

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5190

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DATE
03/25/2024

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Introduction and first reading
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to special assessments; allowing local units of government to collect unpaid
1.3 service charges for certain sewer projects as special assessments; amending
1.4 Minnesota Statutes 2022, sections 115.55, by adding a subdivision; 429.011,
1.5 subdivisions 2, 2a; 429.101, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2022, section 115.55, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 14. Enforcement by special assessment. Notwithstanding any other law to the
1.10 contrary, a local unit of government that has adopted an ordinance in compliance with this
1.11 section for subsurface sewage treatment systems:

1.12 (1) is a municipality for purposes of sections 429.011 and 429.101; and

1.13 (2) may collect an unpaid service charge for the abatement of a noncompliant subsurface
1.14 sewage treatment system, the installation of a compliant subsurface sewage treatment system,
1.15 or the connection to a sanitary sewer as a special assessment according to section 429.101.

1.16 EFFECTIVE DATE. This section is effective for special assessments payable in 2024
1.17 and thereafter.

1.18 Sec. 2. Minnesota Statutes 2022, section 429.011, subdivision 2, is amended to read:

1.19 Subd. 2. **Municipality; certain cities and towns.** "Municipality" means:

1.20 (1) any city of the second, third, or fourth class however organized, ~~or~~;

1.21 (2) any statutory city or any town as defined in section 368.01; or

2.1 (3) for the purposes established in section 429.101, subdivision 1, paragraph (a), clause
 2.2 (13), any city or township that has adopted an ordinance in compliance with section 115.55
 2.3 related to subsurface sewage treatment systems.

2.4 **EFFECTIVE DATE.** This section is effective for special assessments payable in 2024
 2.5 and thereafter.

2.6 Sec. 3. Minnesota Statutes 2022, section 429.011, subdivision 2a, is amended to read:

2.7 Subd. 2a. **Municipality; certain counties.** "Municipality" also includes the following:

2.8 (1) a county in the case of construction, reconstruction, or improvement of a county
 2.9 state-aid highway;

2.10 (2) a county in the case of construction, reconstruction, or improvement of a county
 2.11 highway as defined in section 160.02 including curbs and gutters and storm sewers;

2.12 (3) a county exercising its powers and duties under section 444.075, subdivision 1;

2.13 (4) a county for expenses not paid for under section 403.113, subdivision 3, paragraph
 2.14 (b), clause (3);

2.15 (5) a county in the case of the abatement of nuisances; ~~and~~

2.16 (6) a county operating an energy improvements financing program under section
 2.17 216C.436 or 216C.437; and

2.18 (7) for the purposes established in section 429.101, subdivision 1, paragraph (a), clause
 2.19 (13), any county that has adopted an ordinance in compliance with section 115.55 related
 2.20 to subsurface sewage treatment systems.

2.21 **EFFECTIVE DATE.** This section is effective for special assessments payable in 2024
 2.22 and thereafter.

2.23 Sec. 4. Minnesota Statutes 2022, section 429.101, subdivision 1, is amended to read:

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

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

2.29 (2) weed elimination from streets or private property;

3.1 (3) removal or elimination of public health or safety hazards from private property,
3.2 excluding any structure included under the provisions of sections 463.15 to 463.26;

3.3 (4) installation or repair of water service lines, street sprinkling or other dust treatment
3.4 of streets;

3.5 (5) the trimming and care of trees and the removal of unsound trees from any street;

3.6 (6) the treatment and removal of insect infested or diseased trees on private property,
3.7 the repair of sidewalks and alleys;

3.8 (7) the operation of a street lighting system;

3.9 (8) the operation and maintenance of a fire protection or a pedestrian skyway system;

3.10 (9) inspections relating to a municipal housing maintenance code violation;

3.11 (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause
3.12 (5), including disbursements for payment of utility bills and other services, even if provided
3.13 by a third party, necessary to remedy violations as described in section 504B.445, subdivision
3.14 4, clause (2); ~~or~~

3.15 (11) [Repealed, 2004 c 275 s 5]

3.16 (12) the recovery of delinquent vacant building registration fees under a municipal
3.17 program designed to identify and register vacant buildings; or

3.18 (13) for a municipality described in section 429.011, subdivision 2, clause (3), or 2a,
3.19 clause (7):

3.20 (i) the abatement of a noncompliant subsurface sewage system;

3.21 (ii) the installation of a compliant subsurface sewage treatment system; or

3.22 (iii) the connections to a sanitary sewer.

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

3.30 (c) A home rule charter city, statutory city, county, or town operating an energy
3.31 improvements financing program under section 216C.436 or 216C.437 has the authority

4.1 granted to a municipality under paragraph (a) with respect to energy improvements financed
4.2 under that section.

4.3 **EFFECTIVE DATE.** This section is effective for special assessments payable in 2024
4.4 and thereafter.