



# ADMINISTRATIVE APPEAL HEARING REQUEST FORM

All code enforcement or licensing violation appeals should be filed with the City Clerk within ten (10) calendar days of the issuance of the violation pursuant to City Code Section 1-4-6. For assistance, please email or call the City Clerk's Office at 952-895-4490.

**BURNSVILLE CITY CLERK'S OFFICE**  
**100 CIVIC CENTER PARKWAY**  
**BURNSVILLE, MN 55337**

[Macheal.Collins@burnsvillemn.gov](mailto:Macheal.Collins@burnsvillemn.gov)

**APPELLANT:** *(please type or print clearly)*

|   |   |
|---|---|
| NAME:   | PHONE:  |
|   | EMAIL:  |
| PROPERTY ADDRESS OF VIOLATION:<br><br><b>Burnsville, MN</b>   | MAILING ADDRESS: <i>(if not property address)</i> |
| VIOLATION(S) DESCRIPTION: <i>(Please provide a copy of the notice of code violations, corrective action letter, or invoice)</i> |   |
| ADMINISTRATIVE HEARING OFFICER PREFERRED: <i>(check one)</i>  |   |
| <input type="checkbox"/> Independent Hearing Officer <input type="checkbox"/> Administrative Appeals Panel                      |   |

**SUMMARY STATEMENT AS TO WHY THE VIOLATION(S) IS BEING DISPUTED:** *(use additional paper as needed)*

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*I declare under penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct, and I am the owner of record, license holder, or agent authorized to request an administrative appeal hearing for review of violations before an administrative hearing authority.*

Signature of Appellant: \_\_\_\_\_ Date: \_\_\_\_\_

|                                    |                         |
|------------------------------------|-------------------------|
| <b>For Administrative Use Only</b> |                         |
| Date Received:                     | Date Hearing Scheduled: |
| Fee Received: \$                   | Reason Hearing Denied:  |

**Appeal Process:** The Administrative Appeal process was established to offer an alternative and uniform method to resolve disputes regarding city code violations rather than relying on the court system. A property owner, resident, business, or licensee receiving a Notice of Code Violation(s) may contest the alleged violation(s) and any fees, civil penalties or adverse license actions. A person contesting a code enforcement or licensing violation shall file a written appeal with the City Clerk within **ten (10) calendar days** of the issuance of the Notice of Code Violation requesting a hearing pursuant to City Code Section 1-4-6.

**Filing Fee:** The filing fee for an administrative appeal is set by the annual fee schedule. A hearing will not be scheduled for an administrative appeal until the filing fee is paid in full. Code enforcement appeals for City license holders shall pay the code enforcement fee.

| ADMINISTRATIVE APPEAL FILING FEES: | 2015  |
|------------------------------------|-------|
| Code Enforcement Appeals           | \$100 |
| City License Holders Appeals       | \$300 |

**Hearing Officer(s) and Authority:** The appellant should indicate their preference to be heard by an independent hearing officer or by the City Manager/City Manager’s appointed Administrative Appeals Panel. An independent hearing officer will be assigned to hear the case; however the City Manager may designate an Administrative Appeals Panel with the consent of the appellant. The Hearing Officer has the authority to do any of the following or a combination thereof:

1. Make a finding that a violation has occurred.
2. Impose, reduce, stay, or waive any fees or civil penalties either unconditionally or upon compliance with reasonable conditions.
3. Require compliance with the City Code within a specified timeframe.
4. Make a finding that no violation has occurred and dismiss the Notice of Violation.
5. Suspend, revoke, deny or approve businesses licenses.

**Hearing Fees:** If the violation or adverse license action is upheld and heard by an **Independent Hearing Officer**, then the appellant must pay the actual cost of the hearing, less the filing fee. If heard by the **Administrative Appeals Panel**, then no additional hearing fees are incurred. If the violation or adverse license action is overturned, the Hearing Officer may order the refunding of the filing fees or any portion thereof.

**Scheduling a Hearing:** The City Clerk will schedule an appeal hearing within thirty (30) calendar days and promptly notify the appellant of the date, time, and location of the hearing. Continuances may be granted only by the City Clerk’s office for good cause shown.

**Conduct of the Hearing:** At the hearing, both parties may be represented by counsel, shall have the opportunity to present testimony, shall be able to call and question witnesses and introduce any exhibits; however, strict rules of evidence shall not apply. Except as otherwise noted, any costs incurred by the appellant are the responsibility of the appellant.

**Failure to appear:** Failure to appear at the hearing shall result in a default judgment against the appellant and the violation shall be sustained, the filing fee forfeited, and any proposed enforcement action may be implemented.

**Decision and Order:** The City Clerk shall notify the appellant, City Manager, and other City staff as appropriate of the decision. Any fees and/or penalties imposed by the hearing officer shall be paid to the City Clerk within thirty (30) calendar days or the time frame specified by the Order.

**Unpaid Fees or Civil Penalties:** Any fees or civil penalties that are not waived or paid within thirty (30) calendar days or the time frame specified by the Order may be assessed against the owner’s property pursuant to the Minnesota Statute 429 process and will include an additional \$50 assessment administration fee.

**Appeal:** The decision of the hearing officer may be appealed to the City Council by filing a written appeal with the City Clerk within ten (10) calendar days of issuance of order. The City Council’s decision may be appealed to the Minnesota Court of Appeals.