

ORDINANCE #2009-1

ADMINISTRATIVE CITATION ORDINANCE IN THE CITY OF BROWNSDALE

SECTION 1. PURPOSE

The purpose of this ordinance is to establish procedures and provide for the use and processing of administrative citations by the Brownsdale Police Department. An administrative offense is a violation of any local ordinance within the City Of Brownsdale when one performs a non-criminal prohibited act, or fails to act when such failure is thereby prohibited. Administration citations shall be issued for petty misdemeanor traffic, misdemeanor check, and city ordinance violations occurring within the City of Brownsdale.

SECTION 2. OFFENSES

It is the policy of the Brownsdale Police Department to issue administrative citations for all petty misdemeanor traffic violations if the driver has no more than one moving violation within the previous year. Administrative citations shall also include, but not be limited to, parking violations, noise violations, pet violations, snow emergency violations, snowmobile, golf cart and all terrain vehicle violations, as well as any other action in violation of a City Of Brownsdale ordinance.

SECTION 3. PROCEDURE

The Brownsdale Police Department will be issued separate tickets books to be used for issuing administrative citations. These ticket books will include necessary space for all pertinent vehicle information, driver information, month, date and time of the violation, ordinance number, and the officer's signature and badge number.

SECTION 4. ISSUING ADMINISTRATIVE CITATIONS

At the time of a traffic stop or during first contact by an officer, violators will be given the option of being issued an administrative citation, or the summons and complaint to appear in district Court for the violation which has occurred. Every person has the right to plead not guilty for any charge issued against them and to seek judicial determination in a court of law. No Administrative Citation shall be issued to persons wishing to seek remedy in a court of law. For persons seeking remedy in court, a County Summons to District Court, i.e. traffic ticket or citation of offense ticket, shall be issued for the violation. If the person wishes to handle the matter locally, without seeking judicial determination, an administrative citation shall be issued. Local ordinance numbers will be used on administrative citations in place of State Statute numbers whenever an appropriate ordinance exists for the violation. A brief incident report shall also be prepared and placed on file for all administrative citations issued.

SECTION 5. SCHEDULED PENALTIES

Penalties shall be imposed for violations of the scheduled administrative offenses according to a schedule duly established and adopted from time to time by a Resolution of the City Council.

SECTION 6. PAYMENT OF ADMINISTRATIVE CITATIONS

When issuing the administrative citation, the payment due date will be written on the citation and the violator will be given two weeks (10 business days) to pay the monetary penalty at the Brownsdale City Clerk's Office, in person, by mail or depositing in the First Farmers' & Merchants Bank, Brownsdale, payment drop box. Payment shall be admission of the violation, but the offense will not appear on the violator's driving or criminal history record. Failure to pay the administrative penalty on or before the date specified on the citation will result in the appropriate County Summons and Complaint to Appear in District Court, i.e. traffic ticket, or citation of offense ticket, being issued and mailed to the violator. No payment will be accepted after the 10 business day.

SECTION 7. PROCESSING ADMINISTRATIVE CITATIONS

The City Clerk's Office will receive a copy of all issued administrative citations to coordinate and account for payments as they are received. Receipts will be issued for cash payments received. All Proceeds received and data collected pertaining to payment of an administrative penalty shall be maintained by the Brownsdale City Clerk's Office. Each administrative citation will be classified as paid, unpaid or void. No administrative citation will be dismissed or voided without prior approval of the Chief of Police. If a citation is dismissed or voided for any reason, it must be marked and filed as such. All data collected from the issuance of administrative citations shall be maintained by the Brownsdale Police Department.

SECTION 8. ENFORCEMENT

Enforcement of the ordinance shall be the responsibility of the Chief of Police.

SECTION 9. SEVERABILITY AND SAVINGS CLAUSE

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation of affect the validity and enforceability of any other section or provision of this ordinance.

SECTION 10. EFFECTIVE DATE

This Ordinance, as written, shall supersede all previous City Ordinances concerning Administrative Citations and Fines.

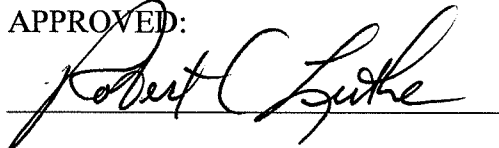
This ordinance shall be effective upon its passage and publication according to law.

Passed by a vote of Yeas and Nay by the City Council of Brownsdale the 2 day of March, 2009.

YEAS 5

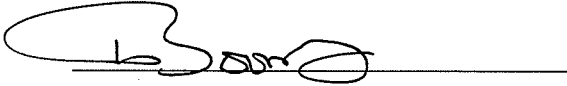
NAYS 0

APPROVED:



Mayor, Robert Luthe

ATTESTED:



City Clerk/Treasurer, Theresa Booms

Publication date in Grand Meadow News on the 25 day of March, 2009.