**Adopting Assessments for Unpaid Charges for Garbage Collection and Disposal Services, LMC Model Resolution**

*League staff thoughtfully develops models for your city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in the Information Memo* [*“City Solid Waste Management.”*](https://www.lmc.org/resources/city-solid-waste-management/)

**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION ADOPTING ASSESSMENTS FOR UNPAID CHARGES FOR GARBAGE COLLECTION AND DISPOSAL SERVICES**

**WHEREAS**, Minnesota Statutes Section 443.015 authorizes the city council of any statutory city or fourth class city that provides by contract or otherwise for the regular collection and disposal of garbage or refuse from dwellings and places of business in the city to adopt an ordinance that obligates the owners of all property served to pay the proportionate cost of such service to their respective properties.

**WHEREAS,** the city of \_\_\_\_\_ has adopted such an ordinance.

*State the ordinance number or code section.*

**WHEREAS**, Minnesota Statutes Section 443.015 provides that in default of payment of such fees, the city council may annually levy an assessment equal to the unpaid charges as of September 1 of each year against each affected lot or parcel of land.

**WHEREAS,** Minnesota Statutes Section 443.015 provides that such assessment may include a penalty not to exceed ten percent of the amount owed and shall bear interest at such amount as the council shall determine not exceeding six percent per year.

**WHEREAS,** Minnesota Statutes Section 443.015 provides that such assessments shall be certified to the county auditor of the county in which the assessed land is located and shall be collected and remitted to the city treasurer in the same manner as assessments for local improvements.

**WHEREAS**, pursuant to proper notice to the property owners, the city council has met, heard, and passed upon any objections to the proposed assessments for such unpaid charges.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MINNESOTA AS FOLLOWS:

Such proposed assessments for unpaid charges for garbage collection and disposal services, a copy of which is attached as Exhibit 1 and made a part of this Resolution, is accepted and shall constitute an assessment against each lot or parcel of land named.

The assessments shall include a penalty of \_\_\_\_\_ and shall bear interest at the rate of

\_\_\_\_\_% per year from the date of this resolution’s adoption.

*The amount of the penalty may be an amount or percentage that cannot exceed ten percent of the amount owed.*

*The interest rate cannot exceed six percent per year.*

The owner of the assessed property may, at any time prior to certification of the assessment to the county auditor, pay the whole assessment and any penalty on such property to the city treasurer except that if payment of the full assessment is received within thirty days after this resolution’s adoption no penalty shall be owed. The property owner may at any time after certification, pay the city clerk or county auditor, the entire amount of the assessment remaining unpaid, including any penalty and interest accrued to the date of payment.

The city clerk shall transmit a certified copy of this assessment role to the county auditor to be assessed against each lot or parcel named and such assessments shall be collected and paid in the same manner as local improvements.

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk

Exhibit 1

|  |  |  |  |
| --- | --- | --- | --- |
| Assessment Listing | Parcel Description | Service | Amount |
| Name | Address | Garbage bill | $000.00 |
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