

ORDINANCE NO. 18-02

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE
CITY CODE CONCERNING ADMINISTRATIVE CITATIONS**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 30 of the Falcon Heights City Code is amended by adding Article III to provide:

Article III. Administrative Citations.

30-44. Purpose. Falcon Heights authorized by resolution the use of administrative citations for specific traffic offenses, as permitted by the Legislature in Minn. Stat. § 169.999. The City is required by that statute to establish and maintain procedures through which motorists receiving administrative citations may obtain an independent hearing or judicial review of a citation. The City Council finds that establishing a voluntary administrative citation procedure ensures the availability of an independent hearing and retains full opportunity to obtain judicial review of a citation.

30-45. Definitions. As used in this Section, the following terms shall have the respective meanings ascribed to them:

- (A) Citation. An administrative citation issued to a motorist for a Designated Traffic Offense occurring within the City.
- (B) Designated Traffic Offense. Those traffic offenses eligible for administrative citation as designated by Minn. Stat. § 169.999, subd.1(b)(1), (2) and (3), as it may be amended from time to time.
- (C) Issuing Officer. The licensed peace officer employed by or under contract with the City who issues any particular administrative citation.
- (D) Flyer. A document which informs a person receiving an administrative citation of:
 - (1) The recipient's right to challenge the citation or opt for a standard criminal citation;
 - (2) The City's process for handling challenges to administrative traffic citations;
 - (3) The process for paying a traffic citation; and
 - (4) The effect of an administrative traffic citation on a recipient's driving record.

- (E) Recipient. The person who receives an administrative citation under this chapter.
- (F) Manager. The Falcon Heights City Manager or Manager's designee.

30-46. Authorization. Licensed peace officers employed or under contract with the City may issue administrative citations for Designated Traffic Offenses occurring within the City. The fine for committing a Designated Traffic Offense shall be the amount stated in Minn. Stat. § 169.999, subd. 5, as it may be amended from time to time.

- (A) Form of Citation. An issuing officer must use the uniform administrative traffic citation form approved by the Commissioner of Public Safety. The officer shall also serve upon the recipient the current version of the City's response form. The response form shall reference the response options stated at Section 904.030 (C); and shall provide directions for returning the response form.
- (B) Delivery to City. The issuing officer shall deliver a copy of the administrative traffic citation to the City Manager within a reasonable time of the date of issuance.
- (C) Response to Citation. A recipient shall respond to the citation within fourteen (14) days of receipt. The recipient may:
 - (1) Admit the violation stated in the citation and agree to pay the fine;
 - (2) Deny the violation stated in the citation and request a hearing; or
 - (3) Request that the administrative citation be converted to a standard traffic citation and filed for processing by the Violations Bureau of the Ramsey County District Court.
- (D) Standard Citation Issued If No Response. If the City Manager receives no written response to a citation within the 14-day response period, the City Manager shall request that the peace officer who issued the citation convert the allegations into a standard traffic citation, file that regular citation at the District Court and mail a copy to the recipient.

30-47. Hearing Officers. The City shall maintain a list of hearing officers available to conduct hearings on the merits of an administrative citation, if requested by a recipient. Hearing officers shall have executed a contract to provide hearing officer services with the Ramsey County Sheriff's Department. The hearing officer shall have executed a contract to provide hearing officer services with the Ramsey County Sheriff's Department or with one of the cities that receive law enforcement services from the Ramsey County Sheriff's Department.

- (A) Request For Hearing. If the recipient responds by requesting a hearing, the City Manager shall assign the case to a hearing officer on the list. The Manager shall notify the hearing officer, the recipient and the issuing officer of the assignment in writing. The hearing

officer shall schedule a hearing within a reasonable date of receiving the notice. Any delays in holding the hearing shall be reported to the City Manager by the hearing officer.

- (B) Citation Materials. At assignment, the City Manager shall transmit a copy of the citation to the hearing officer. Within five (5) days of assignment, the issuing officer or the officer's department shall transmit copies of all materials relating to the citation to the hearing officer, including but not limited to additional written reports; certificates of calibration, logs, and other documentation required to support the evidentiary use of speed detection equipment under Minn. Stat. §169.14; relevant certificates of training for the citing officer; and any pictures showing the alleged offense. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but at least three (3) days in advance of the hearing.
- (C) Hearing. At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing officer, and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing officer is not required to attend the hearing.
- (D) Decision, Findings. After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the statute or statutes identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the City Manager within five (5) days of closing the hearing.
- (E) Payment Following Finding Of Violation. If the hearing officer finds a violation, the fine for the Designated Traffic Offense is due within thirty (30) days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the fine for any offense or combine multiple offenses into a single fine. Payment of fines due shall be made to the City Manager.
- (F) Standard Citation Issued If No Payment. If payment is not made within thirty (30) days, the Manager shall request that the issuing officer or the officer's department issue a standard traffic citation for the offenses in the administrative citation, mail a copy of the citation to the individual and file the citation, along with the hearing officer's written findings, with the Ramsey County District Court.

30-48. Designated Administrative Traffic Citation Program Manager. Pursuant to Resolution No. 18-11, the City Council has designated the Ramsey County Sheriff's Department and its licensed peace officers to administer the City's administrative traffic citation program and to perform the duties of the City and the City Manager as specified therein.

30-49. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not

affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

SECTION 2. This ordinance shall be effective upon its passage and summary published in the official newspaper.

ADOPTED this 11th day of April 2018 by the City Council of Falcon Heights, Minnesota.



Moved by: *Leehy*

Approved by: *Peter Lindstrom*
Peter Lindstrom
Mayor

LINDSTROM 3 In Favor
GUSTAFSON
BROWN THUNDER 6 Against
MELANIE LEEHY
MARK MIAZGA

Attested by: *Sack Thongvanh*
Sack Thongvanh
City Administrator