
Sponsor: Public Health

Meeting Date: 11/23/2021

Title: Amendments to the Ramsey County Administrative Ordinance

File Number: 2021-559

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 Ramsey County 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 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 Minnesota 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 and White Bear Lake.

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 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.

Recommendation:

The Ramsey County Board of Commissioners resolved to:

Adopt amendments to the Ramsey County Administrative Ordinance, that provides authority for departments to issue administrative citations.

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

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

By: 

Mee Cheng, Chief Clerk - County Board