

Chapter 2 Fees and Charges

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(revised July 5th, 2016 by Ordinance #2016-01)

Section 200 Administrative Offenses

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200.01 Purpose and intent:

Purpose: Administrative offense procedures established pursuant to this Section are intended to provide the public and the City of Blackduck with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain City Code provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for thereafter, the individual may withdraw from participation in the procedures, in which event the City may bring criminal charges in accordance with law. Likewise, the City of Blackduck in its discretion may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty which may be imposed, the City of Blackduck will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence, in the event the party is charged and is adjudicated guilty of the criminal violation.

200.02 Administrative Offense Defined

An administrative offense is a violation of a provision of the City Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 200.09, entitled "Offenses and Penalties". An administrative offense is not a crime.

200.03 Notice

The following employees of the City shall have the authority to issue notices for administrative fines.

1. the officers of the Blackduck Police Department
2. the Fire Chief
3. the City Administrator or City Planner
4. the Public Works Supervisor

Upon determining that there has been a violation, a notice shall be given to the violator, or in the case of a vehicular violation, a notice of the violation may be attached to the

vehicle. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

200.04 Payment

Once such notice is given, the alleged violator may, within fifteen (15) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereinafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

200.05 Hearing

Any person contesting an administrative offense pursuant to this Section may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violations sustained by the hearing officer, the violator shall pay the penalty imposed within seven (7) days.

200.06 Hearing officer

The Mayor shall designate in writing a hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section and may be compensated by the City for such hearings and related findings.

200.07 Failure to Pay

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City of Blackduck for the same violation.

200.08 Disposition of Penalties

All penalties collected pursuant to this Section shall be paid to the City of Blackduck and deposited in the General Fund.

200.09 Offenses and Penalties

Offenses which may be charged as administrative offenses and the penalties for such offenses shall be established by resolution of the City Council from time to time.

Section 210 Establishing Fees for Emergency Protection Fire Services

210.01	Purposes and Intent
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210.03	Parties Affected
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210.05	Billing and Collection
210.06	Mutual Aid Agreement
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210.01 Purposes and Intent

This ordinance is adopted for the purpose of authorizing the City of Blackduck to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

210.02 Definitions

(A) “Fire service” means any deployment of fire fighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of fire fighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

(B) “Fire service charge” means the charge imposed by the City for receiving fire service.

(C) “Motor vehicle” means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles, or park trailers.

(D) “Fire protection contract” means a contract between the City and a town or other city for the City to provide fire service.

(E) “Mutual aid agreement” means an agreement between the City and a town or other city for the City’s fire department to provide assistance to the fire department of a town or other city.

210.03 Parties Affected

(A) Owners of property within the City who receive fire service.

(B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City.

(C) Owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract.

210.04 Rates

(A) The Emergency Protection Fee shall be effective August 21, 2005.

(B) The Emergency Protection Fee shall be \$350 per response to an emergency response to each accident of fire call.

210.05 Billing and Collection

(A) Parties requesting and receiving fire services may be billed directly by the City.

Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.

(B) Parties billed for fire service will have 45 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.

(C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.

(D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor for collection with property taxes. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.

(E) False alarms will be billed as a fire call after the second false alarm per location in a 12 month period.

210.06 Mutual Aid Agreement

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.

210.07 Application of Collections to a Budget

All collected fire charges will be city funds and used to offset the expenses of the City fire department in providing fire services.

Providing and Maintaining an Electrical Lighting System

- 220.01 Purpose and Intent
- 220.03 Damage to System
- 220.04 No City Liability
- 220.07 Severability
- 100.99 General Penalty

220.01 Purpose and Intent

It is the intent of the City of Blackduck to provide and maintain an electrical lighting system as authorized by Minn. Statute. Sec. 412.221 subdivision 7.

220.03 Damage to System

No unauthorized person shall remove, damage, alter or tamper with any structure or part of the street light system.

220.04 No City Liability

The City shall not be liable for injury or damage to persons or property caused by any deficiency or failure in the supply of electricity for the street lighting system whether occasioned by shutting off system for purpose of making repairs of connections, weather related incidents, or from any other cause whatsoever.

220.07 Severability

In the event of any provision of this Ordinance shall be held invalid or unenforceable by and court or competent jurisdiction such holding shall not invalidate or render unenforceable any other provision hereof.

100.99 General Penalty.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty, which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense, which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) 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 a violation.