

CITY OF HANOVER
CHAPTER 1: GENERAL PROVISION

ADOPTED:

07/05/11 – Ordinance No. 2011-08

AMMENDED:

07/10/17 – Ordinance No. 2017-03

01/02/18 – Ordinance No. 2018-01

SEC. 1.01 CITY CODE

- A. How Cited. This code of ordinances shall be known as The Hanover City Code and may be so cited.
- B. Additions. New ordinances proposing amendment or additions to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date. Reference or citation to the code shall be deemed to include such amendments and additions. When an ordinance is integrated into the code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this ordinance, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the code, the Clerk, in cooperation with the City Attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.
- C. Numbering. Each section number of this code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter. If the chapter is divided into parts, the figure immediately to the left of the decimal corresponds to the part number.
- D. Title Headings: Cross-references. Chapter, part section, subdivision, and other titles shall not be considered part of the subject matter of this code but are intended for convenience only and not necessarily as comprehensive titles.
- E. Copies. Copies of this code shall be kept in the office of the Clerk for public inspection or sale for a reasonable charge.

SEC. 1.02 DEFINITIONS

- A. General. Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this section.
1. "City" means City of Hanover.
 2. "State" means State of Minnesota.
 3. "Council" means the City Council.
 4. "Clerk/Administrator" means the City Clerk/Administrator.
 5. "Person" means any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the

partners or members; as applied to corporations the term includes the officers, agents or employees.

SEC. 1.03 STATUTORY RULES ADOPTED

The rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 are adopted by reference and made a part of this code.

SEC. 1.04 HEARINGS

- A. General. Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.
- B. Notice. Every hearing shall be preceded by 10 days' mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the title, place, and purpose of the hearing. Failure to give notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.
- C. Conduct of Hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The Council may adopt rules governing the conduct of hearings, records to be made, and such other matters, as it deems necessary.
- D. Record. Upon the disposition of any matter after hearing, the Council shall have prepared a written summary of its findings and decisions and enter the summary in the official Council minutes.

SEC. 1.05 PENALTIES

- A. Petty Offenses. Whenever an act or omission is declared by this code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$300.00.
- B. General Misdemeanors. In any other case, unless another penalty is expressly provided in this code, any person violating any provision of this code, or any rule or regulation adopted in pursuance thereof, or any other provision of any code adopted in this code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than \$1,000.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the costs of prosecution.
- C. Separate Violations. Unless otherwise provided, each act of violation and every day on

which a violation occurs or continues constitutes a separate offense.

SEC. 1.06 ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS

- A. Purpose and Intent. The administrative enforcement procedures established in this section are intended to provide the City of Hanover with an informal, cost-effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of the City Code and Ordinances. The City retains the right, at its sole discretion, to enforce provisions of this Code and City Ordinances by bringing criminal charges or commencing in civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that such process is a legitimate and necessary alternative method of enforcing compliance to code or ordinance violations.
- B. Definitions.
1. *Code Compliance Officer:* Any officer of the Wright or Hennepin County Sheriff's Department, any employee of the City, or any person or company contracted to provide code enforcement services who has received official authority by the Hanover City Council to enforce this City Code and Ordinances. There may be more than one person designated as code compliance officer at any given time.
 2. *Code Offense:* A violation of any section, subdivision, paragraph or provision of the Hanover City Code or any Hanover City Ordinance and is subject to a civil penalty determined according to a schedule adopted by resolution of the Hanover City Council from time to time and payable directly to the City Clerk. It shall be determined that a separate Code Offense has occurred if the violation continues or exists upon final determination of the previous Administrative Notice.
 3. *Owner:* An individual, association, syndicate, partnership, corporation, limited liability company, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.
 4. *Person:* A natural person of either sex, a firm, partnership, corporation, limited liability company, any other association of people, and includes the manager or agent of that person or organization.
- C. Procedure.
1. Administrative Notice:
 - a. Issuance: A code compliance officer may issue, either in person or by United States Postal Service First Class Mail, an administrative notice to a person suspected or known to have committed a code offense and/or to the owner of the property upon which a code offense is being committed.

- b. Contents: The administrative notice shall identify the code offense, the location upon which the code offense occurred or is occurring, and the recommended corrective action for the code offense. The administrative notice may also state the alleged violator has, at the discretion of the code compliance officer, up to fifteen (15) days in which to correct or abate the code offense.
 - c. Time Extension: If the alleged violator and/or owner of the property upon which a code offense is being committed is unable to correct or abate the code offense within the prescribed time, that person may request in writing an extension of no more than thirty (30) additional days from the code compliance officer. Any extension granted by the code compliance officer shall be in writing and shall specifically state the date of expiration.
 - d. Failure to Comply: If the code offense is not corrected or abated, as outlined in the administrative notice, within the prescribed time or any extension thereto, the code compliance officer may issue a citation, as provided in Subsection C (2) of this section.
2. Citation:
- a. Authority: A code compliance officer is authorized to issue a citation upon the belief that a code offense has occurred, whether or not an administrative notice has been issued in regard to said code offense.
 - b. Issuance: The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the violation has occurred, either by personal service or by United States Postal Service First Class Mail.
 - c. Contents: The citation shall state the nature of the code offense, the time and date said code offense occurred, the civil penalty applicable to that code offense as set forth in a schedule of civil penalties which shall be adopted in the Hanover Fee Schedule by the Hanover City Council from time to time, and the manner for paying the civil penalty or requesting a hearing before a hearing officer to contest the citation.
3. Response to Citation and/or Payment: Once a citation is issued, the alleged violator and/or the owner of the property upon which the violation has occurred, within fifteen (15) days of the time of the issuance of the citation, either pay the civil penalty set forth in the citation or request in writing a hearing according to the procedure set forth in this Section. The civil penalty may be paid either in person at City Hall or via the United States Postal Service First Class Mail, postage prepaid and postmarked within said prescribed fifteen (15) days. Payment of the civil penalty shall be deemed to be an admission of the code offense.
- D. Appeal to Hearing Officer.

1. Hearing Officer:
 - a. Persons: The Hanover City Council recognizes that the hearing officers shall be one staff representative who has not been associated with the administrative notice or citation, and one City Council member.
 - b. Authority: The hearing officer is authorized to conduct an informal hearing to determine if a code offense has occurred.
 - c. Decisions: The hearing officer shall have the authority to uphold or dismiss the citation or reduce, stay or waive the civil penalty imposed upon such terms and conditions as the hearing officer shall determine. The hearing officer's decision shall be made in writing on a form provided by the City of Hanover for such purpose. A copy of the hearing officer's decision shall be served by the United States Postal Service First Class Mail upon the person requesting the hearing. The hearing officer's decision is final, except for appeal of the hearing officer's decision in limited cases to the Hanover City Council, as set forth in Subsection E of this chapter.
 - d. Compensation: The City Council hearing officer member shall be compensated by the City of Hanover for such hearings and related findings in accordance to SEC. 2.12(C), Special City Council Meeting, of the Hanover City Code.
2. Request for Hearing: Any person contesting a citation issued pursuant to this Chapter may, within fifteen (15) days of the time of issuance of the citation, request a hearing before a hearing officer. Any request for a hearing before a hearing officer shall be made in writing on a form provided by the City of Hanover for such a request and either delivered personally to City Hall or mailed via the United States Postal Service First Class Mail, postage prepaid and postmarked within said prescribed fifteen (15) days. Cost of an appeal to the Hearing Officer is subject to the fee identified on the City's Fee Schedule.
3. Time for Hearing: The hearing shall be held at City Hall within thirty (30) days of the date the City of Hanover received a timely written notice that a hearing has been requested.
4. Failure to Attend Hearing: Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. A determination of good cause shall be made by the hearing officer, but does specifically not include forgetfulness or intentional delay.
5. Conduct of Hearing:
 - a. At the hearing, the parties will have the opportunity to present testimony, documents and exhibits and question witnesses.

- b. The hearing officer shall tape-record the proceedings and receive testimony and exhibits. Strict rules of evidence will not apply.
- c. The hearing officer must receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

E. Appeal of Hearing Officer Decision.

1. Appealable Matters: The hearing officer's decision shall be appealable to the Hanover City Council only for the following matters:
 - a. An alleged failure to obtain a required permit, license, or other approval from the Hanover City Council as required by this code:
 - b. An alleged violation of a permit, license, or other approval, or conditions attached to the permit, license or approval, that was issued by the Hanover City Council; or
 - c. An alleged violation of regulations governing a person or entity who has received a license by the Hanover City Council.
2. Filing an Appeal: An appeal to the Hanover City Council of the hearing officer's decision must be made in writing on a form provided by the City for such an appeal and must be served on the City Clerk by United States Postal Service First Class Mail, postage prepaid, within ten (10) days after the date of the hearing officer's decision.
3. Hearing: A timely appeal will be heard to the Hanover City Council after a notice of hearing is served by the City upon the appellant in person or by certified mail at least ten (10) days in advance of the date of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the hearing officer's decision.
4. Council Considerations and Decision: The Hanover City Council shall consider the record, the hearing officer's decision, and any additional arguments before making a determination. The City Council is not bound by the hearing officer's decision, but may adopt all or part of the hearing officer's decision. The City Council's decision may be voted upon and given at the hearing or may be given in writing within fifteen (15) days of the hearing.
5. Failure to Appear: The failure of the appellant to appear in front of the Hanover City Council or participate in the appeal constitutes a waiver of the violator's right of appeal and an admission of the violation. The Council may waive the result upon good cause shown. The determination of a showing of good cause shall be made

solely at the discretion of the City Council, but does not include forgetfulness or intentional delay.

F. Failure to Pay.

1. Late Charge: In the event a person charged with a code offense fails to pay the civil penalty and correct or abate the code offense for which a citation was issued within the prescribed time, a late charge of fifteen percent (15%) shall be imposed thereon for each fourteen (14) days the civil penalty remains unpaid and the code offense remains uncorrected or unabated beyond the due day.
2. Responsibility for Charges and Authority of City to Collect: An unpaid civil penalty and accrued late charges will constitute a personal obligation of the person(s) to whom the citation was issued, and the City of Hanover shall have the right to collect such unpaid civil penalty and accrued late charges, together with the City's costs and reasonable attorney fees, in criminal or civil proceedings.
3. Charges A Lien: Pursuant to Minnesota Statutes §429.101 and §514.67 and other applicable law, a lien in the amount of the civil penalty and any accrued late charges may be assessed against the property where the code offense occurred and collected in the same manner as taxes. Any such assessment shall not preclude the City of Hanover from issuing additional assessments against the same property resulting from a continuing or new code offense.
4. Suspension or Revocation of License or Permit: The City of Hanover may suspend or revoke a license or permit or other approval associated with the code offense if the civil penalty and accrued late charges are not timely paid.

G. Subsequent Violations.

1. Second Violation: If a second citation for a code offense is issued by the City of Hanover to the alleged violator and/or owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same code offense, the civil penalty shall increase by twenty five percent (25%) over the scheduled civil penalty amount.
2. Third Violation: If a third citation for a code offense is issued by the City of Hanover to the alleged violator and/or owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same code offense, the civil penalty shall increase by fifty percent (50%) over the scheduled civil penalty amount.
3. Fourth Violation: If a fourth citation for a code offense is issued by the City of Hanover to the alleged violator and/or owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same code offense, the civil penalty shall increase by one hundred percent (100%) over the scheduled civil penalty amount.

SEC. 1.07 COST RECOVERY

The costs of the City in receiving, analyzing, processing, hearing and inspecting applications, requests or providing a service under the Hanover Ordinance and Enacting Municipal Codes, are considered to be unique to the applicant requesting such consideration, and it is the intent of this Section to provide that all costs of the City occasioned by such requests shall be borne by the applicant. The reimbursement to the City shall be limited to actual costs of the City.

- A. Base Fee. Each applicant shall pay a non-refundable base fee at the time an application is filed with the City. This fee is intended to reimburse the City for its normal costs in processing the request.
- B. Escrow Deposit. In addition to the non- refundable base fee, each application shall pay an escrow deposit in an amount prescribed by City Council. All actual costs including, but not limited to, planning, engineering, public notification, and legal costs incurred by the City in the processing of an application , request, or providing a service shall be paid from or reimbursed to the City from the escrow deposit. At any time while the application is pending and before its final conclusion, if the City Administrator determines that the amount of the escrow is or is estimated to be insufficient to pay for present or anticipated actual costs of the application, an additional escrow shall be required by the City Administrator to be paid by the applicant. The one or more escrow deposits shall be in an amount sufficient to pay all actual costs of the City. The City shall send monthly escrow statements showing the balance of the escrow fund. In the event the escrow fund is not in good standing, all processing of the request will be halted until additional escrow payment is received.
- C. Assessment. In the event that the applicant does not pay the escrow following notification pursuant to Sub. B of this Section, the actual costs for processing the application shall be certified by the City Administrator and shall thereupon become a lien upon the lot or land for which said application has been filed and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as real estate taxes.
- D. Where applicable, outstanding balances on escrow deposits shall be calculated with issuance of a building permit.
- E. Applicants are hereby notified by signing the application forms and payment of non-refundable base fee, escrow amount, and out of pocket expenses do not infer payment in full.
- F. It shall be the responsibility of the applicant to contact the City in writing to request the return of any unused portion of the escrow deposit.

SEC. 1.08 SEPARABILITY

If any ordinance or part thereof in the Hanover City Code or hereafter enacted is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the ordinance or any other ordinance unless it is specifically provided otherwise.