

PUBLIC SAFETY COMMITTEE

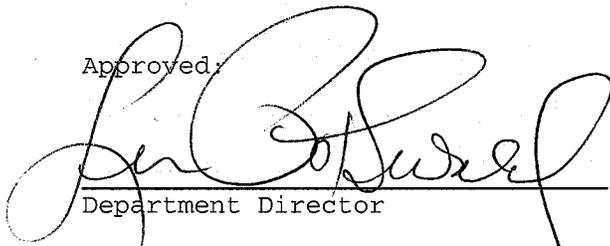
11-0117R

RESOLUTION ADOPTING REVISED PENALTY SCHEDULE FOR ADMINISTRATIVE PENALTIES PURSUANT TO DULUTH CITY CODE CHAPTER 12.

CITY PROPOSAL:

RESOLVED, that pursuant to Duluth City Code Chapter 12, Civil Offenses, the revised administrative enforcement program penalty schedule, on file in the office of the city clerk as Public Document No. _____, is hereby adopted.

Approved:



Department Director

Approved for presentation to council:



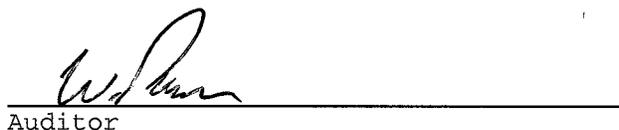
Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

DPD/ATTY GBJ:cjk 3/3/2011

STATEMENT OF PURPOSE: Pursuant to Duluth City Code Chapter 12, the administrative enforcement program penalty schedule, which sets forth the penalties to be assessed for City Code violations, may be amended by council resolution as needed. This resolution adopts a revised penalty schedule. The changes to the penalty schedule are as follows: addition to Level Two Violations of "Underage Consumption of Alcohol (age 18 but not yet 21)" and "Potentially Dangerous Dog (attack without injury)"; addition to Level Three Violations of "Disorderly House/Social Host," and "Dangerous Dog (attack with injury)."

**CITY OF DULUTH
ADMINISTRATIVE ENFORCEMENT PROGRAM
FINE SCHEDULE**

General Rule

All violations of city ordinances are Level Two Violations subject to a \$200 penalty, unless:

- The offense is listed below as a Level One or Three Violation.
- The enforcement officer indicates that the offense should be lowered to a Level One Violation because it is a minor infraction, or
- The enforcement officer indicates that the offense should be increased to a Level Three Violation because it involves critical unsafe conditions or significantly endangered life or property.

Level One Violations: \$50

Including, but not limited to:

- Curfew
- Tobacco Violations
- Fireworks
- Noise Ordinance (loud car stereos)
- Barking Dog
- Rollerblading/Skateboarding
- Littering
- Snow shoveling

Level Two Violations: \$200

Including, but not limited to:

Law Enforcement

- Panhandling
- Disorderly Conduct
- Urinating in Public
- Drinking in Public
- Sale of Alcohol/Tobacco to a Minor
- Disturbing the Neighborhood
- Graffiti
- Unlawful Assembly
- Trespassing
- Minor Damage to Property/Vandalism
- Underage Consumption of Alcohol (age 18 but not yet 21)
- Potentially Dangerous Dog (attack without injury)

Solid Waste/Abandoned Property

- Abandoned or Inoperable Vehicles
- Abandoned Property (wrecked or derelict materials)
- Discarded or Accumulated Garbage, Rubbish, or Other Solid Materials
- Accumulated Yard Waste
- Hazardous Waste (paint, vehicle oil, needles, tires, batteries)
- Discarded Appliances, Furniture and Dead Animals
- Insufficient Garbage Containers
- Illegal Dumping

Housing

- Smoke and Carbon Monoxide Alarms
- Improper or Illegal Electrical
- Improper , Illegal or Leaking Plumbing
- Deteriorated or leaking Roof
- Deteriorated Siding
- Peeling Paint (interior or exterior)
- Deteriorated or Failed Foundations
- Dilapidated Accessory Building (garage, shed, temporary structure)
- Illegal Bedroom
- Egress or Rescue Windows
- Deadbolt Door Locks
- Lack of Heat or Water
- Lack of Public Utilities
- Improper Rental use (Less than 1 week)
- Garbage Houses

Building

- No Permits (construction, electrical, plumbing, heating, zoning)
- Unlicensed Contractor
- Uninspected Work
- Failure to Make Corrections (new construction or additions)

Zoning

- Business in a Residential Area
- Signs Without Permits
- Water Management
- Private Advertising on Public Property
- Multi-Family Dwelling in Single Family Zoning

Fire

- Testing/Inspection of Fire Extinguishers
- Electrical – Open Boxes
- Fire Protection System Maintenance
- Provide Address Numbers

- Egress – Emergency Illumination
- Electrical – Use of Extension Cords in Place of Fixed Wiring
- Exit Signs
- Ceiling Maintenance

Level Three Violations: \$400

A violation conducted in such a manner that the violation significantly endangered life or property or involved critical unsafe conditions.

- Disorderly House/Social Host
- Dangerous Dog (attack with injury)

Repeat Violations: Double

Second or more offenses within one year - double the amount of the scheduled fine for the previous violation, up to a maximum of \$2,000. For example, if there were four occurrences of a Level One Violation, the fine for the fourth occurrence would be \$800 (first: \$100; second: \$200; third: \$400; fourth: \$800).

Continuing Violations: Fine for each Day

A fine for more than one day of a continuing violation may be imposed if (1) the violation caused a serious threat of harm to the public health, safety, or welfare, or (2) the violator intentionally and unreasonably refused to comply with the code requirements.