

**RESOLUTION ESTABLISHING A SCHEDULE OF ADMINISTRATIVE PENALTIES
FOR VIOLATIONS OF MANKATO CITY CODE**

WHEREAS, Mankato City Code Section 9.77 Subd. 9 authorizes the City Council to establish, by resolution, a schedule of administrative penalties for Class I and Class II nuisances; and

WHEREAS, a schedule of administrative penalties has not been established; and

WHEREAS, it is appropriate to impose administrative penalties for failing to comply with Mankato City Code requirements.

NOW THEREFORE BE IT RESOLVED by the City Council for the City of Mankato that the following Schedule of Administrative Penalties be and hereby is established:

<u>OFFENSE</u>	<u>PENALTY</u>
<u>Utilities Violations (Chapter 3.00)</u>	
Generally:	
Minor Violations	\$100.00
Major Violations	\$500.00
Specifically:	
Tampering with Water Meter By-Pass (Residential) (3.04:7 A, D)	\$500.00
Tampering with Water Meter By-Pass (Commercial) (3.04:7 A, D)	\$1000.00
Tampering with Water Meter (Residential) (3.04:7 A, D)	\$500.00
Tampering with Water Meter (Commercial) (3.04:7 A, D)	\$1000.00
By-Passing a Water Meter (Residential) (3.04:7 A, D)	\$500.00
By-Passing a Water Meter (Commercial) (3.04:7 A, D)	\$1000.00
Tampering with a Curb Stop (3.04:7 A, C)	\$500.00
Tampering with City Fire Hydrants (3.04:7 A, B)	\$100.00
Tampering with City Main Line Water Valves (3.04:7 A, B)	\$100.00
Unauthorized Removal of a Stormdrain Grate/ Manhole Cover (3.04:7 A)	\$500.00
Unpermitted Connection to a City Utility (3.04:7 B)	\$500.00
Failure to comply with watering restrictions (3.05:14 C)	
1 st Offense during a period of restriction	warning
2 nd Offense during a period of restriction	\$50.00
3 rd Offense during a period of restriction	\$100.00
4 th Offense during a period of restriction – Disconnection of irrigation meter lockout of external connections.	and/or
Unauthorized tap of a water distribution main (3.22:1)	\$500.00
Opening or interference with a fire hydrant (3.22:2)	\$500.00
Unauthorized delivery or possession of hydrant key or wrench (3.22:3)	\$100.00
Tampering with water meter, water meter reading device or seal (3.22:4)	\$100.00
Restricting water meter access (3.22:5)	\$100.00
Illicit Discharge to Storm Water System (3.33:1)	\$500.00

Failure to Report and Cleanup a Spill (3.33:1) \$500.00

Nuisance Violations (Chapter 9)

Class I Nuisances (9.77:10 A) \$500.00

Class II Nuisances (9.77:10 B) \$100.00

When distinguishing between a Major violation and a Minor violation the following considerations shall be used:

1. Potential critical impact on public health or the environment.
2. Potential danger to human life or safety.
3. Continuing nature of violation.
4. Cost of restitution, repair or remediation exceeds \$1000.00.
5. Knowing performance of unpermitted activities.

Existence of one or more of the above criteria supports a finding of a Major violation. Enforcement officials must specifically describe the conditions observed to support this determination.

The administrative penalty imposed for a second or subsequent violation of the same type by the same person or entity within a 24 month period will be double the amount of the previous penalty up to a maximum of \$1000.00.

This Resolution shall become effective upon its passage and without further publication.

Dated this 22nd day of April, 2013

Eric T. Anderson
Mayor

Attest: _____
Renae Kopischke
Executive Secretary