

## Summary of Amendments to the Ramsey County Administrative Ordinance

- The Ramsey County Administrative Ordinance is a general ordinance that applies to various activities that Ramsey County regulates. It provides a framework for licensing procedures, variances, inspections, enforcement, and hearings.
- The proposed amendments introduce a new enforcement tool for use by county departments.
- The amendments to the Administrative Ordinance would authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations.
- Section 6.00 of the Administrative Ordinance authorizes various enforcement tools currently available to county departments to use when county ordinances are violated.
  - They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recover costs.
  - Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and violator.
- The use of misdemeanor citations is a problem for two reasons.
  - First, it makes the violator a criminal and the process takes the violator through the state’s criminal court system. For many violations this is a severe option.
  - Second, the state Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access and the ability to issue citations. This is an impractical method of enforcement.
- The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through county administrative process rather than the state court system.
- The proposed amendments create the steps for issuing and processing citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing), refers to a penalty schedule (adopted in separate action by the county board), and outlines the process for appealing the citation through a hearing process.
- Other local jurisdictions in Ramsey County already use this enforcement mechanism, including the cities of Maplewood, Roseville, Shoreview, White Bear Lake, and the city of Saint Paul is considering it.
- It is expected that these amendments would be used mostly by the Public Health Department, which has procedures in place to assure compliance with ordinances, the last step of which is enforcement action.
- A specific ordinance summary follows:

**Section 6.02.A Misdemeanor Citations** – misdemeanor citations separated into a standalone category.

**Section 6.02.B Administrative Citations** – an administrative citation option for ordinance enforcement is added.

**Section 6.02.B.1 Purpose and Findings** – explanation of the purpose for adding administrative

citation:

- While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused.
- The delay inherent in that system does not ensure prompt resolution.
- Some administrative regulation violations need not always be treated as a criminal offense.
- The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations.
- The criminal process does not always regard Ramsey County Ordinance violations as being important.

**Section 6.02.B.2 Administrative Citations and Civil Penalties** – identifies which sections of the administrative ordinance cover administrative citations and civil penalties.

**Section 6.02.B.3 General provisions** – A violation of county ordinance is subject to administrative citation and civil penalties. Each separate day a violation takes place is considered a unique violation, and subject to a new administrative citation.

**Section 6.02.B.4 Civil Penalties** – penalties, or the payment for a citation for a violation, are established by the Ramsey County Board by resolution and will be submitted for annual review and approval.

**Section 6.02.B.5 Administrative Citation** – specifies who can issue an administrative citation, what information must be included with the citation, and how it must be delivered to the person cited.

**Section 6.02.B.5.a Response to Citation** – provides options a cited person has for responding to a citation. There are two options:

- Admit the violation stated in the citation and agree to pay the fine.
- Deny the violation stated in the citation and request a hearing.

**Section 6.02.B.6 Administrative Citation Hearing** – title added; the details in this section describe how hearings are held.

**Section 6.02.B.6.a Hearing Officers** – the county must create a list of hearing officers to which a hearing request will be assigned, hearing officers must not be employees of the county and must be evaluated for their performance by persons cited and county staff, and reports on hearing officers must be provided to the County Board.

**Section 6.02.B.6.a.I Removal of Hearing Officer** – creates a system to replace a hearing officer if there are concerns about the assigned hearing officer by the person cited or by the county.

**Section 6.02.B.6.b Request for Hearing** – the county must respond to a hearing request within

two business days, assign the case to a hearing officer, notify the person cited and the hearing officer it has been assigned, and the hearing officer has up to 20 business days to schedule the hearing meeting.

**Section 6.02.B.6.c Citation Materials** – the county must send information about the citation to the hearing officer when the case is assigned to them, and the hearing officer must send that information to the person cited at least three business days before the hearing meeting.

**Section 6.02.B.6.d Notice of Hearing** – the hearing officer must provide at least 10 business days of notice to the county and cited person before the scheduled hearing meeting date.

**Section 6.02.B.6.e Hearing** – specifies the hearing meeting procedures and hearing officer responsibilities during the hearing meeting.

**Section 6.02.B.6.f Decision/Findings** – the hearing officer must decide the case and notify parties about the findings within five business days after the hearing meeting and provides references to other state laws that a cited person may follow to continue a judicial appeal if desired.

**Section 6.02.B.6.g** – describes consequences if a cited person fails to attend a hearing and provides certain reasons that missing a scheduled hearing meeting may be excused.

**Section 6.02.B.7 Payment Following Finding of Violation** – the civil penalty must be paid within 20 business days after a hearing officer's finding of a violation and the hearing officer cannot adjust civil penalties in the case of a violation.

**Section 6.02.B.8 Recovery of Civil Penalties** –the ways the county may collect a civil penalty include a property lien, collections, and late fees for non-payment.

**Section 6.02.B.9 Criminal Penalties** – establishes two reasons that an administrative citation may become a crime: 1) not attending a requested hearing and 2) not paying a civil penalty. This section also establishes that if a hearing officer found that no violation occurred, the county cannot continue with criminal prosecution for the same issue.

**Section 6.02.C Issuance** – adds the two types of citations (administrative and criminal) to the existing language describing to whom a citation is to be issued.