



Request for City Council Committee Action From the Department of Regulatory Services

Date: August 4, 2004
To: Public Safety and Regulatory Services Committee
Referral to: Ways and Means Committee

Subject: Resolution No. 2004R-009, 2003R-449, 2004R-009 & 2004R-032.
Schedule of Civil Fines for Administrative Offenses

Recommendation:

Approve rescinding the above listed resolutions and approve the new resolution which consolidates these resolutions into one. Approval of the Schedule of Civil Fines for Administrative Offenses for authorized departments.

Previous Directives:

The City Council authorized the use of administrative citations by ordinance in 2001. Inspections, Licenses and Consumer Services Division, the Police License Division, and the 1st Police Pct. are now using administrative citations to adjudicate common code violations.

Prepared or Submitted by: JoAnn Velde, Deputy Director, 673-5850

Approved by:

Merwyn Larson, Director

Rocco Forte, Asst. City Coordinator

John Moir, City Coordinator

Presenters in Committee

Joann Velde, Deputy Director
Housing Inspection Services
Grant Wilson, District Supervisor

Financial Impact

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

Community Impact:

Housing code violations have a significant effect on the livability of a city. It is hoped that the use of administrative citations will assist us in the alleviation of several types of nuisance conditions and blight, will prevent the deterioration of the housing stock, and will assist in providing safer dwelling units.

Background/Supporting Information Attached:

The previous resolution passed in January 2004 No. 2004R-032 to allow Inspections Division for housing code violations for Administrative Citations has two identified problems that are preventing housing inspectors from issuing administrative citations for zoning violations.

1. The resolution states that 'the penalty for non-compliance with the housing maintenance code be established at \$200.00 per violation. The resolution sets a fine for those violations of the 'housing maintenance code'. The term 'housing maintenance code' appears to refer to those ordinances contained in Title 12, Chapter 244, of the Minneapolis Code of Ordinances. An interpretation of this resolution that included violations contained in the zoning or building code would not be likely to withstand a court challenge. Because no fine is set for violations outside of the housing maintenance code, the authority to issue administrative citations for those violations must be questioned.
2. The resolution passed does not support the doubling of the fine for continuing violations. The resolution increases the penalty by 50% of the previous penalty. The fine would be increasing by one and one-half times and not doubling. If the goal is to double the fines, a new resolution would need to be passed.

The new proposed resolution language combines all of the different departmental fee schedules into one resolution. Instead of separate fee schedules for separate departments, there would be one fee schedule for all of the departments that have the authority to use administrative enforcement.

The resolution would set a base fine for administrative citations at \$200, which would double for continuing violations. All offenses that were enforceable by administrative enforcement would have a fine set at \$200, unless the offense was specifically listed in the resolution at a different amount. From the licensing fee schedule, we can include those fines that are currently specifically listed.

The advantage of this proposal is that there would not need to be a fine schedule for each department, there would be only one fine schedule. As additional departments begin to use administrative enforcement, the base fine would already be established and all that would need to occur would be the amendment to the attached fine schedule if, they had specific violation code that had a different fine schedule then what is being proposed. In addition, having one fine schedule would permit any authorized inspector to issue a citation for that violation. It would not be a licensing or housing fee schedule; it would just be the fee schedule.

The attached resolution will rescind any previous resolutions which are now consolidated into one resolution with an agreed upon base fine of \$200 unless otherwise noted in the attached fine schedule. This provides consistency, takes care of the above issues and streamlines the process for other possible regulatory areas who would like to implement administrative fines in the future.

For the police department's nuisance ordinances and for the Police Department License Investigation Division, the proposed fine schedule would not create any changes from the specific ordinances mentioned in the current fine schedule. The specific ordinances in the current fine schedule are incorporated into the new resolution. (The fine for offenses not specifically mentioned would increase to \$200.

For the license and consumer services division, the new fine schedule includes those specific ordinances that were previously set at an amount other than \$100. Those offenses that were previously \$100 would now have a fine set of \$200.

For the housing division, the new fine schedule would set the fine for all violations at \$200. This was the previously approved fine schedule.