
Sponsor: Public Health

Meeting Date: 12/14/2021

Title: Civil Penalty Fine Schedule for Violations of Ramsey County Ordinances

File Number: 2021-646

Background and Rationale:

Public Health is proposing initial adoption of a civil penalty schedule as outlined in the Ramsey County Administrative Ordinance, section 6.02, item B, subitem 4, "Civil Penalties." Which states: *"Penalties for violation of County Ordinances shall be established by resolution of the County Board. A schedule of civil penalties for violation of specific provisions within county Ordinances shall be presented to the Board annually upon its consideration of County fees, and initially upon adoption of amendment to the Administrative Ordinance establishing authority for Administrative Citations."*

The proposed civil penalties are based on the relative risk for a specific violation, with penalties of lesser amounts for lower risk violations and greater amounts for higher risk violations. For violations that are defined by law as misdemeanor offenses, there is a proposed maximum civil penalty amount of \$1,000 so that financial penalties for administrative citations does not exceed the potential maximum of a misdemeanor citation set by Minnesota state laws. For violations defined by law as petty misdemeanor offenses, there is a proposed maximum civil penalty amount of \$300.

Additionally, some penalties for egregious violations carry both a fine and are designated as subject to a five-day license suspension. Temporary license suspension is already authorized by the Summary Suspension section, 4.07, of the Ramsey County Administrative Ordinance. License suspension situations outlined in the proposed civil penalties are strictly limited to when a license holder refuses to allow county personnel to complete their inspection duties to verify compliance with county ordinances, or for remaining in operation despite an emergency order to cease operations.

This proposed civil penalty schedule is part of an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through a county administrative appeals process rather than the courts. Other local jurisdictions in Ramsey County already use this enforcement mechanism, including Maplewood, Roseville, Shoreview and White Bear Lake.

The Environmental Health Division of Public Health administers ordinances to which these civil penalties would apply, including ordinances for Food Protection, Public Swimming Pools, Lodging Establishments, Manufactured Home Park, Ramsey County Clean Indoor Air, Public Health Nuisance, Youth Camp, Solid Waste Management and Hazardous Waste Management. A schedule of proposed civil penalties for these ordinances, as well as the Administrative Ordinance, is attached.

Departmental procedures are in place to assure compliance with ordinances, the last step of which is enforcement action. In Public Health, for example, the department's compliance policy requires several steps to work with licensees to come into compliance before enforcement action is taken. The focus of enforcement is to provide guidance to compliance. When operators refuse or fail to make corrections, enforcement options are evaluated for each situation, and action is taken only after management approval.

Public Health has conducted community engagement regarding how civil penalties should be structured and applied as part of the enforcement process. The feedback provided from the community has been incorporated into the proposed civil penalties and will inform internal policy and procedure development.

Recommendation:

The Ramsey County Board of Commissioners resolved to:

Adopt a civil penalty fine schedule in association with Ramsey County Administrative Ordinance, section 6.02, item B, subitem 4.

A motion to approve was made by Commissioner Reinhardt, seconded by Commissioner McGuire. Motion passed.

Aye: - 7: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

By: 

Mee Cheng, Chief Clerk - County Board