

**IDEAL TOWNSHIP
CROW WING COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2023-01

OWNER OBLIGATION TO REMOVE SNOW OR ICE FROM RIGHTS-OF-WAY

WHEREAS, Minn. Stat. § 366.016 creates an opportunity for town electors to vote to require owners or occupants of real estate that adjoins a town road and is not part of an incorporated municipality to remove snow or ice, or both, that has been caused to be deposited by the property owner or occupant upon the town road right-of-way adjacent to their land;

WHEREAS, at the annual town election held on the 14th day of March 2023 the question described in Minn. Stat. § 366.016, subd. 1 was submitted to the electors and was passed by a majority of the town electors voting on the question;

WHEREAS, the removal of snow or ice, or both, from town road rights-of-way is important to the proper maintenance of rights-of-way, public safety, and the safety of those providing snow removal services to the town;

NOW, THEREFORE, BE IT RESOLVED, that persons who own or occupy real estate that adjoins a town road and is not part of an incorporated municipality are required to remove snow or ice, or both, that as been caused to be deposited by the property owner or occupant upon the town road right-of-way adjacent to their land;

NOW, THEREFORE, BE IT FINALLY RESOLVED THAT THE TOWN BOARD OF IDEAL TOWNSHIP, CROW WING COUNTY, MINNESOTA, shall follow the following procedures regarding the administration and enforcement of the obligations imposed on owners and occupants under Minn. Stat. § 366.016:

1. The town board shall publish, in a local newspaper, an annual notice indicating the prohibition of placing snow or ice in town road right-of-way and the obligation of owners and occupants to remove snow or ice if they do place either or both within a town road right-of-way. Failure of the board to publish the annual notice does not relieve an owner or occupant from the necessity to fully comply with the removal obligation or in any way prevent the town board from enforcing the obligation or exercising any other right available to it under law.
2. A person that places snow or ice in a town road right-of-way and does not immediately remove it is in violation of state law and the obligation enacted under Minn. Stat. § 366.016 and is subject to both criminal prosecution and a lien being placed against the property they own or occupy for the expenses the town incurs to remove the snow or ice.
3. If the town determines the snow or ice placed in the town road right-of-way does not interfere with the safety or maintenance of the road, the owner and/or occupant of the property will receive mailed notice, along with an affidavit of service, of the violation and the obligation to remove the snow or ice, or both. If the snow or ice is not removed withing 10 days of the date of the notice or

the date indicated in the notice as the deadline for removal, whichever is later, the town will cause the snow or ice, or both to be removed. The expenses the town incurs to remove the snow or ice will be certified to the county auditor as a lien on the real estate. The amount is a tax upon the land and will be collected in the same manner as other real estate taxes.

4. If the town determines the snow or ice placed in the town road right-of-way does interfere with the safety or maintenance of the road, the town will provide for the removal of the snow or ice. The town board may then send notice, accompanied by an affidavit of service, to the occupant or owner of the parcel as stated in the records of the county auditor, stating the failure to remove snow or ice from the town road right-of-way adjacent to their land. If the owner or occupant thereafter fails to immediately remove snow or ice, or both they place in a town road right-of-way, the expenses the town incurs to remove the snow or ice will be certified to the county auditor as a lien on the real estate. The amount will be a tax upon the land and will be collected in the same manner as other real estate taxes.

Adopted by the Town Board of Ideal Township on April 10th, 2023.

Dave Peterson, Chairperson

ATTEST:

J. Craig Wallace, Town Clerk