

**CITY OF FRAZEE
RESOLUTION No. 1214-09A**

**A RESOLUTION AUTHORIZING ADMINISTRATIVE CITATIONS FOR
CERTAIN
TRAFFIC OFFENSES PURSUANT TO MINN. STAT. § 169.999**

The City Council of the City of Frazee, Minnesota, does ordain:

WHEREAS: The City is authorized to provide for the issuance of administrative citations for specific traffic offenses designated at Minn. Stat. § 169.999, subd. 1(b)(1), (2) and (3), in the amount designated at Minn. Stat. §169.999, subd. 5, as it may be amended from time to time; and

WHEREAS: The authority to issue administrative traffic citations authorized by this resolution is reserved by law exclusively to licensed peace officers; and

WHEREAS: City peace officers may not issue administrative traffic citations in violation of Minn. Stat. §169.999; and

WHEREAS: The City is required to notify a recipient of an administrative traffic citation of his or her right to contest the citation and to appoint a neutral third party to hear and rule on challenges to administrative traffic citations authorized by this resolution; and

WHEREAS: Minn. Stat. § 169.999 contains numerous requirements related to the issuance of administrative traffic citations including but not limited to prescribing a uniform traffic citation form, use and sharing of fine revenues, and other administrative measures;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FRAZEE, MINNESOTA:

- 1) The City hereby authorizes the issuance of administrative citations for traffic offenses designated at Minn. Stat. § 169.999, subd. 1(b)(1), (2) and (3), as it may be amended from time to time; and
- 2) The City hereby sets the fine for committing an administrative traffic violation designated by Minn. Stat. §169.999 and this resolution at the amount designated by Minn. Stat. §169.999, subd. 5, as it may be amended from time to time; and
- 3) The City hereby directs that only licensed City peace officers may issue administrative traffic citations authorized by this resolution; and
- 4) The City hereby directs that no City peace officer may issue an administrative traffic citation in violation of Minn. Stat. §169.999; and
- 5) The City hereby directs that no administrative traffic citation authorized by this resolution may be issued to a holder of a commercial driver's license or the driver of a commercial vehicle in which the administrative violation was committed; and

6) The City hereby directs the appointment of a neutral third party to hear and rule on challenges to administrative traffic citations authorized by this resolution. Such appointment may be renewed annually at the first meeting of the year as all other Council appointments, or more immediately as the Council directs, in its sole, reasonable discretion;

7) The City hereby adopts the uniform administrative traffic citation form prescribed by the Commissioner of Public Safety;

8) The City hereby authorizes City staff to create materials as necessary to supplement the uniform administrative traffic citation to provide recipients of an administrative traffic citation with information related, but not limited to, the recipient's right to challenge the citation; the City's process for handling challenges to administrative traffic citations; the location, dates, and times designated to hear traffic citation challenges; the process for paying a traffic citation; and the effect of an administrative traffic citation on a recipient's driving record; and

9) City staff is hereby directed to inform the Commissioner of Public Safety of the passage of this resolution;

10) City staff is hereby directed to separately account for administrative traffic citations authorized by this resolution in City financial reports, summaries, and audits in keeping with common accounting practices and standards;

11) City staff is hereby directed to designate a special fund for the portion of administrative traffic fines that must be spent on law enforcement purposes, in keeping with common accounting practice and standards, and to report annually, or as otherwise directed by Council, to the City Council on said fund.

The motion for the adoption of the foregoing resolution was proposed by Council member _____ and was duly seconded by Council member _____ and upon vote being taken thereon, the following voted in favor:
And the following voted against the same:

Whereupon said resolution was declared duly passed and adopted by the City Council of the City of Frazee, on December 14th, 2009.

BY: ATTEST:

Mayor

City Clerk