

City of Kiester
Summary of Ordinance 2100 (Administrative Offenses)

Purpose. Administrative offense and hearing procedures established pursuant to this ordinance are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal prosecution.

An Administrative Offense is a violation of a provision of this code and is subject to the administrative penalty as established by council resolution. An administrative penalty is a civil fine imposed against a violator as a penalty for the commission of an administrative offense.

Notice. Upon determining that an administrative offense has been committed, the violator will be notified by personally serving a notice of administrative offense upon the violator. The notice will include the nature, date, and time of the violation, the name of the official issuing the notice, and the amount of the penalty.

Payment. Once notice is given, the alleged violator may pay the amount set forth within seven days of the time of issuance or notify the City in writing that they contest the notice of violation. The penalty may be paid in person or by mail to the City Clerk and shall be deemed to be an admission of the administrative offense.

Criminal Prosecution Option Retained. At any time prior to the payment of the administrative penalty, the City may initiate a criminal prosecution for an alleged violation. Likewise, the City may choose not to utilize the administrative offense procedures and may initiate a criminal prosecution in the first instance.

Contested Case. Within 7 days of the time of issuance, a person contesting an administrative offense pursuant to this Section may request a hearing before the administrative penalty review board. The review board has the authority to dismiss the administrative offense or to reduce or waive the administrative penalty. If the review board sustains the administrative penalty, the decision shall be issued in writing and personally served upon the alleged violator, who will have 7 days from the date of service of the decision to pay the administrative penalty.

Notice of Hearing. The review board must personally serve a written notice of the hearing date, place and time upon the alleged violator 10 days prior to the hearing, unless a shorter time is agreed on by all parties. A written notice may be sent to the alleged violator's last know address, however an additional 3 day must be added to the notice period.

Failure to pay. In the event a party served with a notice of administrative offense fails to pay the penalty or request a hearing, a petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes, and if applicable, the fine may be levied as an assessment against the property owner.

All penalties collected pursuant to this chapter may be deposited in the City's general fund.

Offenses. Which may be charged as administrative offenses and the administrative penalties for such offenses may be established by Council resolution.

Subsequent Offenses. First offense: administrative penalty as specified by Council resolution; 2nd offense within 12 month period; 3rd offense within a 12 month period for the same administrative offense shall have a 50% increase over the established penalty.

Persons with authority to enforce administrative offense. An officer of the Faribault County Sheriff Dept., Maintenance Supervisor, City Clerk-Treasurer, City Mayor, or any Council Member.

City of Kiester

Fee Schedule	1st	2nd	3rd
Curfew	20.00	25.00	30.00
Parking (or according to relevant state statutes)	15.00	18.75	22.50
Abandoned Vehicles	50.00	62.50	75.00
Animals at Large	30.00	37.50	45.00
Animals not licensed	15.00	18.75	22.50
Habitual barking	20.00	25.00	30.00
Too many animals	15.00	18.75	22.50
Accumulations of Junk or garbage	30.00	37.50	45.00
Grass and rank vegetation	25.00	31.50	37.50
Failure to shovel sidewalk	20.00	25.00	30.00
Discharge fire arm in City limits	40.00	50.00	60.00
Burning	25.00	31.25	37.50
Tree/brush trimming	15.00	18.75	22.50
Mowing grass in the streets	15.00	18.75	22.50

**City of Kiester
Ordinance summary**

- **Parking, Section 200.04:** It shall be unlawful to park any semi tractor or trailer on any street in Kiester, with the exception of Front Street. **Section 200.06:** It shall be unlawful for any vehicle to be parked upon any street or alley after each snowfall until the road is cleaned curb to curb.
- **Abandoned Vehicles, Section 203:** It is unlawful to park or store any unlicensed, unregistered, or inoperable vehicle, or parts or components thereof on any property, public or private unless housed in a building.
- **Nuisances, Section 401:**
 - **401.03a** all snow or ice not remove from public sidewalks 24 hours after the snow or other precipitation, causing the condition, has ceased to fall.
 - **401.03b Accumulations** in the open of issued, inoperable machinery or vehicles, household appliances or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the fire, health, or safety hazards from such accumulation or the rank growth of vegetation among the items accumulated. **401.03d** depositing of garbage or refuse on a public right of way or on adjacent private property.
 - **401.03g** Any person who shall discharge any gun, pistol, revolver, or any firearms within the corporate limits.
 - **401.03** Grass and weeds taller than 6 inches shall be considered a nuisance and also shall be in violation of this section.
- **Animals, Section 500**
 - **500.02 Licensing**, No person shall own, keep or harbor a dog or cat unless such dog or cat is licensed as provided herein.
 - **500.03 Limitation**, It is unlawful for any person to own, keep, care for, have custody of or knowingly permit at any time more then 3 dogs and 3 cats in or about their residence or any other location under the person's control within the City. This section shall not apply to the following: A litter or pups or kittens less then 3 months of age born to a licensed dog or cat, a kennel licensed by the Minnesota Board of Animal Health that is located in an appropriately zoned area, a licensed veterinarian, a City or Humane Society owned and operated animal shelter.
 - **500.09 Restraint of Animals**, No dogs or cats shall be allowed to be at large in the City.
 - **500.10 Barking**, No person shall keep or harbor an animal which habitually barks or howls or otherwise constitutes a nuisance.
- **Curfew, Section 600.01:** No person under the age of 16 years shall be allowed to loiter on any public highway, street alley, park or public lands or any public place of business within the City of Kiester after the hour of 10PM or before the hours of 5AM unless accompanied by a parent or guardian. **Section 600.02:** No person between the ages of 16 and 18 shall be allowed to loiter on any public highway, street, alley, park or public lands or any public place of business within the City of Kiester after the hour of 12Am or before the hour of 5AM unless accompanied by a parent or guardian.
- **Burning, Section 1600.01:** It shall be unlawful for any person to set or maintain within the City of Kiester any fire for the purpose of burning waste or refuse. **Section 1600.9A**, Recreational campfires that are held on owner's property cannot be more than a 3 foot by 3 foot radius. Campfire wood is the only fuel used.
- **Tree/Bush trimming, Policy I:** It is the policy of the City of Kiester that in the fall of each year letters will be sent out to residents with low hanging tree branches. Residents will be responsible for trimming their won trees. Trees not trimmed by stated date in the letter will be charged by the City for trimming trees.

- **Grass Clippings, Policy II:** It is the policy of the City of Kiester that no grass clipping will be mowed on to the streets of Kiester

CITY OF KIESTER
Resolution #2008-1

WHEREAS, Ordinance No. 2100, Section 1 of the Kiester City Code states that Administrative Offenses and the administrative penalties for such offenses shall be established by Resolution as set periodically by the City Council.

WHEREAS, said Ordinance authorizes the City Council of the City of Kiester from time to time to identify administrative offenses and establish administrative penalties for such offenses.

WHEREAS, Said Ordinance provides for increased administrative penalties for the commission of additional administrative offenses of the same type within a 12 month period; and that the administrative penalty may be levied as an assessment against the property owner.

NOW THEREFORE, BE IT RESOLVED, by the City Council for the City of Kiester, Minnesota, that the following administrative offenses and administrative penalties are hereby adopted effective April 14, 2008.

<u>Administrative Offense</u>	<u>Section of Code</u>	<u>Administrative Penalty</u>
Curfew	600	20.00
Parking	200	15.00
Abandoned Vehicles	203	50.00
Animal at large	500.09	30.00
Animal not licensed	500.02	15.00
Habitual barking	500.10	20.00
Too many Animals	500.03	15.00
Accumulations of junk or garbage	401.03b, 401.3d	30.00
Grass and rank vegetation	4010.3	25.00
Failure to shovel sidewalk	401.03a	20.00
Discharge firearm in City limits	401.03g	40.00
Burning	1600	25.00
Tree/Busch trimming	Policy I	15.00
Mowing grass in street	Policy II	15.00

Passed and adopted by the City Council of the City of Kiester on this 14th, day of April, 2008.

ATTEST:

Roger Oldfather Mayor

Kari Jacobson, City Clerk