

In deciding which action to take, the Hearing Officer may consider any or all of the following factors:

- ◆ How long the violation lasted
- ◆ How often it occurred
- ◆ How serious it was
- ◆ What the history was
- ◆ What your conduct was after the citation was issued
- ◆ Whether you made any good faith effort to comply with the ordinance
- ◆ What kind of impact the violation had on the community
- ◆ Any other factors which are appropriate.

#### Failure to Appear:

If you fail to appear for the hearing, you are admitting the charges against you. The Hearing Officer may impose a penalty in your absence. If a City representative fail to appear, the charge will be dismissed.

If you have a good reason for missing the hearing, contact the Program Administrator within one day after the scheduled hearing. Submit your reasons in writing. The Program Administrator will ask the Hearing Officer to decide whether you had a good reason for your absence. Examples of good reasons are a death, illness which incapacitates you, a court order requiring you to appear for another hearing at the same time, and lack of proper service of the citation or notice of the hearing. Absences due to forgetfulness or intentional delay are not good cause.

#### After the Hearing

An aggrieved party may obtain judicial review of the decision of the hearing officer by petitioning the Minnesota Court of Appeals for a writ of certiorari pursuant to Minnesota Statute Section 606.1. This must be completed within 60 days from the date of the administrative hearing.

For more information regarding a Judicial Review, including forms or appeal process, please visit:

<http://www.mncourts.gov/>

Clerk of Appellate Courts

Phone: (651) 296-2581

This is a summary of the Administrative Penalty System. Other regulations and requirements may apply. Please visit the City Website at [www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org) or call (763)569-3300.

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**City of Brooklyn Center**  
**6301 Shingle Creek Pkwy**  
**Brooklyn Center, MN 55430**

**Phone: (763) 569-3330**  
**TTY/Voice 711**  
**Fax: 763-569-3494**  
**[www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org)**

#### Administrative Citation Appeal Form

#### \$20 Deposit Required

Citation No: \_\_\_\_\_

Date \_\_\_\_\_ Fine Amount \_\_\_\_\_

Property Address \_\_\_\_\_

Inspector \_\_\_\_\_

**\*PLEASE PRINT\***

Explain the reason for the appeal (why you feel the violation did not exist):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Phone No. \_\_\_\_\_

Email: \_\_\_\_\_

Name(s) of Other Attendees: \_\_\_\_\_

\_\_\_\_\_

For Scheduling Purposes, Please List Dates and

Times You are Available for the Hearing:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Use Only  
Date \$20 Deposit Received \_\_\_\_\_

Check \_\_\_\_\_ Cash \_\_\_\_\_

**City of Brooklyn Center**

**Program Requirements**

# Administrative Penalty Program



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# PROGRAM REQUIREMENTS

One of the City's goals is to maintain high standards of livability, health, and safety for the neighborhoods. The City's Administrative Penalty Program is designed to resolve city code violations outside the Hennepin County court system. The charge is a civil penalty and not a criminal charge. This brochure summarizes the administrative penalty program and process. Codes can be referenced through the City website at [www.cityofbrooklyncenter.org](http://www.cityofbrooklyncenter.org). If you have questions, please call (763) 569-3300.

## After Receiving the Citation

If you receive a citation, you may correct the violation and pay the fine; or if you want to request a hearing, you must respond within 10 days from the citation date. The purpose of a hearing is to determine whether or not a violation (s) of City Code existed. Codes cannot be changed through the Administrative Penalty Hearing process.

If you feel you received the citation in error or need information about how to correct the violation, please contact the city employee who issued the citation. **If you do not pay the fine and do not request a hearing, you are admitting the violation occurred and waiving your right to a hearing.**

## Paying the Fine

The fines for the Administrative Penalty System are determined by a Council Resolution. The fine may be paid by cash, check, or money order. You may either pay in person at City Hall or mail one copy of the citation with your check or money order to:

**City of Brooklyn Center  
Administrative Penalty Program  
6301 Shingle Creek Pkwy  
Brooklyn Center, MN 55430-2199**

**NOTE: DO NOT SEND CASH**

If the payment arrives more than 10 days after your citation was issued, a late payment fee will be charged.

**NOTE: BY PAYING THE FINE, YOU ARE ADMITTING THAT YOU VIOLATED THE CITY ORDINANCE.**

If the citation states that this is a **"continuing violation"** a mandatory appearance before a Hearing Officer is required. You must request a hearing and appear before a Hearing Officer. A Hearing Officer may impose a fine for each day that the violation has occurred and continues.

## Fine Schedule

The fine amount is based on the city code section that is violated. Repeat violations within 24 months may result in the fine amount being double each occurrence up to \$2,000.00 per violations per day.

**Level 1 -- \$60.00** (waste container, setback, watering, local traffic/parking)

**Level 2 -- \$125.00** (parking surface, animal, failure to register vacant, all other codes misdemeanor or petty)

**Level 3 -- \$300.00** (failure to obtain permit or license)

### Tobacco:

1st Tobacco Violation -- \$100

2nd Tobacco Violation -- \$200

3rd Tobacco Violation -- \$250

## Failure to Pay

If you do not pay the fine, the city may do one or more of the following:

- Add a late fee if not paid within 10 days
- Add the fine to your property taxes with special assessment charges.
- Obtain a judgment against you and begin collection procedures.

- Suspend, revoke, or deny a City-issued license or permit that is associated with the violation.
- Start a criminal proceeding in District Court charging you with the original violation plus a violation for failing to pay.
- Issue additional fines, a formal complaint, or other legal actions if the violation is not corrected.
- Abate the violation in accordance with applicable rules and regulations. The violator and/or property owner are responsible for all associated costs.

## Requesting a Hearing

If you would like to appeal the fine the request must be submitted in writing within 10 days from the date the fine was issued, including a \$20 Hearing request deposit fee. Please fill out the Hearing request form and submit it to the city.

Only the person receiving the citation may appeal the citation.

The Program Administrator will send you confirmation of the date, time, and location for your hearing, and the name of the Hearing Officer.

## Before the Hearing

### **Contacting the Hearing Officer:**

You may **NOT** contact the Hearing Officer before the hearing to discuss your case.

### **Changing the Assigned Hearing Officer:**

If you have an objection to the assigned Hearing Officer, you may file a written request with the Program Administrator to change the assigned Hearing Officer within five days before the hearing.

## Hearing Procedure:

The hearing will be informal, without strict rules of evidence, and will be recorded. The Hearing Officer will decide whether you may make an opening and/or closing statement.

The City bears the burden of proving a violation occurred. You have the right to cross-examine the City's witnesses. After the City has finished its case, you may present witnesses, but you are not obligated to present any evidence. If you wish to testify, you may do so after being sworn to tell the truth. All witnesses must be sworn.

## Decision:

The Hearing Officer may decide the case immediately after testimony has finished. However, the Hearing Officer may take up to 7 days to make a decision. A copy of all decisions will be mailed or served to you personally.



If the Hearing Officer decides that you violated the City ordinance, the Hearing Officer has the authority to:

- ◆ Order the violation be corrected, and impose the fine established in the approved schedule, or
- ◆ Reduce the established fine amount, or
- ◆ Decide that no fine is appropriate because of the circumstances.