

## Request for Board Action Details

**File #:** 2021-646

**Type:** Administrative Item      **Status:** Passed

**In control:** Board of Commissioners

**On agenda:** 12/14/2021      **Final action:** 12/14/2021

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

**Sponsors:** Public Health

**Indexes:**

**Code sections:**

**Attachments:** 1. Public Health Ordinances Civil Penalty Workbook 2021, 2. Clean Amendments to the Ramsey County Administrative Ordinance, 3. Summary of Community Engagement by Public Health, 4. Resolution

Date	Ver.	Action By	Action	Result
12/14/2021	1	Board of Commissioners	approved	Pass

**Sponsor:** Public Health

**Title**

Civil Penalty Fine Schedule for Violations of Ramsey County Ordinances

**Recommendation**

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

**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. 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 2021 (Resolution #2021-559). Chapter five, section 5.04 and 5.05, of the Ramsey County Charter provides for the process to adopt fee schedules by resolution. This request for board action is for adoption of the proposed civil penalties by resolution.

**County Goals** (Check those advanced by Action)

☒ Well-being

☐ Prosperity

☒ Opportunity

☒ Accountability

**Racial Equity Impact**

Once approved, this action will provide a decriminalized civil penalty for violation of county ordinances as an alternative to misdemeanor citations. Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives the Public Health department a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

**Community Participation Level and Impact**

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. An online and mailed survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Spanish and Chinese) and those were provided.

There were 186 responses to the online survey (out of 1428 invited by email) and one mailed survey response (out of 11 invited by mail); no stakeholders chose to provide feedback at any of the virtual listening sessions. Responses were collected August 10 through September 6, 2021.

More information about the community engagement efforts by Public Health is included in attached documents and can be found online at:

[<https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>](https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes).

☒ Inform      ☒ Consult      ☐ Involve      ☐ Collaborate      ☐ Empower

### **Fiscal Impact**

Payments of penalties for administrative citations would accrue to the county, but it is expected that few citations would be issued, and the fiscal impact would be minimal.

Fees related to this were \$0 in 2020.

Any future civil penalty revenue would be deposited into the Ramsey County general fund, violations account.

### **County Manager Comments**

No additional comments.

### **Last Previous Action**

On November 23, 2021, the Ramsey County Board approved adoption of amendments to the Ramsey County Administrative Ordinance, which requires an accompanying initial adoption of civil penalties.

### **Attachments**

1. Public Health Ordinances Civil Penalty Workbook 2021
2. Clean Amendments to the Ramsey County Administrative Ordinance
3. Summary of Community Engagement by Public Health