduce, or in most cases eliminate the need to criminally enforce ordinances, the City of Saint Paul seeks the ability to implement ordinances that provide civil penalties, including restitution, rather than criminal prosecution, for violations of certain city ordinances; and

WHEREAS, use of civil penalties will facilitate compliance with certain City ordinances, and allow the City to reach compliance goals in a timely, consistent, and appropriate manner; and

WHEREAS, the Council will also adopt administrative hearing procedures to provide due process before administrative penalties are imposed for violations of City ordinances; and

WHEREAS, under the proposed language, prior to imposing administrative penalties for any ordinance violation, the Council will first amend that ordinance to outline the presumptive penalties and applicable hearing procedures; and

WHEREAS, any proposed amendment to an ordinance proposing administrative penalties will include the public procedures that applies to all ordinances, including public readings and a public hearing, to allow for public input; and

WHEREAS, civil penalties and administrative hearing procedures will help to alleviate pressure on City prosecutors, who face ever-increasing caseloads; now, therefore be it

RESOLVED, that, pursuant to Minn. Stat. Sec. 410.12, subd. 5, the Council of the City of Saint Paul requests that the Charter Commission consider and recommend the following changes to Chapter 6.03.1 to allow for civil penalties:

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PROPOSED AMENDMENT

Section 6.03.1 of the Saint Paul City Charter is hereby amended to read as follows:

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 ,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.

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