

CHAPTER 35: ADMINISTRATIVE OFFENSE PROCEDURES

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Cross-reference:

Dishonored checks, see § 131.01

§ 35.01 PURPOSE.

Administrative offense procedures established pursuant to this chapter are intended to provide the public and the city with an informal, cost-effective and expeditious alternative to traditional criminal charges for issuance of worthless checks. 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 hereafter, the individual may withdraw from participation in the procedures, in which event the city may bring criminal charges in accordance with the law. Likewise, the city, 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 which may be imposed, the city will seek to collect costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violations.

(Ord. 362, passed 2-16-06)

§ 35.02 ADMINISTRATIVE OFFENSE DEFINED.

An **ADMINISTRATIVE OFFENSE** is a violation of a provision of this code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in § 35.08.

(Ord. 362, passed 2-16-06)

§ 35.03 NOTICE.

Any officer of the Milaca Police Department, or any other person employed by the city, authorized by the City Council, and having authority to enforce this code, shall, upon determining that there has

been a violation, notify the violator. The 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.
(Ord. 362, passed 2-16-06)

§ 35.04 PAYMENT.

Once the notice is given, the alleged violator may, within ten business days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation or notify the city in writing that they contest the violation. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

(Ord. 362, passed 2-16-06)

§ 35.05 CONTESTED CASE.

Any person contesting an administrative offense shall have the administrative penalty vacated and criminal charges may be filed in accordance with the law allowing them the opportunity to contest the violation in the court system.

(Ord. 362, passed 2-16-06)

§ 35.06 FAILURE TO PAY.

In the event a party charged with an administrative offense fails to pay the penalty and does not notify the city that they are contesting the violation, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes or ordinances. If the penalty is paid or if an individual is found to not have committed the administrative offense by the courts, no such charge may be brought by the city for the same violation.

(Ord. 362, passed 2-16-06)

§ 35.07 DISPOSITION OF PENALTIES.

All penalties collected pursuant to this chapter shall be paid to the city's Finance Director and may be deposited in the city's general fund.

(Ord. 362, passed 2-16-06)

§ 35.08 ESTABLISHMENT OF OFFENSES AND PENALTIES.

Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.

(Ord. 362, passed 2-16-06)