

ROCKFORD CITY CODE

100 General Provisions

101. City Code

101.01. City Code.

Subd. 1. How Cited. This code of ordinances shall be known as The Rockford City Code and may be so cited.

Subd. 2. Additions. New ordinances proposing amendments or additions to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date. Reference or citation to the code shall be deemed to include such amendments and additions. When an ordinance is integrated into the code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of items identical to those contained in this ordinance, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the code, the clerk-treasurer, in cooperation with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 3. Numbering. Each section number of this code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter. If the chapter is divided into parts, the figure immediately to the left of the decimal corresponds to the part number.

Subd. 4. Title Headings; Cross References. Chapter, part, section, subdivision, and other titles shall not be considered part of the subject matter of this code but are intended for convenience only and not necessarily as comprehensive titles.

Subd. 5. Copies. Copies of this code shall be kept in the office of the clerk-treasurer for public inspection or sale for a reasonable charge, as determined by the council.

101.02. Definitions. Unless the context clearly indicates otherwise, the following words have the meaning given them in this section.

Subd. 1. City. "City" means City of Rockford.

Subd. 2. State. "State" means State of Minnesota.

Subd. 3. Clerk-Treasurer. "Clerk-Treasurer" means the city Clerk-Treasurer.

Subd. 4. Person. "Person" means any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents, or employees.

Subd. 5. Code. "Code" means the Rockford City Code.

101.03. Statutory Rules Adopted. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 are adopted by reference and made a part of this code. As so adopted, references in that chapter to laws and statutes mean provisions of this code and references to the legislature mean the council.

101.04. Existing Rights and Liabilities. The repeal of prior ordinances and adoption of this code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this code. Insofar as provisions in this code are substantially the same as pre-existing ordinances, they shall be considered as continuations thereof and not as new enactments. Any act done, offense committed, or right accruing, or liability, penalty, forfeiture or punishment incurred or assessed prior to the effective date of this code is not affected by the enactment of this code.

101.05 Hearings.

Subd. 1. General. Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

Subd. 2. Notice. Every hearing shall be preceded by ten days mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

Subd. 3. Conduct of Hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The council may adopt rules governing the conduct of hearings, records to be made, and such other matters as it deems necessary.

Subd. 4. Record. Upon the disposition of any matter after hearing, the council shall have prepared a written summary of its findings and decisions and enter the summary in official council minutes.

101.06. Penalties.

Subd. 1. Petty Offenses. Whenever an act or omission is declared by this code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$300. (Amended by Ordinance 01-06, passed September 25, 2001.)

Subd. 2. General Misdemeanors. In any other case, unless another penalty is expressly provided in this code, any person violating any provision of this code, or any rule or regulation adopted in pursuance thereof, or any other provision of any code adopted in this code by reference, including any provisions declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than \$1,000 or imprisonment for a term not to

exceed ninety days or both, plus, in either case, the costs of prosecution. (Amended by Ordinance 01-06, passed September 25, 2001.)

Subd. 3. Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

Subd. 4. Application to City Personnel. The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

Subd. 5. Separability. If any ordinance or part thereof in the Rockford City Code or hereafter enacted is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the ordinance or any other ordinance unless it is specifically provided otherwise.

101.07. Purpose and Intent. Administrative enforcement procedures established pursuant to this chapter are intended to provide the city with an informal, cost-effective and more efficient alternative to criminal prosecution of civil litigation for certain violations of the city code. The city retains the right to enforce provisions of this code by bringing criminal charges or commencing civil litigation in any case where the city determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the city and finds that such a process is a legitimate and necessary alternative method of enforcement of code violations. (Added by Ordinance 06-07, June 27, 2006)

Subd. 1. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CODE COMPLIANCE OFFICER. Any officer of the Wright County Sheriff's Department or any employee of the city who has received official authority by the City Council to enforce the city code.

CODE OFFENSE. A violation of any section, subdivision, paragraph or provision of the city code and is subject to a civil penalty determined according to a schedule adopted by resolution of the City Council from time to time and payable directly to the City Treasurer. Each day the violation exists constitutes a separate CODE OFFENSE.

Subd. 2. Administrative Notice. A Code Compliance Officer may issue, either in person or by United States first class mail, an administrative notice to any person suspect or known to have committed a code offense and/or to the owner of property upon which a code offense is being committed. The administrative notice shall identify the code offense, the location in which the code offense occurred or is occurring, and the recommended corrective action for the code offense. The administrative notice may also state that the alleged violator has, at the discretion of the Code Compliance Officer, up to 15 days to correct or abate the code offense. If the alleged violator and/or owner upon which a code offense is being committed is unable to correct or abate the code offense within the prescribed time, he or she may request an extension from the Code Compliance Officer. Any extension granted by the Code Compliance Officer shall specifically state the date of expiration. If the code offense is not corrected or abated, as outlined in the administrative notice, within the prescribed time, the Code Compliance Officer may issue a citation, as provided below.

Subd. 3. Citation. A Code Compliance Officer is authorized to issue a citation upon the belief that a code offense has occurred, whether or not an administrative notice has first been issued in regard to the code offense. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the violation has occurred, either by personal service or by United States first class mail. The citation shall state the nature of the code offense, the time and date the code offense occurred, the civil penalty applicable to that code offense as set forth in a schedule of civil penalties which shall be adopted by resolution of the City Council from time to time, and the manner for paying the civil penalty or requesting a hearing before a Hearing Officer to contest the citation.

Subd. 4. Responding to Citation, Payment. Once a citation is issued, the alleged violator and/or the owner of the property upon which the violation has occurred shall, within 15 days of the time of issuance of the citation, either pay the civil penalty set forth in the citation or request a hearing in writing according to the procedure set forth in this section. The civil penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within the prescribed 15 days. Payment of the civil penalty shall be deemed to be an admission of the code offense.

Subd. 5. Requesting a Hearing. Any person contesting a citation issued pursuant to this chapter may, within 15 days of the time of issuance of the citation, request a hearing before a Hearing Officer. Any request for a hearing before a Hearing Officer shall be made in writing on a form provided by the city for such a request and either delivered personally to the city at City Hall or mailed to the city by United States first class mail, postage prepaid and postmarked within the prescribed 15 days. The hearing shall be held at City Hall within 30 days of the date the city received a timely written notice that a hearing has been requested.

Subd. 6. Hearing Office. The City Council shall by resolution from time to time appoint a list of persons authorized to act as a Hearing Officer. The Hearing Officer is authorized to conduct an informal hearing to determine if a code offense has occurred. The Hearing Officer may be compensated by the city for such hearings and related findings. The Hearing Officer shall have the authority to uphold or dismiss the citation or reduce or waive the civil penalty imposed upon such terms and conditions as the Hearing Officer shall determine. The Hearing Officer's decision shall be made in writing on a form provided by the city for such purpose. The Hearing Officer's decision is final, except as provided in this chapter for appealing the Hearing Officer's decision in limited cases to the City Council.

Subd. 7. Appeal of Hearing Officer Decision.

- (1) The Hearing Officer's decision shall be applicable to the City Council only for the following matters:
 - (a) An alleged failure to obtain a required permit (such as, without limitation, a conditional use permit), license (such as, without limitation, a liquor license), or other approval from the City Council as required by the city code;
 - (b) An alleged violation of a permit (such as, without limitation, a conditional use permit), license (such as, without limitation, a liquor license), other approval, or the conditions attached to the permit, license, or approval, that was issued by the City Council; or

- (c) An alleged violation of regulations governing a person or entity who has received a license issued by the City Council.
- (2) An appeal to the City Council of the Hearing Officer's decision must be made in writing on a form provided by the city for such an appeal and must be served on the City Clerk by United States first class mail, postage prepaid, within ten days after the date of the Hearing Officer's decision.
- (3) A timely appeal will be heard by the City Council after a notice of hearing is served by the city upon the appellant in person or by certified mail at least ten days in advance of the date of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Hearing Officer's decision.
- (4) The City Council shall consider the record, the Hearing Officer's decision, and any additional arguments before making a determination. The City Council is not bound by the Hearing Officer's decision, but may adopt all or part of the Hearing Officer's decision. The City Council's decision may be vowed upon and given at the hearing or may be given in writing within 15 days of the hearing.

Subd. 8. Failure to Pay.

- (1) In the event a person charged with a code offense fails to pay the civil penalty and correct or abate the code offense for which a citation was issued within the prescribed time, a late charge of 15% shall be imposed thereon for each seven days the civil penalty remains unpaid and the code offense remains uncorrected or unabated beyond the due date.
- (2) An unpaid civil penalty and accrued late charges will constitute a personal obligation of the person to whom the citation was issued and the city shall have the right to collect such unpaid civil penalty and accrued late charges, together with the city's costs and reasonable attorneys, in a criminal or civil proceeding.
- (3) Pursuant to M.S. § 429.101 and M.S. § 514.67, as they may be amended from time to time, and other applicable law, a lien in the amount of the civil penalty and accrued late charges may be assessed quarterly or annually against the property where the code offense occurred and collected in the same manner as taxes. Any such assessment shall not preclude the city from issuing additional citations for a continuing code offense.
- (4) The city may suspend or revoke a license or permit or other approval associated with the code offense if the civil penalty and accrued late charges are not timely paid.

Subd. 9. Subsequent Violations. If a second citation for a code offense is issued by the city to the alleged violator and/or the owner of the property upon which the violation has occurred within 24 months of the issuance of a previous citation for the same code offense, the civil penalty shall increase by 25% over the scheduled civil penalty amount. If a third citation for a code offense is issued by the city to the alleged violator and/or the owner of the property upon which the violation has occurred within 24 months of the issuance of a previous citation for the same code offense, the civil penalty shall increase by 50% over the scheduled civil penalty

amount. If a fourth citation for a code offense is issued by the city to the alleged violator and/or the owner of the property upon which the violation has occurred within 24 months of the issuance of a previous citation for the same code offense, the civil penalty shall increase by 100% over the scheduled civil penalty amount.