

City of New York Mills

ORDINANCE NO. 105

AN ORDINANCE OF THE CITY OF NEW YORK MILLS CREATING  
ADMINISTRATIVE OFFENSES & PENALTIES

City of New York Mills Ordains:

**SECTION 1-- PRECEDURES FOR ENFORCING  
ADMINISTRATIVE OFFENSES:**

**Subd. 1. Purpose:** Administrative offense procedures established pursuant to this Section are intended to provide the public and the City of New York Mills with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain City Code provisions. 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 is provided for thereafter, the individual may withdraw from participation in the procedures, in which event the City may bring criminal charges in accordance with law. Likewise, the City of New York Mills in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty before the seven (7) day deadline, the administrative offense agreement becomes null and void and the citation will be forwarded to Otter Tail Court Administration to be processed through the traditional methods.

**Subd. 2. Administrative Offense Defined:** An administrative offense is a violation of a provision of the City Ordinances and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Resolution 06-01-03 entitled "RESOLUTION ADOPTING ADMINISTRATIVE OFFENSE PENALTIES" and any future resolutions which add to this list.

**Subd. 3. Notice:** Any officer of the New York Mills Police Department or any other person employed by the City, authorized in writing by the Mayor, and having authority to enforce City Ordinances, shall upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. 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.

**Subd. 4. Payment:** Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

**Subd. 5. Failure to Pay:** In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid before the seven (7) day deadline expires, no such charge may be brought by the City of New York Mills for the same violation.

**Subd. 6. Disposition of Funds:** All penalties collected pursuant to this Section shall be paid to the City of New York Mills and deposited in the General Fund.

**Subd. 7. Offenses and Penalties:** Offenses which may be charged as administrative offenses and the penalties for such offenses shall be established by resolution of the City Council from time to time. Copies of such resolution shall be maintained in the Office of the City Clerk and at the Police Department.

**V. EFFECTIVE DATE OF ORDINANCE**

- A) This ordinance shall become effective upon adoption and publication.

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Randy Clarksean  
Mayor  
June 10, 2003

ATTEST:

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Jodi Ericksrud  
City Clerk  
June 10, 2003

City of New York Mills

RESOLUTION 06-01-03

RESOLUTION ADOPTING ADMINISTRATIVE OFFENSE PENALTIES

WHEREAS, the City Ordinances of the City of New York Mills authorizes the City Council to establish fees by resolution; and

WHEREAS, the City Council of the City of New York Mills had adopted an ordinance establishing a procedure for adjudicating administrative offenses and providing for a schedule of offenses and administrative penalties; and

WHEREAS, said ordinance authorizes the City Council of the City of New York Mills, from time to time, to identify administrative offenses and establish penalties for such offenses.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of New York Mills that the following administrative offenses and penalties are hereby adopted effective upon date of adoption by the City Council.

<u>OFFENSE</u>	<u>STATUTE/ORDINANCE</u>	<u>PENALTY</u>
Barking Dog	Ord. #97	\$25.00
Dog at Large	Ord. #97	\$25.00
Maltreatment of Pets	Ord. #97	\$25.00
Speeding	Stat. #169.14 (2)	\$50.00
Stop Sign	Stat. #169.30	\$50.00
Exhibition Driving	Ord. #64	\$50.00
Seat Belt/Restraint	Stat. #169.686	\$50.00
Turn Signal	Stat. #169.19	\$50.00
Parking Violations	Stat. #169	\$25.00
Loud Exhaust	Stat. #169.693	\$50.00
Disorderly Conduct	Stat. #609.72	\$50.00
Curfew Violation	Ord. #95	\$25.00
Rental Property Regs.	Ord. #100	\$50.00
Inattentive Driving	Stat. #169.14	\$50.00
Obstructing Driver's View	Stat. #169.37	\$50.00

*Debra Berry*  
for

*Mike Johnson*

*for* City Clerk  
Jodi A. Ericksrud

\_\_\_\_\_  
Date

*May 10, 2016*

*for* Mayor  
Randy Clarksean

*Randy Clarksean*

\_\_\_\_\_  
Date

*5/10/16*

**CITY OF NEW YORK MILLS,  
MINNESOTA**

**RESOLUTION NO. 05-10-2016a**

**RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN DULY ADOPTED  
ORDINANCE NUMBERS 104, 105, AND 116**

**WHEREAS**, the City Clerk of the City of New York Mills has conducted a review of all ordinances on hand since the City's exception; and

**WHEREAS**, there were many ordinances located which did not contain the actual signatures of elected officials, namely the Mayor, that held office at the time the ordinances were adopted; and

**WHEREAS**, the City Clerk obtained signatures on some of the unsigned ordinances by the person who held the Mayor position at that time; and

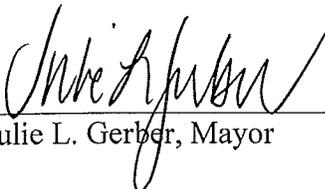
**WHEREAS**, after this process there remained three duly adopted ordinances for which signatures by the respective former Mayor and Clerk could not be obtained; and

**WHEREAS**, the City Clerk ascertained from City Council Minutes that the three subject ordinances were duly adopted during normal City Council meetings, as listed herein:

1. Ordinance No. 104 – An Ordinance of the City of New York Mills, Minnesota, Regulating the Use & Storage of Large Motor Vehicles in Residential Districts – approved at the May 13, 2003, City Council Meeting per approved minutes.
2. Ordinance No. 105 – An Ordinance of the City of New York Mills Creating Administrative Offenses & Penalties – approved at the June 10, 2003, City Council Meeting per approved minutes.
3. Ordinance No. 116 – An Ordinance Regarding Abandoned Property in the City of New York Mills – approved at the July 19, 2006, City Council Meeting per approved minutes.

**NOW THEREFORE, BE IT RESOLVED THAT:** the City Council of the City of New York Mills hereby authorizes the currently seated Mayor Julie Gerber and the current City Clerk Darla Berry to add their signatures to the original documents for the three subject City Ordinances.

Adopted this 10th day of May, 2016, by the City Council of the City of New York Mills.

  
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Julie L. Gerber, Mayor

  
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Darla Berry, City Clerk