
Sponsor: Public Health

Meeting Date: 10/19/2021

Title: Amendments to the Ramsey County Administrative Ordinance -
Set Public Hearing Date

File Number: 2021-554

Background and Rationale:

Public Health is proposing amendments to the Ramsey County Administrative Ordinance to 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 that county departments may use when county ordinances are violated. They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recovery costs. Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and entity in violation. Section 6.02 authorizes “any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue [misdemeanor] citations for violations thereof.”

The use of misdemeanor citations is problematic 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, hence, the ability to issue citations) to licensed law enforcement officers. This means that county departments that administer various ordinances cannot have staff issue citations but must request local law enforcement to do so. 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 a county administrative appeals process rather than the courts. Other local jurisdictions in Ramsey County already use this enforcement mechanism, including Maplewood, Roseville, Shoreview, White Bear Lake, and the city of Saint Paul is considering it.

The Environmental Health Division of Public Health administers ordinances to which this authority 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.

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.

The proposed amendments create the steps for issuing and processing administrative citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing to appeal), refers to a penalty schedule (adopted in separate action by the Ramsey County Board),

and outlines the process for hearings. An ordinance summary is part of this request for board action.

Public Health has conducted community engagement in developing these amendments and used the feedback provided to shape the proposed changes and inform internal policy and procedure development. The community engagement work is described in the attached Community Engagement Compilation & Analysis document.

The Ramsey County Administrative Ordinance was first adopted on February 23, 1981 (Resolution #81-166) and has been amended three times, with the most recent being in 2009 (Resolution #2009-362).

The Ramsey County Home Rule Charter (Charter) states the process for the introduction and adoption of proposed ordinances. The Charter requires that a Public Hearing be held so that the public may be afforded an opportunity to comment on the proposed Ordinance and must be held no sooner than ten days following the first reading and presentation of the proposed Ordinance. The Public Hearing is being proposed to be held on November 9, 2021, at 9:00 a.m., or as soon as possible thereafter.

Recommendation:

The Ramsey County Board of Commissioners resolved to:

Set the date and time of November 9, 2021, at 9:00 a.m., or as soon thereafter as possible, in the Council Chambers of the Ramsey County Courthouse, for the Public Hearing on adopting amendments to the Ramsey County Administrative Ordinance (Ordinance No. 2009-362) to afford the public an opportunity to comment on the ordinance amendments.

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

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

By: 

Mee Cheng, Chief Clerk - County Board