

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H. F. 45

DATE: February 2, 1999

Version: As introduced

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Subject: City authority to impose civil penalties for ordinance violations

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Overview

This bill allows a home rule charter or statutory city to establish administrative procedures for imposing civil penalties for violations of its ordinances. Under the proposal, a party may appeal a decision to the district court by a writ of certiorari. Under current law, violation of a local ordinance is prosecuted as a criminal violation in district court.

1 **Civil penalties.**

Subd. 1. Ordinance violations; procedure. Authorizes a home rule charter city to establish a procedure to impose civil penalties for violations of its ordinances. Requires the procedure at a minimum to:

- (a) provide for notice and an opportunity for hearing,
- (b) provide for record keeping,
- (c) provide for appeal by writ of certiorari to the district court, or to the city council and then to the district court,
- (d) provide for the amount of the fine,
- (e) prohibit civil penalties for crimes or petty misdemeanors in the state criminal code, or laws governing motor vehicle registration, motor vehicle titles, traffic, traffic accidents, or driver licensing (except for parking violations), and
- (f) prohibit proceeding with a criminal prosecution if it is determined that a violation did not occur.

Subd. 2. Subpoena power. Authorizes a hearing officer to subpoena and compel the attendance of witnesses and production of documents, administer oaths, and take testimony. Provides that a subpoena is enforceable through the district court.

2 **Penalties.** Gives statutory cities the same authority as home rule charter cities under section 1.

