

## ORDINANCE NO. 2023-13

### AN ORDINANCE AMENDING CHAPTER 18 OF THE CITY CODE RELATED TO TREE REMOVAL SPECIAL ASSESSMENTS AND FEE SCHEDULES

The City Council for the City of Bloomington, Minnesota, ordains:

**Section 1.** That Chapter 18 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

#### CHAPTER 18: TREES

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##### § 18.04 ORDER TO TREAT OR REMOVE.

The City Forester, or person working under the City Forester's direction, may enter private property for the purpose of inspecting for diseased trees when the City Forester, or the City Forester's designee, has reason to believe there may be diseased trees situated thereon. The City Forester may order the trimming, treatment or removal of trees or plants upon public or private property when he or she shall determine that such action is necessary to the public safety or necessary to prevent the spread of disease or of insects harmful to trees and shrubs.

##### § 18.05 ORDER PROCEDURES.

(a) Order to correct. When the City Forester determines that it is necessary to order the trimming, treatment or removal of trees or plants as authorized in § 18.04 of this chapter, a written order to correct the condition shall be served upon the owner, occupant, operator or other person responsible for such tree or plant.

(b) Method of service. The order required under this section shall be served in one of the following ways:

- (1) By personal delivery of the order to the person responsible;
- (2) By leaving the order with a person of suitable age and discretion upon the premises;
- (3) If no such person can be found, by affixing a copy of the order to the front door of the premises;
- (4) If no person resides upon the premises, by regular mail to the last known address of the owner of the premises; and
- (5) By publishing in the official paper once a week for two successive weeks.

(c) Time limit. The order required herein shall establish a time limit for compliance dependent upon the hazard and danger created by the violation. In case of extreme danger, immediate compliance upon service of the order is authorized.

(d) Failure to comply. If the owner cannot comply with an order issued hereunder, the City Manager may have any necessary work done at the owner's expense. The City Manager may establish a procedure for dealing with and contracting for tree removal, recognizing that the City Council shall determine a policy of sharing the cost of the removal whether it be done voluntarily or by special assessment.

(e) Special assessment. Except as limited by state law, the entire cost of remedying a condition, including the administrative charge due under subsection (f) below, together with interest thereon at the maximum lawful rate, may be levied as a special assessment against the property upon which the condition was remedied. The levying of such assessment shall not affect the liability of the owner for any other penalty that may be imposed. Such special assessment shall be assessed against the affected real property and certified payable in the manner provided for in Minn. Stat. Chapter 429, [within one year of its levy] or such other terms as the Council may set, and thereupon shall be a lien upon such property; provided, however, that such an assessment will be payable in not to exceed ten (10) equal annual installments. The assessment methodology, repayment, and interest is set forth in City Code Appendix A. [†] Such special assessment or annual installment thereof shall be included in the next tax bill on such property unless paid before such bill is due and shall be collected in the same manner as other taxes against such property.

(f) Administrative assessment charge. The administrative assessment charge is set forth in City Code Appendix A.

**Section 2.** That Appendix A of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

**APPENDIX A: FEE SCHEDULE**

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

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<i>CODE SECTION</i>	<i>CROSS-REF</i>	<i>DESCRIPTION</i>			<i>FEE</i>
<b>Chapter 18: Trees</b>					

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<i>CODE SECTION</i>	<i>CROSS-REF</i>	<i>DESCRIPTION</i>			<i>FEE</i>
<u>§ 18.05(e)</u>		<u>Tree Removal Cost</u>	<u>Assessment Methodology</u>	<u>Levy Period</u>	<u>Interest Rate</u>

		<u>below \$2,999</u>	<u>Direct Costs</u>	<u>3 year</u>	<u>6.5%</u>
		<u>\$3,000 - \$5,999</u>	<u>Direct Costs</u>	<u>5 year</u>	<u>6.5%</u>
		<u>above \$6,000</u>	<u>Direct Costs</u>	<u>10 year</u>	<u>6.5%</u>

**Section 3. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed and adopted this 1<sup>st</sup> day of May, 2023.

/s/ Tim Busse  
Mayor

ATTEST:

/s/ Matt Brillhart  
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied  
City Attorney