

ORDINANCE NO. 25-02

CITY OF GOOD THUNDER

AN ORDINANCE CREATING CHAPTER 35: ENFORCING
ADMINISTRATIVE OFFENSES OF THE GOOD THUNDER CITY CODE,

WHEREAS the City Council of Good Thunder believes that it is in the best interests of the residents of the City of Good Thunder to amend the Good Thunder City Code and Create Chapter 35 which will allow for the issuance of Administrative Fines and would provide it as follows:

BE IT RESOLVED that the City Council of the City of Good Thunder does hereby ordain as follows:

That the Good Thunder City Code is hereby amended to include Chapter 35: Enforcing Administrative Offenses and the Ordinance shall read as follows:

CHAPTER 35: ENFORCING ADMINISTRATIVE OFFENSES

35.01 DEFINITIONS.

The following terms, as used in this chapter, shall have the following meanings:

Administrative Fine. The civil fine imposed for an administrative offense which has been approved on a schedule adopted by the City Council.

Citation. A written notice issued to a person or entity who is charged with violating an administrative or other violation as hereinafter described.

Code. Any provision of the Good Thunder City Code as amended from time to time.

Notice. A letter written by the City Clerk or an Officer of the City's Police Department or their designee, on City letterhead, which provides the date, time and nature of an administrative offense and the time for responding.

35.02 PURPOSE AND INTENT

(A) Administrative offense procedures established pursuant to this section are intended to provide the public and the City of Good Thunder with an informal, cost effective and expeditious alternative to traditional criminal charges or civil actions for violations of certain code provisions.

(B) 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 or commence a civil action in accordance with the law. Likewise, the City of Good Thunder, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges or commence a civil action in the first instance.

(C) In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty, which may be imposed, the City of Good Thunder will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal or civil action.

35.03 ADMINISTRATIVE OFFENSE DEFINED

An *Administrative Offense* is a violation of the provisions of the Good Thunder City Code and is subject to the administrative penalties set forth in the schedule of offense and penalties set by resolution of the City Council.

35.04 NOTICE

(A) The City Clerk, an Officer of the Good Thunder Police Department or their designee, upon determining that there has been a violation, shall notify the violator or the property owner.

(B) The notice shall set forth the nature, date and time of the violation, the name of the party issuing the notice and the amount of the scheduled penalty or fine. These fines shall supersede all other fines previously imposed for the listed offenses.

35.05 CITY CODE VIOLATIONS

A violation of the following provisions of the City Code, or their successors, shall be deemed an administrative offense subject to the hearing process of this chapter. Violations are characterized as property, non-property, licenses and parking violations.

Chapter 70 Vehicle Operation and Parking
Chapter 71 Recreational Vehicles
Chapter 90 Animals
Chapter 91 Parks and Recreations
Chapter 92 Health and Sanitation: Nuisance
Chapter 110 Licensing
Chapter 111 Peddler

Chapter 112 Tobacco
Chapter 113 Amusement and Leisure
Chapter 114 Liquor Licenses
Chapter 115 Adult Orientated Businesses
Chapter 130 General Offenses
Chapter 131 Noise

35.06 PAYMENT

(A) *Payment of fine.* Once such notice is given, the person responsible for the violation shall, withing fifteen (15) days of the time of issuance of the notice, pay in full the stated fine to the City of Good Thunder. The penalty may be paid in person or by mail, and payment shall be deemed an admission of the violation.

(B) *Assessment of Certain Unpaid Fines.* Certain unpaid fines for specific property related violations may be assessed against the property which was the subject matter or related to the subject matter of the civil fine or the property which was the location of the activity, use or delivery or city services which resulted in the civil fine.

(1) *Notice of Assessment.* Prior to the assessment of the unpaid fine, the city designee shall seek voluntary payment of the fine by notifying the property owner, in writing of the intended assessment and procedure for making voluntary.

(2) *Procedure for Assessments.* On or before the first day of September of each year, the unpaid civil fine and late fees against the lot or parcel of land of the noticed party, together with a description of the premises and the name of the supposed owner, shall be certified to the County Auditor and collected in the same manner as taxes or special assessments against the premises.

(3) *Late fees.* A late fee may be imposed for each twenty (20) days the penalty remains unpaid after the first twenty (20) day period. The amount late fee will be listed on the fee schedule set by the City Council.

35.07 HEARING

Any person contesting an administrative offense pursuant to this section may, within fifteen (15) days of the time of the issuance of the notice, may provide the City with written notice requesting a hearing before the City Council to determine if a violation has occurred.

35.08 FAILURE TO PAY.

In the event that a party charged with an administrative offense fails to pay the penalty, a petty misdemeanor or misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes or ordinances.

35.09 DISPOSITION OF PENALTIES

All penalties collected pursuant to this section shall be paid to the City of Good Thunder and deposited in the general fund.

Effective Date. This ordinance shall take effect and be in force from and after its passage and publication in accordance with law.

Dated: _____

City of Good Thunder

By: _____

Its: Mayor

By: _____

Its: City Clerk Treasurer

