

CHAPTER XX

MISDEMEANORS AND NUISANCES

Section 2000 - General Provisions

2000.01. Conduct prohibited. It is unlawful for any person to engage in an act or in the conduct prohibited by this chapter. Violation of any provision of this chapter is a misdemeanor and may be punished as provided in section 115 of this code.

2000.03. Provisions of criminal code adopted by reference. Subdivision 1. The provisions of Minnesota Statutes, chapter 609, as set forth in this subsection, are hereby adopted by reference and are as much a part of this code as if fully set forth herein.

Subd. 2. Section 609.17, "Attempts."

Subd. 3. Section 609.175, "Conspiracy." (Amended, Ord. 2011-06)

Subd. 4. Section 609.2231, "Assault in the fourth degree." (Amended, Ord. 2011-06)

Subd. 5. Section 609.224, "Assault in the fifth degree."

Subd. 6. Section 609.27, "Coercion."

Subd. 7. Section 609.50, "Obstructing legal process or arrest."

Subd. 5. Section 609.505, "Falsely reporting crime."

Subd. 9. Section 609.52, "Theft."

Subd. 10. Section 609.535, "Issuance of worthless check."

Subd. 11. Section 609.605, "Trespasses and other acts."

Subd. 12. Section 609.66, "Dangerous weapons."

Subd. 13. Section 609.705, "Unlawful assembly."

Subd. 14. Section 609.715, "Presence at unlawful assembly."

Subd. 15. Section 609.72, "Disorderly conduct."

Subd. 16. Section 609.755, "Acts of or relating to gambling." (Amended, Ord. 2011-06)

2000.05. Violations. A violation of the statutes adopted by reference herein is a violation of this code.

Section 2005 - Offenses Relating to Minors

2005.01. Gambling by minors. Any person or persons being the owner, keeper or manager of any house, room, shop or saloon, whether intoxicating liquors be sold or kept for sale therein or otherwise, who shall suffer, permit or allow any person who is a minor to play or participate in any game of cards, dice or other game of chance or skill in said house, room, shop or saloon, for any money or other thing of value or for any check or other thing or device representing money, or whereon, or in redemption or payment of which any money or other thing of value shall be paid or agreed to be paid shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than \$5 nor more than \$25.

2005.03. Contributing to neglect or delinquency. Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child and such act, word or omission is not by other provisions of law declared to be a felony, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$100 or by imprisonment not to exceed 90 days.

Section 2010 - Nuisances

2010.01. Public nuisances defined. Whoever, by act or failure to perform a legal duty, intentionally does any of the following is guilty of maintaining a public nuisance, and is punishable as set forth in section 115 hereof.

- (a) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public.
- (b) Interferes with, obstructs or renders dangerous for passage public streets, highway or right-of-way or waters used by the public.
- (c) Is guilty of any other act or omission declared by law or this section to be a public nuisance whether or not any sentence is specifically provided therefor.
- (d) Permits real property under their control to be used to maintain a public nuisance or rents the same, knowing it will be so used.
- (e) The maintenance or existence of a dangerous excavation or the maintenance or existence of an excavation for building, whether or not completed, which is left open for more than six months without proceeding with the erection of a building thereon, on premises within the city.
- (f) The keeping of more than three dogs over the age of six months, except by special permit of the city council.
- (g) The keeping of a dog or dogs that annoy other persons by habitually barking, howling or baying. Upon the written complaint of two or more neighbors shall be abated upon order of the city council within 48 hours or the owner thereof shall be subject to the penalties of subsection 910.11 of this code. (Amended, Ord. 95-03)
- (h) Creates or maintains any obnoxious or disruptive noises or annoying vibrations, including those associated with construction activities, in a rural residential zone between the hours of 10:00 p.m. and 6:30 a.m. (Added, Ord. 2003-05)

2010.03. Definitions. Subdivision 1. For purposes of this section the terms defined in this subsection have the meanings given them. (Amended, Ord. 95-03)

Subd. 2. "Dangerous excavation" means any excavation or basement on private property which is not filled to grade or otherwise protected after a building is destroyed, demolished or removed. (Amended, Ord. 95-03)

Subd. 3. "Garbage" means all putrescible animal, vegetable or other matter, including the cans, containers or wrappers wasted along with such materials. (Amended, Ord. 95-03)

Subd. 4. "Rubbish" means all non-putrescible wastes such as wood waste, tree trimmings, shavings, paper, rags, clothing, soil, plaster, glass, ashes, tin cans and other metal products, plastics and any other debris whether combustible or non-combustible. (Amended, Ord. 95-03)

2010.05. Public nuisances prohibited. It is hereby declared to be a public nuisance to permit, maintain, or harbor any of the following:

- (a) Diseased animals which are an immediate hazard to public health, fish or fowl, wild or domestic whether confined or running at large.
- (b) Carcasses of animals, fish or fowl, wild or domestic not buried or destroyed within 72 hours after death.
- (c) Garbage not stored in rodent free and flytight containers or garbage stored so as to emit foul and disagreeable odors or garbage stored so as to constitute a hazard to public health.
- (d) Accumulations of rubbish as defined herein.
- (e) The dumping of any effluent garbage, rubbish, wastewater or other noxious substance upon public or private property.
- (f) Any open well, pit, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.
- (g) the pollution of any public or private well or cistern, any public stream, lake, canal or body of water by effluent, garbage, rubbish or other noxious substance.
- (h) Any noxious weeds or any other vegetation which endangers public health, safety or welfare or which is contraband within the meaning of state or federal laws.
- (i) The emitting or production of dense smoke, noxious fumes, gases, soot, cinders or sparks in unreasonable quantities.
- (j) The public exposure of persons having a contagious disease or condition which endangers public health, safety or welfare.

- (k) Any unreasonable accumulation of unused furniture, appliances, machinery or similar personal property and parts thereof which create an unsightly blight on the landscape or which become a harborage for rats, snakes or vermin or which are conducive to fire or which endanger the health, safety or welfare of the public.
- (l) A refrigerator or other appliance or container more than one cubic foot in size, with doors which fasten automatically when closed and which is exposed or accessible to the public, unless the doors, lids, hinges or latches are removed to prevent the closing and locking of the door. (Amended, Ord. 95-03)
- (m) Any obnoxious or disruptive noises and annoying vibrations, including those associated with construction activities, in a rural residential zone between the hours of 10:00 p.m. and 6:30 a.m. (Added, Ord. 2003-05)
- (n) Operation of an all-terrain vehicle, off-highway motorcycle, or off-road vehicle as defined in Minnesota Rules 6102.0002 so as to create noise, at any time and in any zoning district, in violation of Minnesota Rules 7030.0040, 7030.1050 and 7030.1060. (Added, Ord. No. 2008-02)

2010.07. Abatement of nuisance and assessment of cost. Subdivision 1. Order to abate. Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the enforcing officer shall notify in writing the owner or occupant of the property upon which the nuisance exists and require the owner, occupant or responsible party to abate the nuisance. Notice to the property owner will be deemed adequate if it is mailed to the person listed as the taxpayer on county tax records. If the property is unoccupied, the address of the owner is unknown and no other responsible party can be reasonably identified, notice may be served on the property by posting a copy of the notice on the premises. The notice must include the following:

- (a) a description of the conditions on the property that constitute the nuisance, citing relevant sections of this code;
- (b) a description of the corrective actions required to remedy or abate the nuisance;
- (c) a statement of the time within which the corrective actions must be taken, which shall be reasonable but shall not exceed 30 days.

If the owner, occupant or other responsible party does not comply with the notice within the time specified in the notice, the enforcing officer may set the matter for hearing before the city council. The enforcing officer must give the owner, occupant or responsible party at least ten days' prior written notice of the time, date and place of the hearing. If notice is given by posting, at least 30 days must elapse between the day of posting and the hearing. (Amended, Ord. 95-03, Sec. 1)

Subd. 2. Hearing. A hearing will be held before the city council at the time and place specified in the notice required by subdivision 1 above. The finding of the council shall be conclusive and, if a nuisance is found to exist, the council may direct the chief of police to abate the nuisance. (Amended, Ord. 95-03, Sec. 1)

Subd. 3. Summary abatement. The enforcing officer may provide for abating a public nuisance without following the procedure required in subdivisions 1 and 2 above when:

- (a) there is an immediate threat to the public health or safety, or
- (b) there is an immediate threat of serious property damage, or
- (c) a public nuisance has been caused by private parties on city property.

If the enforcing officer abates the nuisance pursuant to this section, the officer must reasonably attempt to notify the owner, occupant, or other responsible party of the intended action and the right to appeal the abatement and any cost at the next regularly scheduled city council meeting. (Amended, Ord. 95-03, Sec. 1)

Subd. 4. Cost recovery. The owner of property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, is personally liable to the city for the cost of abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk-treasurer shall prepare a bill for the cost and mail it to the owner or other responsible party. Upon billing, the amount shall be immediately due and payable at the office of the city clerk-treasurer. (Amended, Ord. 95-03, Sec. 1)

Subd. 5. Assessment. If the cost, or any portion of it, has not been paid under subdivision 4 within 30 days of the date of the bill, the unpaid cost may be certified against the property to which the cost is attributable. Before certification against the property, reasonable notice of the impending certification and an opportunity to be heard by the city council must be given to the taxpayer of record. Failure of the taxpayer to receive the council will not invalidate the certification. Thereafter, the unpaid cost may be certified to the county auditor for collection with taxes in the following year or in such annual installments, not exceeding ten, as the city council may determine in each case. (Amended, Ord. 95-03, Sec. 1)

Subd. 6. No waiver. The abating of any nuisance by the city shall not be deemed or construed as a waiver or approval of any violation of the provisions of this section nor shall it prevent criminal prosecution of the violations. Criminal prosecution of violations shall not permit or bar the right of the city to abate a nuisance.

Subd. 7. Employee liability. No officer, agent or employee of the city may render themselves personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of their duties under this section. Any suit brought against any officer, agent or employee of the city as a result of any act required or permitted in the discharge of their duties under this section shall be defended by the city until the final determination of the proceedings therein.

2010.09. Right to farm act. Subdivision 1. Purpose and interpretation. It is the policy of the city of Independence to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. The city recognizes an increased use of land for residential purposes in the city and finds that when nonagricultural land uses extend in agricultural areas, agricultural operations often become the subject of nuisance suits. As a result, agricultural operations are sometimes curtailed or cease entirely, and many farmers may be prevented from making investments in farm improvements. It is the purpose of this section to reduce the loss to the city of its agricultural resources by further limiting the circumstance under which agricultural operations may be deemed to be a nuisance, in addition to those limitations set forth in Minnesota Statutes, section 561.19. (Amended, Ord. 112, 6-23-92)

Subd. 2. Definitions. For the purpose of this section, the following terms have the meanings given them:

- (a) "Agricultural operation" means a facility consisting of real or personal property used jointly or severally and its appurtenances for the production of crops, livestock, including breeding and grazing, poultry, dairy products or poultry products, forages and sod crops, fruits, vegetables, flowers, seeds, grasses, trees, fish, and apiaries, but not a facility primarily engaged in processing agricultural products. Agricultural operation shall also include certain farm activities and uses as follows: chemical and fertilizer spraying, farm machinery noise, manure collection, disposal spreading or storing, open storage of machinery, feedlots, odors produced from farm animals, crops of products used in farming, marketing produce at roadside stands, aerial seeding and spraying, and the employment and use of seasonal labor.
- (b) "Established date of operation" means the date on which the agricultural operation commenced. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation.
- (c) "Family farm" means an unincorporated farm unit owned by one or more persons or spouses of persons related to each other within the third degree of kinship according to the rules of the civil law, at least one of whom is residing or actively engaged in farming on the unit, or a "family farm corporation", as that term is defined in Minnesota Statutes, section 500.24, subdivision 2. (Amended, Ord. 112, 6-23-92)

Subd. 3. Agricultural operation not a nuisance. An agricultural operation which is a part of a family farm is not and shall not become a private or public nuisance after six years from its established date of operation if the operation was not a nuisance at its established date of operation. The provisions of this subdivision do not apply; (a) to a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices or to applicable state or local laws, ordinances, rules, or permits; (b) when an agricultural operation causes injury or direct threat of injury to the health or safety of any person; (c) to the pollution of, or change in the conditions of, the waters of the state or the overflow of waters on the lands of any person; (d) to an animal feedlot facility with a swine capacity of 1,000 or more animal units as defined in the rules of the pollution control agency for control of pollution from animal feedlots, or a cattle capacity of 2,500 animals or more; or, (e) to any prosecution for the crime of public nuisance as provided in Minnesota Statutes, section 609.74, sections 2010.01 to 2010.07 of this code, or to an action by public authority to abate a particular condition which is a public nuisance. (Amended, Ord. 112, 6-23-92)

Subd. 4. Severability. If a provisions of this section, or application thereof to any person or set of circumstances, is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of this section which can be given affect without the invalid provision or application. To that end, the provisions of this section are declared to be severable. (Amended, Ord. 112, 6-23-92)

2010.11. Purpose. Subdivision 1. The purpose of this subsection is to prevent loud, unpleasant, raucous, or prolonged noise recognizing that the abatement of such noise is necessary to protect the mental and physical health of the citizens, as well as the safety, well being and peaceful repose of the citizens. (Added, Ord. 85, 1979)

Subd. 2. Noise abatement. No person shall create, participate in, congregate because of, or be part of any gathering of persons from which loud, unpleasant, raucous, or prolonged noise emanates in such a manner so as to disturb the peace of persons residing in the area from which such noise emanates. (Added, Ord. 85, 1979)

Subd. 3. Declaration of a noisy gathering. Upon a finding that such noise disturbs the peace of persons as set forth herein, any peace officer may order the noise to be abated by ordering all persons present, except the owners or bonafide tenants of the dwelling or real estate, to immediately disperse and leave the premises. Any person failing to disperse as so directed by a peace officer or any owner or tenant obstructing a peace officer's order to disperse shall be in violation of this section. (Added, Ord. 85, 1979)

Subd. 4. Penalties. Any person who violates any provision of this section, upon conviction therefor, may be punished by a fine not to exceed \$500.00 or by imprisonment for not to exceed 90 days, or both. (Added, Ord. 85, 1979)

Section 2015 - Prohibited Drugs; Glue

2015.01. Prohibited drugs; glue. Subdivision 1. Prohibited drugs. The provisions of Minnesota Statutes, chapter 152, as amended, are hereby adopted and confirmed by the city and incorporated in this section as completely as if set out in full.

Subd. 2. Glue. Minnesota Statutes, sections 145.38 and 145.39 as amended respectively entitled sale and display of toxic glue and use of toxic glue is hereby adopted by reference and incorporated into the code as if fully set forth herein.

Section 2020 - Shade Tree Disease

2020.01. Statement of policy. The city council has determined that the health of the elm trees within the municipal limits is threatened by a fatal disease known as Dutch elm disease. It has further determined that the loss of elm trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the council to control and prevent the spread of this disease and this section is enacted for that purpose.

2020.03. Dutch elm disease program. It is the intention of the city council to conduct a program of plant pest control pursuant to all the powers of this municipal corporation including the authority granted by Minnesota Statutes, section 18.022, as amended. This program is directed specifically at the control and elimination of Dutch elm disease fungus and elm bark beetles and is undertaken at the recommendation of the commissioner of agriculture. The city forester, which position is established in subsection 300.01 of this code, shall act as coordinator between the commissioner of agriculture and the council in the conduct of this program.

2020.05. Public nuisance. Subdivision 1. Nuisances declared. The following things are public nuisances whenever they may be found within the city:

- (a) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *ceratocystis ulmi* (buisman) moreau or which harbors any of the elm bark beetles *scolytus multistriatus* (eichh.) or *hylurgopinus rufipes* (marsh).
- (b) Any dead elm tree or part thereof including legs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in subdivision 1 to remain on any premises owned or controlled by such person within the city provided that the storage or stock piling of elm wood on any homesteaded property between September 15 of a given year and April 1 of the following year shall not be prohibited. Such nuisances may be abated in the manner prescribed by this section.

2020.07. Inspection and investigation. Subdivision 1. Annual inspection. The forester may inspect all premises and places within the city as often as practicable to determine whether any condition described in subsection 2020.05 exists thereon. The forester may investigate any reported incidents of infestation by Dutch elm fungus or elm bark beetles. (Amended, Ord. No. 2005-09)

Subd. 2. Entry on premises. The forester or duly authorized agents thereof may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to the forester under this section.

Subd. 3. Diagnosis. The forester shall upon finding conditions indicating Dutch elm infestation, immediately send appropriate specimens or samples to the commissioner of agriculture for analysis or take such other steps for diagnosis as may be recommended by the commissioner. Except as provided in subsection 2020.11, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

2020.09. Abatement of Dutch elm disease nuisances. In abating the nuisances defined in subsection 2020.05, the forester shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch elm disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the commissioner of agriculture.

2020.11. Procedure for removal of infected trees and wood. Subdivision 1. Determination by city forester. Whenever the forester finds with reasonable certainty that the infestation defined in subsection 2020.05 exists in any tree or wood in any public or private place in the city, the forester shall proceed as follows:

- (a) If the forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, the forester shall make a written report of the finding to the council which shall proceed by (i) abating the nuisance as a public improvement under Minnesota Statutes, chapter 429 or (ii) abating the nuisance as provided in subsection 2020.05.
- (b) If the forester finds that danger of infestation of other elm trees is imminent, the forester shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from date of mailing of such notice. The forester shall immediately report such action to the council, and after the expiration of the time limited by the notice the forester may abate the nuisance.

Subd. 2. Council action. Upon receipt of the forester's report required by subdivision 1(a), the council may by resolution order the nuisance abated. Before action is taken on such resolution, the council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of abatement and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof the council shall hear property owners with reference to the scope and desirability of the proposed project. The council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by labor or by contract. (Amended, Ord. 2005-09)

Subd. 3. Cost. The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the city clerk-treasurer or other appropriate officer all work done for which assessments are to be made stating and certifying the description of the land, lots and parcels involved and the amount chargeable to each.

Subd. 4. Certification to county auditor. On or before September 1st of each year the clerk-treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, chapter 429 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

2020.13. Spraying elm trees. Subdivision 1. Determination of infection. Whenever the forester determines that any elm tree or elm wood within the city is infected with Dutch elm fungus, the forester may spray or treat all nearby high value elm trees, with an effective elm bark beetle destroying concentrate or fungicide or both. Activities authorized by this subsection shall be conducted in accordance with technical and expert opinions and plans of the commissioner of agriculture and under the supervision of the commissioner and agents whenever possible.

Subd. 2. Notice. The notice provisions of subsection 2020.11 apply to spraying and treatment operations conducted under this subsection.

2020.15. Transporting elm wood prohibited. It is unlawful for any person to transport within the city any bark-bearing elm wood without having ordained a permit from the forester. The forester shall grant such permits only when the purposes of this section will be served thereby.

2020.17. Interference prohibited. It is unlawful for any person to prevent, delay or interfere with the forester or agents thereof while they are engaged in the performance of duties imposed by this section.

Section 2025 - Miscellaneous Offenses

2025.01. Destruction to property. Every person who shall willfully or maliciously displace, remove, injure or destroy any of the following shall be guilty of a misdemeanor.

- (a) A highway or private way laid out by authority of law or bridge upon such public or private way.
- (b) A tree, rod, post or other monument which has been erected or marked for the purpose of designating a point in any boundary or any mark or inscription thereon.
- (c) A mile board, a milestone or guide post erected upon a highway or any inscription thereon.
- (d) A line of telegraph or telephone or any part thereof or any appurtenance or apparatus connected with the working of any magnetic or electric telegraph or telephone or the sending or conveyance of messages thereby.
- (e) The pipe or main for conducting gas or water or heat or any works erected for supplying buildings with gas or water or heat or any appurtenance or appendage connected therewith.
- (f) A sewer or drain or a pipe or a main connected therewith or forming a part thereof.
- (g) Any standing crops, grain, cultivated fruits or vegetables which are the property of another.
- (h) Any building or part thereof, throw any stone or other missile at or break any window therein or who shall aid, counsel, hire or procure any persons so to do.

2025.03. Trespass. Subdivision 1. Trespass - unlawful. It shall be unlawful for any person to do any of the following:

- (a) Trespass by individual. The uninvited entry onto the land of another for the purpose of consuming alcoholic beverages or using controlled substances.
- (b) Trespass by motor vehicle. The uninvited entry by motor vehicle onto the land of another to facilitate the consumption of alcoholic beverages or the use of controlled substances.

- (c) Permitting trespass by motor vehicle. As owner of the motor vehicle, to allow the uninvited entry by motor vehicle onto the land of another to facilitate the consumption of alcoholic beverages or the use of controlled substances.

Subd. 2. Determination of whether entry uninvited. An entry is uninvited if the person on the land cannot produce written or oral permission from the landowner or lessee for the entry or if the landowner or lessee is not present and consenting to the entry.

Subd. 3. Determination of purpose of entry. To determine the purpose of an uninvited entry of a person or motor vehicle onto the land of another the factors to be considered include, without limitation, the following:

- (a) Time of day.
- (b) Presence of containers intended to contain or containing alcoholic beverages.
- (c) Presence of equipment used to dispense alcoholic beverages.
- (d) Presence of paraphernalia containing identifiable residues of a controlled substance.
- (e) Noise level.
- (f) Lighting.
- (g) Identified physiological responses.
- (h) Conduct of persons in the presence of a peace officer.

Subd. 4. Defenses. If the trier of fact finds that the landowner or lessee expressly consented, endorsed or ratified the entry onto land, such a finding shall constitute an absolute defense to charges under this section.

Subd. 5. Owner, lessee liability. A landowner or lessee who expressly consents to, endorses or ratifies an entry onto land is not presumed to be in control of the persons gathered on the land, nor is the landowner or lessee presumed to have knowledge of an unlawful act merely because of express consent, endorsement or ratification.

Section 2030 – Administrative Enforcement
(Added, Ord. 2008-06)

2030.01. Administrative offenses. The city council has determined to enforce certain offenses within the city as administrative offenses. Those violations shall not include violations described in Minnesota State Statutes, Chapter 169. The offenses to be enforced as administrative offenses shall be determined by resolution of the city council as recommended by the director of public safety. (Amended, Ord. 2009-07)

2030.03. Definition. An administrative offense is a violation of any section of this code when one performs an act prohibited, or fails to act when such failure is thereby prohibited, and is subject to the penalties set forth in this code and attached schedule.

2030.05. Violation/penalty. Any person violating one of the administrative offenses within the city shall be subject to the scheduled administrative penalty. The city council shall determine the administrative penalties and both the administrative offenses and the penalty amount may be amended, from time to time, by resolution of the city council.

2030.07. Enforcement. Any West Hennepin Public Safety Officer may issue administrative violations as provided herein. Notice shall be given to the violator setting forth the nature of the offense, the date, time of the violations, the name of the official issuing the citation and the amount of the scheduled penalty. The police department has discretion in issuing an administrative citation. The police department may treat any case as a code or criminal violation through district court.

2030.09. Payment. Once notice of an administrative violation is given, the person responsible for the violation shall, within seven calendar days of issuance of notice, pay the stated violation penalty to the city. Payment shall be made in person at the West Hennepin Public Safety Department, or by mail to West Hennepin Public Safety. Payment shall be admission of the violation. An administrative offense payment shall not be considered as conviction of a crime.

2030.11. Failure to pay. If a violator fails to pay the penalty imposed, or if the violator wishes to contest the citation, then the matter shall be processed as a code or criminal offense through Hennepin County District Court.

2030.13. Disposition of penalties. All penalties collected shall be paid over to the city and deposited in the general fund. Receipt shall be issued for cash payments.