

## **ADMINISTRATIVE OFFENSE PROCEDURES ORDINANCE**

The County Board of Morrison County hereby ordains:

### **Subdivision 1. Purpose.**

Administrative Offense Procedures established pursuant to this Ordinance are intended to provide the public and Morrison 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, Morrison 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**

- A. Traffic offenses – only violations of speeding less than 10-mph in excess of speed limit (MS 169.14), stop sign or line (169.30), or equipment violations (169.46 to 169.68, 169.69 to 169.75) qualify as administrative offense pursuant to MS 169.999. No other violations of chapter 169 (traffic) are eligible as administrative offenses. Only licensed peace officers may issue administrative traffic citations. No administrative citation may be issued to the holder of a commercial driver's license or the driver of a commercial vehicle, or in violation of MS169.999.
- B. Criminal offenses – A criminal offense is a violation of those County ordinances other than traffic violations identified by the Morrison 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 Morrison County Board of Commissioners.

### **Subdivision 3. Notice.**

Any officer of the Morrison County Sheriff's Office, may, upon determining that there has been a violation, notify the violator by issuing an administrative citation. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, the amount of the scheduled penalty, and the right of the violator to contest the charge.

### **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 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 an administrative 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. If the hearing officer determines that the violation is proven by the preponderance of evidence, the violator shall pay the penalty imposed within ten (10) days of the decision.

**Subdivision 6. Hearing Officer.**

A neutral third party, 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 Morrison County for the same violation.

**Subdivision 8. Disposition of Penalties.**

All penalties collected pursuant to this Subdivision shall be paid to Morrison County and deposited in the County general fund. All penalties for traffic offenses will be split in accordance with MS 169.999 with 1/3 retained in the County's general fund, 1/3 deposited to the State Commissioner of Finance, and 1/3 deposited to the Sheriff's Budget.

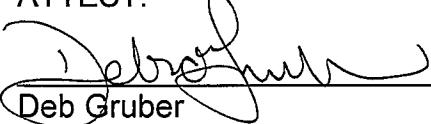
**Subdivision 9. Effective Date.**

This Ordinance was adopted by the Morrison County Board of Commissioners at its regular meeting on September 8, 2009.

Date: September 8, 2009.

  
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Chairman  
Morrison County Board

ATTEST:

  
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Deb Gruber  
County Administrator

**ORDINANCE**  
**MORRISON COUNTY TRAFFIC AND CRIMINAL CODE**

The County Board of Morrison County hereby ordains:

**Subdivision 1. Purpose and Authority**

The Morrison County Board of Commissioners adopts this Ordinance to better protect the safety and welfare of its citizens. The Ordinance is adopted pursuant to Minnesota Statutes 169.999 and 375.51 to 375.55.

This Ordinance, in conjunction with the Morrison County Administrative Offense Procedures Ordinance, will provide an informal and cost effective alternative to traditional court actions for the violation of certain criminal and traffic offenses. It will provide a more prompt resolution of minor criminal and traffic offenses, conserve resources of the criminal justice system and reserve the scarce resource of the court system for the more serious offenses.

**Subdivision 2. Offenses** The following acts are violations of the Morrison County Traffic and Criminal Code:

- a. **Speeding.** The language of Minnesota Statute 169.14 when the violator's speed is less than 10 mph over the posted limit and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.
- b. **Stopping or Parking on a Roadway.** The language of Minnesota Statute 169.32 and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.
- c. **Stop sign/line.** The language of MS 169.30 and any subsequent amendments thereto, is hereby incorporated in and made part of this ordinance.
- d. **Equipment Violations.** The language of Minnesota Statutes 169.46 to Minnesota Statutes 169.68 and 169.69 to 169.75, inclusive and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.
- e. **Theft, less than \$20.00.** The language of Minnesota Statute 609.52 and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance, except that the value of the stolen property may not exceed \$20.00.
- f. **Trespass.** The language of Minnesota Statute 609.605, Subd. 1, and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.
- g. **Disorderly Conduct.** The language of Minnesota Statute 609.72 and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.

- h. **Public Nuisance.** The language of Minnesota Statute 609.74 and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance and the Morrison County Public Nuisance Ordinance.
- i. **Unlawful Deposit of Garbage.** The language of Minnesota Statute 609.68 and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.
- j. **Exhibition Driving.** No person shall operate a motor vehicle anywhere in the county in such a manner as to cause the spinning or skidding of tires, the squealing of tires, defacing the roadway with black marks or harming the road surface, fishtailing or skidding, accelerating excessively, drag racing, or in any other manner which creates a hazard to the driver or other persons or property, or interferes with traffic in the area.
- k. **Off-road Vehicle Violations.** The language of Minnesota Statute 84.804 subd. 1-4 and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.
- l. **Snowmobile Violations.** The language of Minnesota Statute 84.87 subd. 1-2a and any subsequent amendments thereto, is hereby incorporated in and made part of this Ordinance.
- m. **Boating Violations.** The language of MS 86B.301-315 and 86B501-511, and any subsequent amendments thereto, is incorporated in and made part of this ordinance.

**Subdivision 3. Penalty.** The maximum penalty for a violation of this Ordinance shall not exceed \$300.00, except for traffic offenses which shall result in \$60.00 fine.

**Subdivision 4. Effective Date.**

This Ordinance shall be in full force and effect on and after September 8, 2009.

This Ordinance was adopted by the Morrison County Board of Commissioners at its regular meeting on September 8, 2009.

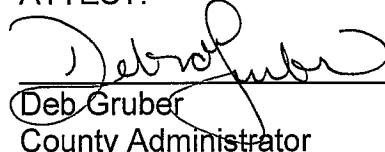
Date: September 8, 2009



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John Schilly  
Chairman  
Morrison County Board

ATTEST:



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Deb Gruber  
County Administrator

## RESOLUTION ADOPTING A SCHEDULE OF ADMINISTRATIVE OFFENSES AND PENALTIES

**WHEREAS**, the Morrison County Board of Commissioners believes that the goals of law enforcement can be served by establishing an informal, cost effective and expeditious procedure for enforcing certain ordinance violations through an administrative procedure, and

**WHEREAS**, the Morrison County Board of Commissioners has adopted the Administrative Offense Procedures Ordinance which establishes a fair and prompt method of resolving minor traffic and criminal offenses through an administrative procedure, and

**WHEREAS**, this Ordinance authorizes the County Board to establish a list of ordinance violations which are subject to administrative procedure and to set fees for the violations of those ordinances by Resolution,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Morrison County Board of Commissioners that the following ordinance violations may be subject to the Administrative Procedure Ordinance and to the penalties stated herein and that this resolution is effective September 8, 2009, and shall continue in effect until changed by action of the Board:

<u>Ordinance Number</u>	<u>Offense</u>	<u>Administrative Penalty</u>
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### **Morrison County Traffic and Criminal Code:**

Subd. 2a	Speeding	\$60.00
Subd. 2b	Stopping or Parking on a Roadway	\$60.00
Subd. 2c	Stop Sign/Line	\$60.00
Subd. 2d	Equipment Violations	\$60.00
Subd. 2e	Theft, Less than \$20.00	\$60.00
Subd. 2f	Trespass	\$60.00
Subd. 2g	Disorderly Conduct	\$60.00
Subd. 2h	Public Nuisance	\$60.00
Subd. 2i	Unlawful Deposit of Garbage	\$60.00
Subd. 2j	Exhibition Driving	\$60.00
Subd. 2k	Off-road vehicle violations	\$60.00
Subd. 2l	Snowmobile Violations	\$60.00
Subd. 2m	Boating Violations	\$60.00

### **Morrison County Recreation Trail Rules and Regulations**

Section III	Unauthorized Use of Trail	\$60.00
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### **Soo Line Trespass Ordinances**

Unauthorized Use of Soo Line Corridor	\$60.00
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### **Morrison County Trespass Ordinance**

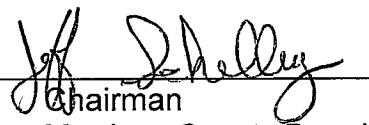
Entering onto the land of another	
To consume alcohol or controlled substance	\$60.00

### **Morrison County Regulation Governing the Use of Parks and Providing Penalties for the Violation Thereof**

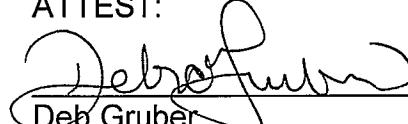
Section 3 B	In Park After Hours	\$60.00
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This Ordinance was adopted by the Morrison County Board of Commissioners at its regular meeting on September 8, 2009.

Date: September 8, 2009

  
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Jeff Shelley  
Chairman  
Morrison County Board

ATTEST:

  
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Deb Gruber  
County Administrator