

ROSEAU COUNTY ORDINANCE NO. 35

THE COUNTY OF ROSEAU DOES ORDAIN:

Subdivision 1: Purpose

Administrative Offense Procedures established pursuant to this Ordinance are intended to provide the public and Roseau County with an informal, cost-effective, and expeditious alternative to traditional court actions for violation of certain traffic and criminal offenses.

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 provided for hereafter, the individual may withdraw from participation in the administrative offense procedures in which event the County may bring traffic or criminal charges in accordance with the law.

Likewise, Roseau County, in its discretion, may choose not to initiate administrative offense procedures and may bring criminal or traffic charges in the first instance.

Subdivision 2: Administrative Offense

An administrative offense is a violation of those County ordinances identified by the Roseau County Board of Commissioners and is subject to the administrative penalties set forth on a Schedule of Administrative Offenses and Penalties to be adopted by the Roseau County Board of Commissioners.

Subdivision 3: Notice

Any officer of the Roseau County Sheriff's Department or any other person employed by the County and authorized in writing by the County Coordinator, having authority to enforce County ordinances, shall, upon determining that there has been a violation, notify the violator, or if a motor vehicle is involved in the violation and the violator is not present at the time, attach the notice of the violation 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.

Subdivision 4: Payment

Once such notice is given, the alleged violator may, within ten (10) days of the time of issuance of the notice, pay to the County Treasurer the amount set forth on the schedule of penalties for the violation, or request in writing a hearing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

Subdivision 5: Hearing

Any person contesting an administrative offense pursuant to this Ordinance, may, in writing and within ten (10) days of the time of issuance of the notice, request a hearing by a hearing officer who shall conduct a hearing to determine if the offense has occurred. The hearing shall be held within 21 days of receipt of a written request for hearing.

The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the hearing officer determines that the violation is proven by a preponderance of the evidence, the violator shall pay the penalty imposed within ten (10) days of the decision.

Subdivision 6: Hearing Officer

An individual, appointed in writing by the County Board, shall act as hearing officer. The appointment is for an indefinite term and shall continue until such time as a new hearing officer is appointed by the Board. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Ordinance.

Subdivision 7: Failure to Pay

In the event a party charged with an administrative offense:

- a. fails to pay the penalty within ten (10) days of issuance of the notice, or
- b. following a hearing, fails to pay the penalty within ten (10) days of a decision by the hearing officer, or
- c. fails to attend a scheduled administrative hearing

a traffic or criminal charge may be brought against the alleged violator in accordance with applicable statutes or ordinances.

If the penalty is paid within the times stated above, or if an individual is found not

to have committed the administrative offense by the hearing officer, no traffic or criminal charge will be brought by Roseau County for the same violation.

Subdivision 8: Disposition of Penalties

All penalties collected pursuant to the Ordinance shall be paid to Roseau County and deposited in the general fund.

Subdivision 9: Effective Date.

This ordinance shall be in full force and effect upon adoption pursuant to Minnesota law.

Dated this ____ day of _____, 2007.

ROSEAU COUNTY BOARD OF COMMISSIONERS

By _____
Jack Swanson, Chairman
Roseau County Board of Commissioners

ATTEST:

By _____
Teresa Klein
Roseau County Coordinator