

cityclerk@stacymn.org

From: James Monge <JMonge@ck-law.com>
Sent: Tuesday, February 14, 2023 1:03 PM
To: 'cityclerk@stacymn.org'
Subject: RE: City Code Update

Hi Sharon,

It appears this amendment is only intended to apply to violations of Stacy City Code Section 92.19 regulating domesticated chickens. However, Stacy City Code Chapter 92 regulates animals, not just chickens. Section 92.99 is the penalty for the entire chapter not just Section 92.19 regulating domesticated chickens. I think the City would want to keep the existing penalties for violations of Chapter 92. The City could move the penalty for domesticated chicken violations into Section 92.19 and keep the general animal penalty in Section 92.99.

There is clear authority for making a violation of a City ordinance a penal offense. There is no clear authority for charging a fee or administrative penalty for an ordinance violation. Also, what would the City do if the property owner refused to pay the fee? What is the enforcement mechanism? In cities that use administrative penalties (without clear authority to do so), there is usually a provision that says if the individual does not pay the administrative penalty, then they will be prosecuted for an ordinance violation.

James J. Mongé III

Attorney

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CAMPBELL KNUTSON
PROFESSIONAL ♦ ASSOCIATION

From: cityclerk@stacymn.org <cityclerk@stacymn.org>
Sent: Monday, February 13, 2023 12:29 PM
To: James Monge <JMonge@ck-law.com>
Subject: City Code Update

Hi,

Can you please review the attached for next week's Planning Commission meeting.

Thank you.

Sharon MT Payne, City Clerk

30955 Forest Blvd

Stacy, MN 55079

651-462-4486, 651-605-1851 Cell

Hours: Monday, Wednesday, Thursday 9-5, Tuesday 11-7, Closed on Friday





ORDINANCE NUMBER 2022- -

**AN ORDINANCE AMENDING THE STACY CITY CODE CHAPTER 92,
REGULATING §92.99 DOMESTICATED CHICKENS, PENALTY and
AMENDING CHAPTER 34 – FEE SCHEDULE**

The City Council of Stacy ordains that Chapter 92 is hereby amended by adding the underlined language and deleting the ~~strikethrough~~ language as follows:

Section 1. CHAPTER 92: DOMESTICATED CHICKENS

§ 92.99 PENALTY.

~~(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.~~

~~(B) *Misdemeanor.* Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.~~

~~(C) *Petty misdemeanor.* Violations of §§ 92.02, 92.07, 92.13 and 92.14 are petty misdemeanors punishable as provided in § 10.99.~~

§ 92.99 PENALTY.

(A) *Abatement procedure.* In addition to any other remedy available at law, the city may abate a violation of the permitting process using the following procedure:

- (1) *Notice of violation.* Whenever the officer charged with enforcement determines that a violation exists on a premise in the city, the officer shall notify, by written notice of the violation, the owner of record and the occupant. The occupant/owner of the premise has 30 days to comply.
- (2) *If the occupant/owner has not complied within 30-days then a second letter of violation will be issued. After the issuance of the second letter and there is still no compliance then a fee will be assessed based on the city’s current fee schedule.*

SECTION 2. AMEND CHAPTER 34 – FEE SCHEDULE.

Add fee for not obtaining a domesticated chicken license \$50.

SECTION 3. Effective Date. This ordinance shall take effect from and after its passage and publication.

ADOPTED this ____ day of _____, 2023 by the City Council of the City of Stacy, Minnesota.

By:

Mark Utecht, Mayor

ATTEST:

Sharon Payne, City Clerk

Page 1 of 1

Proposed Ordinance Posted:

Public Hearing Date:

Adoption Date:

Published:



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