


# Legal Memorandum

**To:** Common Council

**From:** Stephen F. Matty- City Attorney 

**Date:** February 24, 2022

**Re:** Agenda Item 22-0109 – Dispute of special charge to property for failing to shovel snow.

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This matter is before you disputing the special charge against the property of 2902 Robinsdale Avenue. On January 24, 2022, the Board of Public Works heard and denied the appeal of snow shoveling charges at the property. In summary, the property owner failed to shovel the sidewalk and curb ramp. As a result, the City incurred expenses in shoveling the sidewalk for the property owner. Per Municipal Code Section 40-8(b), the Board reports the snow shoveling expenses to the Common Council so the Common Council can insert the expense as a special charge on the property.

While the Board hears appeals to the snow shoveling charges, the Legal Department has previously opined back in 2007, that only the Common Council can place the special charge and special tax on the property. Since the Board has made its decision to impose the charge, the matter is now before the Common Council in order for the Common Council to determine whether it will impose the charge as reported by the Board, change the amount imposed as a special tax or not impose the special tax at all.

SFM:blb

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