

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1595

(SENATE AUTHORS: CARLSON)

DATE	D-PG	OFFICIAL STATUS
04/15/2013	1835	Introduction and first reading Referred to State and Local Government
03/10/2014	6034a	Comm report: To pass as amended and re-refer to Taxes

1.1 A bill for an act
 1.2 relating to local government; authorizing certain cities to collect civil penalties
 1.3 and fees as a special assessment; amending Minnesota Statutes 2012, sections
 1.4 412.231; 429.101, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 412.231, is amended to read:

1.7 **412.231 PENALTIES.**

1.8 (a) The council shall have the power to declare that the violation of any ordinance
 1.9 shall be a penal offense and to prescribe penalties therefor. No such penalty shall exceed a
 1.10 fine of \$1,000 or imprisonment in a city or county jail for a period of 90 days, or both,
 1.11 but in either case the costs of prosecution may be added.

1.12 (b) A city may provide by ordinance that any civil penalties or fees the city imposes
 1.13 as a result of property-related violations be assessed against one of the following: (1) the
 1.14 property which was the subject matter, or related to the subject matter, of the penalties
 1.15 or fees; or (2) the property which was the location of an activity, proposed use, delivery
 1.16 of city service, or other circumstances which resulted in the penalties or fees. The
 1.17 assessments may be collected as a special assessment pursuant to section 429.101.

1.18 Sec. 2. Minnesota Statutes 2012, section 429.101, subdivision 1, is amended to read:

1.19 Subdivision 1. **Ordinances.** (a) In addition to any other method authorized by
 1.20 law or charter, the governing body of any municipality may provide for the collection
 1.21 of unpaid special charges as a special assessment against the property benefited for all
 1.22 or any part of the cost of:

1.23 (1) snow, ice, or rubbish removal from sidewalks;

- 2.1 (2) weed elimination from streets or private property;
- 2.2 (3) removal or elimination of public health or safety hazards from private property,
- 2.3 excluding any structure included under the provisions of sections 463.15 to 463.26;
- 2.4 (4) installation or repair of water service lines, street sprinkling or other dust
- 2.5 treatment of streets;
- 2.6 (5) the trimming and care of trees and the removal of unsound trees from any street;
- 2.7 (6) the treatment and removal of insect infested or diseased trees on private property,
- 2.8 the repair of sidewalks and alleys;
- 2.9 (7) the operation of a street lighting system;
- 2.10 (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- 2.11 (9) inspections relating to a municipal housing maintenance code violation;
- 2.12 (10) the recovery of any disbursements under section 504B.445, subdivision 4,
- 2.13 clause (5), including disbursements for payment of utility bills and other services, even if
- 2.14 provided by a third party, necessary to remedy violations as described in section 504B.445,
- 2.15 subdivision 4, clause (2); ~~or~~
- 2.16 (11) [Repealed, 2004 c 275 s 5]
- 2.17 (12) the recovery of delinquent vacant building registration fees under a municipal
- 2.18 program designed to identify and register vacant buildings; or
- 2.19 (13) civil penalties or fees imposed by a city as a result of a property-related
- 2.20 violation pursuant to section 412.231, paragraph (b).
- 2.21 (b) The council may by ordinance adopt regulations consistent with this section to
- 2.22 make this authority effective, including, at the option of the council, provisions for placing
- 2.23 primary responsibility upon the property owner or occupant to do the work personally
- 2.24 (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming,
- 2.25 care, and removal, or the operation of a street lighting system) upon notice before the work
- 2.26 is undertaken, and for collection from the property owner or other person served of the
- 2.27 charges when due before unpaid charges are made a special assessment.
- 2.28 (c) A home rule charter city, statutory city, county, or town operating an energy
- 2.29 improvements financing program under section 216C.436 has the authority granted to a
- 2.30 municipality under paragraph (a) with respect to energy improvements financed under
- 2.31 that section.