

AN ORDINANCE ESTABLISHING CHAPTER 208 PROVIDED FOR SYSTEMS AND PROCEDURES FOR THE PROCESSING OF ALLEGATIONS OF VIOLATIONS REGARDING CITY-ISSUED LICENSES AND PERMITS AND PROVIDING CIVIL REMEDIAL SANCTIONS FOR VIOLATIONS THEREOF.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS DOES HEREBY ORDAIN AS FOLLOWS:

208.010 Findings and Purpose.

- A. The City of Oak Park Heights regulates many types of activities. For many of these activities, the City issues licenses or permits. Licenses or permits are issued for those activities which have the most profound effect (or potential effect) upon the health, safety, and welfare of the citizens. For example, licenses and permits are issued for bars and retail liquor establishments, junkyards, the sale of cigarettes, the operation of mining pits, and other special uses of property which require the City Council to be particularly aware of the activities being conducted.
- B. From time to time, the City is also called upon to determine if the holder of a license or a permit has violated the terms of that license or permit. Similarly, there are sometimes allegations that the license or permit holder has violated a statute, ordinance, or rule which also regulates the proper operation of that activity.
- C. Current City Ordinances do not adequately establish a uniform procedure for the City to determine if a violation has occurred. Ordinances also do not adequately delineate what remedies are available to the City to insure that licenses and permits are properly followed in the future so as to adequately protect the health, safety, and welfare of the City's residents.
- D. This Ordinance is designed to establish a uniform method of determining whether or not violations have occurred. It is the intent of the City Council to establish a system which would provide fair and adequate notice to the permit/license holder of the alleged violation and a hearing before the City Council. The possible penalties which are provided for are designed to protect the public from future violations. Specifically, the sanctions should deter a violator from engaging in future violations and should serve as a warning to other individuals engaged in the same types of activities that the City Council will respond appropriately to proven violations.

208.020 Licenses and Permits.

The terms of this Ordinance shall apply to all license and permit (of any kind) issued by the City of Oak Park Heights.

208.030 Hearing Requirements.

- A. All hearings are envisioned within this Ordinance shall take place before the City Council at the City Council Chambers or such other place as is convenient and proper, given the nature of the matter under consideration.
- B. Non of the civil sanctions authorized herein shall be imposed by the City Council until the license/permit holder has been given an opportunity for a hearing before the City Council.
- C. Hearings shall be conducted in accordance with the provisions found within Minnesota’s Administrative Procedure Act (M.S. §14.57 to §14.69).
- D. This Ordinance does not require the City of Oak Park Heights to conduct its hearing before an employee of the Office of Administrative Hearings. Rather, it is intended that hearings will take place before the City Council.

208.040 Civil Sanctions.

If the City Council finds that a license or permit holder has failed to comply with their licence or permit, or has failed to comply with any applicable statute, rule, or ordinance related to the operation of the activity for which a license or permit has been granted by the City, then the City Council may revoke the license or permit, suspend the license or permit for a period of up to sixty (60) days. The City Council may also impose a civil penalty of up to One Thousand Dollars (\$1,000.00) for each violation, or imprisonment in a City or County jail for a period of up to ninety (90) days, or both, and the costs of prosecution may be added.

208.050 Payment of Fines.

- A. If the Council imposes a civil fine, the Council shall also allow the license/permit holder a reasonable time to pay the fine. A “reasonable time to pay” means that all fines shall be paid within sixty (60) days unless the Council determines that a longer period of time is justified under the circumstances of the case.
- B. Failure of a license/permit holder to pay a fine within sixty (60) days (or within the time otherwise allowed by the Council) shall cause that license or permit to become immediately suspended until full payment is received by the City Clerk.

208.060

Revocation or Suspension.

Any license/permit holder who has had their license or permit suspended or revoked pursuant to any of the terms of this Ordinance shall not be allowed to operate the activity which required the license or permit until the license of permit is reinstated. Any operation during a period of suspension or revocation shall be deemed to be an additional violation of the terms of the permit or license.

208.070

Constitutionality.

If any portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.