**Providing for Assessment of Unpaid Charges for Garbage Collection and Disposal Services, LMC Model Ordinance**

*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.**

**ORDINANCE NO.** **\_\_\_\_\_**

**AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF UNPAID CHARGES FOR GARBAGE COLLECTION AND DISPOSAL SERVICES.**

**PURPOSE STATEMENT**

The City Council of **\_\_\_\_\_** is exercising its authority pursuant to Minnesota Statutes Section 443.015 to adopt an ordinance providing for the assessment of unpaid charges for garbage collection and disposal services.

**The City Council of \_\_\_\_\_, Minnesota ordains:**

**Section 1. Duty to pay.** The City Council of **\_\_\_\_\_** provides for the regular collection and disposal of garbage from residential dwellings and places of business in the city. The owners of all property receiving such service must pay the proportionate cost of such service to their properties.

*Pursuant to Minnesota Statutes Section 443.015, 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 is authorized to adopt an ordinance that obligates the owners of all property served to pay the proportionate cost of such service to their respective properties*.

 **Section 2.** **Default of payment.** If a property owner fails to pay such service charges, the city council may annually impose an assessment equal to the unpaid charges as of September 1 of each year against each affected lot or parcel of land.

**Section 3. Penalty and interest.** Each assessment will also include a penalty of **\_\_\_\_\_** and shall bear interest at \_\_\_\_\_ per year.

*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.*

**Section 4.** **Certification of assessments.** Assessments may be annually certified to the county auditor.

**Section 5. Notice and hearing.** Unpaid charges shall not be certified as assessments to the county auditor until notice and an opportunity for a hearing are provided to each owner of property subject to an assessment. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus any penalty and interest owing will be certified to the county auditor. The notice shall also state that the occupant may, before the certification date, attend or schedule a hearing on the matter to object to the certification.

**Section 6. Severability.** In case any section of this Ordinance is held invalid by a court, the invalidity shall extend only to the section affected and other sections of the Ordinance shall continue in full effect.

 **Section 7.** **Repeal.** All ordinances, resolutions, and acts and proceedings of the city and the city council which are inconsistent with the terms of this Ordinance are repealed to the extent necessary to give full effect to this Ordinance.

 **Section** **8.** **Effective date.** This ordinance becomes effective from and after its passage and publication.

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

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

Mayor

Attested:

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

City Clerk