

**CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA
ORDINANCE NO. 98**

AN ORDINANCE RELATING TO PAYMENT OF ASSESSMENTS FOR LOCAL IMPROVEMENTS IN THE CITY OF GEM LAKE, RAMSEY COUNTY, MINNESOTA

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

SECTION 1. ASSESSMENT PARTIAL PREPAYMENT PRIVILEGE. One partial prepayment in the amount of at least One Thousand Dollars (\$1,000.00) may be paid to the City Clerk for any assessment for local improvements no less than five days prior to the date the Resolution Adopting and Confirming the Assessment for the Local Improvement directs the Clerk to transmit a certified copy of the Assessment Roll to the County Auditor.

SECTION 2. DEFERRED PAYMENT OF ASSESSMENTS. Pursuant to the authority granted by Minnesota Statutes, Section 435.193, the City Council may defer the payment of any special assessment on homestead property owned by a person who is:

- a) 65 years of age or older;
- b) retired by virtue of a permanent and total disability; or
- c) a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in Minnesota Statutes, Section 190.05, as stated in the person's military orders,

which property is subject to the levying of a special assessment, for whom it would be a hardship to make payments, as of the date the assessment is adopted.

SECTION 3. STANDARD OF DISABILITY. To be eligible for deferred payment of assessments by reason of disability, the applicant must be retired by virtue of a permanent and total disability and be receiving Social Security payments by reason of such retirement by virtue of a permanent and total disability, or eligible to receive such payments as shown by a report from the Department of Health and Human Services.

SECTION 4. STANDARDS OF HARDSHIP.

4-1. A hardship shall be deemed to exist when:

- 4-1.1.** The adjusted gross household income reported on the applicant's most recent Federal Income Tax Return or the total household income of

the applicant as evidenced by the applicant's most recent Minnesota Property Tax Refund Return (as defined in Minnesota Statutes, Chapter 290A), whichever amount be greater, is less than 150% of the Federal poverty level for that household, using the guidelines published annually by the U.S. Department of Health and Human Services, and

4-1.2. The first year's installment of the proposed special assessment will increase the aggregate total of the installments of special assessments against the property for which deferment is requested and payable in the year of such first installment to a sum equal to more than two percent of said income, and

4-1.3. The special assessment for which deferment is applied for exceeds \$500.00, and

4-1.4. The applicant's (and spouse's) total assets exclusive of that part of the homestead valuation as determined by the Ramsey County Assessor to be eligible for homestead classification do not exceed \$50,000.00.

4-2. Notwithstanding the foregoing provisions of this Section, the City Council may consider exceptional and unusual circumstances not covered by the standards and guidelines and grant a deferral as requested: but any determination shall be made in a non-discriminatory manner which does not give the applicant an unreasonable preference or advantage over other applicants.

SECTION 5. APPLICATION FOR DEFERRAL. An applicant may apply for deferred payment of special assessments made after October 15, 2003 for local improvements by making application therefore to the Department of Property Taxation, Ramsey County, Minnesota, in accordance with Minnesota Statutes, Section 435.194. A copy of said application shall be filed with the City Clerk together with a certification form furnished by the City Clerk to establish the qualifications of the owner for such deferral. Application for deferral shall be made within 30 days after the adoption of the assessment roll by the City Council for those assessment rolls adopted after the effective date of this Ordinance, and shall be renewed each following year upon the filing of a similar application not later than October 15. The City Council shall either grant the deferral by majority vote or deny the deferral. Any assessment, the payment of which is deferred pursuant hereto by the City Council, may bear interest at the rate of one percent (1%) in excess of the rate of interest that would have been charged on the assessment had the assessment payments not been deferred, but not, however, in excess of the maximum interest rate allowed by law. When the deferred assessment is granted, the City Clerk shall advise the Ramsey County Department of Property Taxation, who shall, pursuant to Minnesota Statutes, Section 435.194, record a Notice of the deferral with the County Recorder of Ramsey County which shall set forth the amount of the assessment and the rate of interest on the deferred assessment payments.

SECTION 6. TERMINATION OF RIGHT TO DEFERRED PAYMENT. The option to defer payment of special assessments shall terminate and all amounts accumulated, including accrued interest, shall become due upon the occurrence of any of the following events:

6-1. The death of the owner, provided that the spouse is otherwise not eligible for the benefits hereunder;

6-2. The sale, transfer or subdivision of the property or any part thereof;

6-3. If the property should for any reason lose its homestead status;

6-4. If for any reason the City Council shall determine that there would be no hardship to require immediate or partial payment; or

6-5. Failure to file a renewal application within the time hereinbefore prescribed.

SECTION 7. COLLECTION OF DEFERRED PAYMENT. Upon the occurrence of one of the events specified in Section 6, the Council shall terminate the deferral. Thereupon, the City Clerk shall notify the Ramsey County Assessor and the Ramsey County Department of Property Taxation of the termination, including the amounts accumulated on unpaid installments plus applicable interest which shall become immediately due and payable as a result of the termination, and if not paid prior to November 30th of the year the deferral is terminated, shall be certified for collection together with the real estate taxes payable in the following year, and shall be collected by the Ramsey County Treasurer as are other special assessments.

SECTION 8. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held to be invalid

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage and publication.

Passed by the City Council of the City of Gem Lake, Ramsey County, Minnesota, this 10th day of February, 2009.

APPROVED:

ATTEST:

Robert Uzpen, Mayor

William Short, City Clerk

Published in the White Bear Press on _____, 2009.