

ORDINANCE NO. _____, SECOND SERIES

AN ORDINANCE AMENDING
MARSHALL CITY CODE OF ORDINANCES

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 86, Sec. 62-2 Ice and Snow is hereby amended in their entirety to read as follows.

Sec. 62-2. - Ice and snow on public sidewalks and private streets.

- (a) *Declared a hazard.* All snow and ice remaining upon public sidewalks, or private streets as defined in Chapter 66, is hereby declared to constitute a public health and safety hazard and shall be abated by the owner of the abutting or surrounding, respectively, private property within 12 hours after such snow and ice has ceased to be deposited. This requirement shall not impose obligations on owners greater than those followed by the City of Marshall for snow and ice removal on city streets and sidewalks on City owned properties.
- (b) *City to remove.* The city, without a notice to the owner, may cause to be removed, or otherwise abated, from all public sidewalks and private streets, beginning 24 hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of such removal, or abatement, and the private property adjacent to, or surrounded by, which such accumulations were found and removed or otherwise abated.
- (c) *Cost of removal.* The cost of snow or ice removal or abatement done in accordance with subsection (b) of this section shall be billed to the owner of the abutting or surrounding property. If such bill is not paid within 30 days, the city administrator shall, upon direction of the council after public hearing, and on receipt of the information provided for in subsection (b) of this section, extend the cost of such removal or abatement of snow or ice as a special assessment against the property abutting public sidewalks, or surrounding private streets, which were cleared. Such special assessments shall, at the time of certifying taxes to the county auditor, be certified for collection as other special assessments are certified and collected in accordance with applicable State Statutes.
- (d) *Placing snow or ice in public street, walks or on other city property.* It is a misdemeanor for any person, not acting under a specific contract with the city, to remove snow from private property or alleys and place the snow on a public street or walks in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal of the snow. It is also a misdemeanor for any person not acting under a contract with the city to dump snow on other city property.

Section 2: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 12th day of February, 2019.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Introduced on: January 23, 2019

Final Passage on: February 12, 2019

Published in the Marshall Independent: _____

Sec. 62-2. - Ice and snow on public sidewalks and private streets.

- (a) *Declared a hazard nuisance*. All snow and ice remaining upon public sidewalks, or private streets as defined in Chapter 66, is hereby declared to constitute a public health and safety hazard nuisance and shall be abated by the owner ~~or tenant~~ of the abutting or surrounding, respectively, private property within 12 hours after such snow and ice has ceased to be deposited. This requirement shall not impose obligations on owners greater than those followed by the City of Marshall for snow and ice removal on city streets and sidewalks on City owned properties.
- (b) *City to remove*. The city, without a notice to the owner, may cause to be removed, or otherwise abated, from all public sidewalks and private streets, beginning 24 hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of such removal, or abatement, and the private property adjacent to, or surrounded by, which such accumulations were found and removed or otherwise abated.
- (c) *Cost of removal ~~to be assessed~~*. The cost of snow or ice removal or abatement done in accordance with subsection (b) of this section shall be billed to the owner of the abutting or surrounding property. If such bill is not paid within 30 days, ~~The~~ city administrator shall, upon direction of the council after public hearing, and on receipt of the information provided for in subsection (b) of this section, extend the cost of such removal or abatement of snow or ice as a special assessment against the property lots or parcels of ground abutting on public sidewalks, or surrounding private streets, which were cleared, and ~~S~~such special assessments shall, at the time of certifying taxes to the county auditor, be certified for collection as other special assessments are certified and collected in accordance with applicable State Statutes.
- ~~(d) *Civil suit for cost of removal*. The city administrator shall, in the alternative, upon direction of the council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in subsection (b) of this section, the cost of such clearing and the cost and disbursements of a civil action therefor.~~
- ~~(e) *City administrator to report sidewalks cleared*. The city administrator shall present to the council at its first meeting after snow or ice has been cleared from the sidewalks, as provided in subsection (b) of this section, the report of the city thereon, and shall request the council to determine by resolution the manner of collection to be used as provided in subsections (c) and (d) of this section.~~
- (d~~f~~) *Placing snow or ice in public street, walks or on other city property*. It is a misdemeanor for any person, not acting under a specific contract with the city, to remove snow from private property or alleys and place the snow on a public street or walks in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal of the snow. It is also a misdemeanor for any person not acting under a contract with the city to dump snow on other city property.

(Code 1976, § 7.04)

State Law reference— Special assessments for snow, ~~and~~ ice, and public health or safety hazards removal, Minn. Stat. § 429.101.

Office of the Revisor of Statutes

2018 Minnesota Statutes MUNICIPAL FINANCE TAXATION SPECIAL ASSESSMENTS Chapter 429 Section 429.101

429.10

429.11

2018 Minnesota Statutes

[Authenticate](#) 

429.101 UNPAID SPECIAL CHARGES MAY BE SPECIAL ASSESSMENTS.

Subdivision 1. Ordinances.

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

- (1) snow, ice, or rubbish removal from sidewalks;
- (2) weed elimination from streets or private property;
- (3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections [463.15](#) to [463.26](#);
- (4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) the trimming and care of trees and the removal of unsound trees from any street;
- (6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;
- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- (9) inspections relating to a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section [504B.445, subdivision 4](#), clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section [504B.445, subdivision 4](#), clause (2); or
- (11) [Repealed, 2004 c 275 s 5]
- (12) the recovery of delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

(b) The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work personally (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal, or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

(c) A home rule charter city, statutory city, county, or town operating an energy improvements financing program under section [216C.436](#) or [216C.437](#) has the authority granted to a municipality under paragraph (a) with respect to energy improvements financed under that section.

Subd. 2. Procedure for assessment.

Any special assessment levied under subdivision 1 shall be payable in a single installment, or by up to ten equal annual installments as the council may provide, except that a special assessment made under an energy improvements financing program under subdivision 1, paragraph (c), may be repayable in up to 20 equal installments. With these exceptions, sections [429.061](#), [429.071](#), and [429.081](#) shall apply to assessments made under this section.

Subd. 3. Issuance of obligations.

(a) After a contract for any of the work enumerated in subdivision 1 has been let, or the work commenced, the council may issue obligations to defray the expense of any such work financed in whole or in part by special charges and assessments imposed upon benefited property under this section.

(b) Section [429.091](#) shall apply to such obligations with the following modifications:

- (1) such obligations shall be payable not more than two years from the date of issuance;
- (2) the amount of such obligations issued at one time in a municipality shall not exceed the cost of such work during the ensuing six months as estimated by the council;
- (3) a separate improvement fund shall be set up for each of the enumerated services referred to in subdivision 1 and financed under this section.

(c) Proceeds of special charges as well as special assessments and taxes shall be credited to such improvement fund.

History:

[1953 c 398 s 10](#); [1955 c 811 s 6](#); [1963 c 771 s 5](#); [1965 c 323 s 2](#); [1973 c 337 s 1](#); [1974 c 340 s 1, 2](#); [1984 c 548 s 7](#); [1984 c 582 s 7](#); [1984 c 591 s 6](#); [1984 c 633 s 5](#); [1986 c 444](#); [1Sp2003 c 21 art 11 s 29](#); [2004 c 275 s 2](#); [2008 c 366 art 6 s 42](#); [2010 c 216 s 22](#); [2013 c 85 art 8 s 6](#); [2018 c 155 s 36](#)

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