



Council Conference Meeting

January 23, 2023

5:30 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

Pursuant to Minnesota Statute § 13.02 the January 23, 2023 Fridley City Council Conference meeting will be a hybrid meeting. Councilmember Ann Bolkcom will be attending via Zoom from Pueblo Bonito Mazatlan, Av Camarón Sábalo 2121, Sábalo Country, 82100.

Virtual: <https://us06web.zoom.us/j/89795973659?pwd=d3ZRTFNzVHB6UUZmNE90dkxqUklEQT09>
Meeting ID: 897 9597 3659. Passcode: 387320. Call in: 312-626-6799.

1. Financial Update – Preliminary 2022 Year-to-Date (YTD) and 2024 Budget Calendar
2. Recodification Update

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 572-3450.



AGENDA REPORT

Meeting Date: January 23, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Joe Starks, Director of Finance/City Treasurer

Title

Financial Update – Preliminary 2022 Year-to-Date (YTD) and 2024 Budget Calendar

Background

A preliminary 2022 YTD financial update will be provided, as well as the 2024 budget calendar.

Focus on Fridley Strategic Alignment

☐ Vibrant Neighborhoods & Places	☐ Community Identity & Relationship Building
☒ Financial Stability & Commercial Prosperity	☐ Public Safety & Environmental Stewardship
☐ Organizational Excellence	

Attachments and Other Resources

- Preliminary 2022 Financial Update
- 2024 Budget Calendar 1.23.2023

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



For the fiscal period ending 12/31/2022 - PRELIMINARY
% of Year Remaining: 0%

Revenues	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
General Fund	\$ 20,275,400	\$ 19,651,917	\$ 623,483	3%	A	\$ 19,536,654	\$ 115,264
Cable TV Fund	\$ 296,900	\$ 228,938	\$ 67,962	23%	B	\$ 304,600	\$ (75,662)
Solid Waste Abatement	\$ 520,400	\$ 449,383	\$ 71,017	14%	C	\$ 559,587	\$ (110,204)
Police Activity Fund	\$ 255,900	\$ 200,791	\$ 55,109	22%	D	\$ 362,747	\$ (161,956)
SNC Fund	\$ 678,700	\$ 652,785	\$ 25,915	4%	A	\$ 574,297	\$ 78,488
Water Utility Fund	\$ 4,465,800	\$ 3,993,572	\$ 472,228	11%	E	\$ 4,673,957	\$ (680,385)
Sewer Utility Fund	\$ 7,038,400	\$ 5,965,585	\$ 1,072,815	15%	E/F	\$ 6,320,743	\$ (355,158)
Storm Water Utility Fund	\$ 2,242,000	\$ 1,742,180	\$ 499,820	22%	E/F	\$ 1,863,673	\$ (121,493)
Liquor Fund	\$ 7,075,500	\$ 6,527,878	\$ 547,622	8%		\$ 7,288,949	\$ (761,071)
TOTAL REVENUES	\$ 42,849,000	\$ 39,413,029	\$ 3,435,971	8%		\$ 41,485,207	\$ (2,072,178)

Expenditures	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
General Fund	\$ 20,275,400	\$ 19,407,656	\$ 867,744	4%		\$ 22,505,135	\$ (3,097,479)
Cable TV Fund	\$ 380,000	\$ 321,058	\$ 58,942	16%		\$ 344,333	\$ (23,275)
Solid Waste Abatement	\$ 517,900	\$ 525,092	\$ (7,192)	-1%		\$ 561,267	\$ (36,175)
Police Activity Fund	\$ 255,900	\$ 222,981	\$ 32,919	13%		\$ 351,856	\$ (128,875)
SNC Fund	\$ 691,600	\$ 604,469	\$ 87,131	13%		\$ 589,773	\$ 14,696
Water Utility Fund	\$ 4,436,500	\$ 3,373,810	\$ 1,062,690	24%	G/H	\$ 2,941,131	\$ 432,679
Sewer Utility Fund	\$ 6,755,500	\$ 6,601,414	\$ 154,086	2%	G	\$ 5,789,771	\$ 811,643
Storm Water Utility Fund	\$ 2,210,200	\$ 1,912,519	\$ 297,681	13%	G	\$ 1,309,615	\$ 602,904
Liquor Fund	\$ 7,090,800	\$ 6,386,802	\$ 703,998	10%		\$ 6,926,838	\$ (540,036)
TOTAL EXPENDITURES	\$ 42,613,800	\$ 39,355,800	\$ 3,258,000	8%		\$ 41,319,720	\$ (1,963,919)

GENERAL FUND

GF Revenue Types	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
Taxes	\$ 13,637,400	\$ 13,464,828	\$ 172,572	1%	A	\$ 13,306,327	\$ 158,502
Special Assessments	\$ 22,900	\$ 88,099	\$ (65,199)	-285%		\$ 167,760	\$ (79,661)
Licenses and Permits	\$ 1,184,000	\$ 849,968	\$ 334,032	28%	I	\$ 1,265,772	\$ (415,804)
Intergovernmental	\$ 2,177,000	\$ 2,018,022	\$ 158,978	7%		\$ 2,019,750	\$ (1,728)
Charges for Services	\$ 2,598,200	\$ 2,559,058	\$ 39,142	2%		\$ 2,300,204	\$ 258,854
Fines and Forfeitures	\$ 159,600	\$ 113,204	\$ 46,396	29%		\$ 130,986	\$ (17,782)
Miscellaneous	\$ 232,500	\$ 299,023	\$ (66,523)	-29%		\$ 156,255	\$ 142,768
Other Financing Sources	\$ 263,800	\$ 259,715	\$ 4,085	2%		\$ 189,600	\$ 70,115
TOTAL GF REVENUES	\$ 20,275,400	\$ 19,651,917	\$ 623,483	3%		\$ 19,536,654	\$ 115,264

GF Dept. Expenditures	2022 Current Budget	2022 YTD Actual	2022 Balance	% Remaining	Note	2021 YTD Actual	22 vs. 21 YTD
Legislative	\$ 165,500	\$ 147,470	\$ 18,030	11%		\$ 169,496	\$ (22,026)
City Management	\$ 1,726,200	\$ 1,587,872	\$ 138,328	8%		\$ 1,444,660	\$ 143,212
Finance	\$ 1,695,100	\$ 1,652,430	\$ 42,670	3%		\$ 1,527,694	\$ 124,736
Non-Departmental	\$ 207,300	\$ 16,172	\$ 191,128	92%	J	\$ 4,353,298	\$ (4,337,126)
Public Safety	\$ 9,625,000	\$ 9,502,212	\$ 122,788	1%		\$ 9,005,533	\$ 496,679
Public Works	\$ 4,288,500	\$ 4,195,221	\$ 93,279	2%		\$ 4,044,753	\$ 150,468
Community Services	\$ 822,000	\$ 713,353	\$ 108,647	13%		\$ 664,849	\$ 48,504
Community Development	\$ 1,745,800	\$ 1,592,926	\$ 152,874	9%		\$ 1,294,852	\$ 298,074
TOTAL GF EXPENDITURES	\$ 20,275,400	\$ 19,407,656	\$ 867,744	4%		\$ 22,505,135	\$ (3,097,479)

Notes:

Preliminary and does not include various year-end journal entries, such as asset entry/capitalization (removes expense from above) and investment interest allocation (adds revenue to above).

A - Property tax short settlement from Anoka County should be received in late January.

B - 4th Quarter Cable Franchise Fee payment should be received in early February.

C - Score grant from Anoka County should be received in February.

D - Auto theft grant and reimbursement for PSDS officer should be received in February.

E - Awaiting payments for 4th quarter utility bills.

F - Awaiting federal grant reimbursement payment.

G - Does not include debt service (budget/actuals) as principal paid is a balance sheet transaction but budgeted for proper debt service coverage.

H - Distribution System and Well Updates projects carried forward to 2023.

I - Building permit activity below.

J - 2021 YTD amount includes \$4,321,388 transfer from General Fund to Community Investment Fund

Building Permit Activity

Year	# of Permits	Valuation	Revenue (Plan/Permit)
2020 YTD	2,904	\$ 99,331,120	\$ 1,099,200
2021 YTD	2,707	\$ 87,575,510	\$ 996,940
2022 YTD	2,392	\$ 32,218,314	\$ 543,475

**2024 Budget Calendar
City of Fridley, Minnesota**

Date	Activity	Responsible Party	Forum or Meeting
February 6	Information Technology Project Request Form sent to Departments.	Finance Director/IT Manager	
March 3	Information Technology Project Request Forms due to the Finance Department.	Department Directors	
March 6	Capital Investment Program (CIP) Request Forms released to Departments.	Finance Director	
March 31	CIP Request Forms due to the Finance Department.	Department Directors	
April 22	Annual Town Hall Meeting.	Department Directors/City Manager	Town Hall
April 24	"Outlook and Objectives" Review with City Council.	Finance Director	Conference Meeting
June 12	Review 2022 Audit with City Council	Finance Director	City Council Meeting
June 30	Proposed 2024-2028 CIP released to City Council.	Finance Director	
July 10	Proposed 2024 Budget Instructions, New Request Forms and Targets released to Departments.	Finance Director	
July 10	Discuss Proposed 2024- 2028 CIP with City Council.	Finance Director	Conference Meeting
July 14	Proposed 2024-2028 CIP submitted to Anoka County for review and comment.	Finance Director	
July 26	New Budget Request Forms and changes due to Finance Department.	Department Directors	
August 1	Minnesota Department of Revenue notifies City of State Aid amounts.	Finance Director	
Aug 2-Aug 4	Department Meetings with the City Manager to review new budget requests and changes.	Department Directors/City Manager	
August 28	Discuss Property Tax Levy Scenarios with the City Council.	Finance Director	Conference Meeting
September 1	Minnesota Department of Revenue notifies the City of any applicable Property Tax Levy limits.	Finance Director	
September 1	Proposed 2024 Budget released to City Council.	Finance Director	
September 7	HRA Board approves Preliminary/Final Housing and Redevelopment Authority (HRA) Property Tax Levy.	HRA	HRA Meeting
September 11	Discuss Proposed 2024 Budget, including CIP, with City Council.	Finance Director	Conference Meeting
September 25	Adopt Proposed 2024 Property Tax Levy and Budget, and announce Public Meeting (Truth-in-Taxation) date.	City Council	City Council Meeting
September 25	Adopt Final HRA Property Tax Levy.	City Council	City Council Meeting
September 30	Proposed Property Tax Levy submitted to Anoka County	Finance Director	
September 30	Final HRA Property Tax Levy submitted to Anoka County	Finance Director	
October 6	All Proposed 2024 Budget, including CIP, changes and revisions due to Finance Department.	Department Directors	
Oct 11-Oct 13	Department Meetings with the City Manager to review new budget requests and changes, if needed.	Department Directors	
October 23	Discuss the Proposed 2024 Utility Rates and Fees (Water, Sewer, Storm Water and Recycling) with City Council.	Finance Director	Conference Meeting
October 27	All Final, Proposed 2024 Budget, including CIP, changes and revisions due to Finance Department.	Department Directors	
November 13	Discuss 2024 Budget, including CIP, with City Council (if needed).	Finance Director	Conference Meeting
November 13	Adopt the 2024 Utility Rates and Fees (Water, Sewer, Storm Water and Recycling).	City Council	City Council Meeting
Week of November 15	Anoka County sends parcel-specific, estimated tax estimates to taxpayers, due to taxpayers by November 24.	Anoka County	
November 27	Hold Public Meeting (Truth-in-Taxation) on Proposed 2024 Budget and Property Tax Levy.	City Council	City Council Meeting
December 11	Adopt Final 2024 Budget, 2024-2028 CIP, 2024 Property Tax Levy.	City Council	City Council Meeting
December 22	Submit Final 2024 Property Tax Levy certified to Anoka County (and Form TNT).	Finance Director	



AGENDA REPORT

Meeting Date: January 23, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager
 Ryan George, Deputy Director of Public Safety
 Beth Kondrick, Deputy City Clerk

Title

Recodification Update

Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the Fridley City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged into a system generally referred to as the Fridley City Code (Code). Recodification of the Code was authorized by the Council by Resolution No. 2021-67.

At this time staff are prepared to present the Council with a draft of several chapters to be contained in Title 3 (Health, Safety, and Welfare). This grouping of chapters addresses the remaining Police-related chapters of the Code:

- Civil Defense (to be renamed Emergency Management)
- Curfew
- Dangerous Weapons (to be renamed Dangerous Weapons and Facsimile Weapons)
- Disposition (to be renamed Disposal of Certain Property)
- Liquor Consumption, Use or Display
- Sexually Oriented Businesses
- Trespassing.

All chapters listed above are attached. All revisions have been reviewed by staff and the City Attorney. Chapters with more substantive updates are accompanied by a Recodification Report.

At the February 27, 2023 Conference Meeting staff anticipate presenting the Council with drafts of the remaining chapters to be contained in Title 3:

- Air Quality
- Boats and Watercraft
- False Alarms
- Fire Department Service Charges
- Fire Prevention
- Landscape Maintenance
- Public Sanitation Facilities
- Snowmobiles
- Solid Waste Disposal and Recycling Collection
- Tree Management.

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Depending on direction given from the Council, an anticipated timeline for the approval of Title 3 could be:

- February 27, 2023: Conference Meeting to review remaining chapters to be contained in Title 3
- March 13, 2023: Council resolution to call for a public hearing on Title 3 on March 27, 2023
- March 27, 2023: Council will conduct a public hearing and first reading of an ordinance to create Title 3 and update the chapters contained therein
- April 10, 2023: Council will conduct a second reading and adoption of an ordinance to create Title 3 and update the chapters contained therein
- April 13, 2023: Summary Ordinance is published in the City's Official Publication
- April 28, 2023: Title 3 and the chapters contained therein become effective pursuant to the Charter.

Attachments and Other Resources

- Civil Defense (to be renamed Emergency Management) and Recodification Report
- Curfew
- Dangerous Weapons (to be renamed Dangerous Weapons and Facsimile Weapons) and Recodification Report
- Disposition (to be renamed Disposal of Certain Property) and Recodification Report
- Liquor Consumption, Use or Display and Recodification Report
- Sexually Oriented Businesses
- Trespassing and Recodification Report

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Fridley City Code
Chapter ~~106. Civil Defense~~303 Emergency Management

~~106.01.303.01~~ Policy and Purpose

~~Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from sabotage, or other hostile action, or from fire, flood, tornado or other natural causes, and in order to insure that preparations of the City will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary:~~

- ~~1. To establish a local Emergency Management Organization~~
- ~~2. To provide for the exercise of necessary powers during emergencies and disasters.~~
- ~~3. To provide for the rendering of mutual aid between this City and other political subdivisions of this State and of other states with respect to the carrying out of emergency preparedness functions.~~

The possibility of disasters of unprecedented size and destructiveness resulting from sabotage, hostile action, fire, flood, tornado, or other natural causes pose a potential threat to the health, safety, and welfare of the citizens of the City of Fridley (City). This Chapter ensures that preparations of the City will be sufficient to deal with any such disasters. This Chapter:

1. Formally establishes an Emergency Management Organization.
2. Provides authority to the Emergency Management Director to exercise necessary powers during a local emergency.
3. Provides for mutual aid between the City and other political subdivisions with respect to carrying out emergency preparedness functions.

~~It is further declared to be the purpose of this Chapter and the policy of the City that all emergency preparedness functions of this City be coordinated to the maximum extent practicable with the comparable functions of the federal government, of this State, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's human power, resources, and facilities for dealing with any disaster that may occur.~~

~~106.02.303.02~~ Definitions

Emergency management: the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible to prevent, minimize and repair injury and damage resulting from disaster caused by sabotage, or other enemy hostile action, or from fire, flood, tornado, pandemic or other natural causes, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting, police

services, emergency medical and health services, rescue, engineering, warning communications, radiological, chemical evacuation congregate care, emergency transportation existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Emergency: an unforeseen combination of circumstances which calls for immediate action to prevent [a disaster](#) from developing or occurring.

Emergency Management Forces: the total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this [resolution ordinance](#) or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

Emergency Management Organization: the staff element responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

Disaster: a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

~~106.03.303.03~~ Establishment of an Emergency Management Organization

There is hereby created within the City government an Emergency Management Organization, which shall be under the supervision and control of an Emergency Management Director (~~Director~~), ~~hereinafter called the Director~~. The Director shall be appointed by the Mayor for an indefinite term and may be removed by the Mayor at any time. The Director shall receive a salary, as may be prescribed by the ~~Fridley~~ City Council (~~Council~~), and any necessary expenses. The Director shall have the responsibility for the organization, administration and operation of the Emergency Management Organization, subject to the direction and control of the Mayor. The Emergency Management Organization shall be organized into such divisions and bureaus, consistent with the state and local emergency preparedness plans, as the Director deems necessary to provide for the efficient performance of local emergency management functions during an emergency. The Emergency Management Organization shall perform emergency management functions within the City and in addition shall conduct such functions outside the City as may be required pursuant to the provisions of the Minnesota Civil Defense Act of 1951, as amended, or this Chapter.

~~106.04.303.04~~ Powers and Duties of Director

1. The Director, with the consent of the Mayor, shall represent the City on any regional or State organization dealing with emergency management. The Director shall develop proposed mutual aid agreements with other political subdivisions within or outside the State for

reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present such agreements to the Council for its action. Such arrangements shall be consistent with the State emergency plan and during an emergency, it shall be the duty of the Emergency Management [OrganizationDivision](#) and emergency management forces to render assistance in accordance with the provisions of such mutual aid arrangements. Any mutual aid arrangement with a political subdivision of another state shall be subject to the approval of the Governor.

2. The Director shall make such studies and surveys of manpower to determine the Emergency Management [OrganizationDivision](#)'s adequacy for emergency management and to plan for its most efficient use in time of an emergency.

3. The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present such plan to the Council for its approval. When the Council has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency management forces of the City to perform the duties and functions assigned by the plans as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency preparedness activities of the City to the end that they shall be consistent and fully integrated with the emergency plan of the federal government and the State and correlated with the civil defense plans of other political subdivisions within the State.

4. In accordance with the State and City emergency plan, the Director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of emergency management forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the City emergency plan in time of an emergency. The Director may, from time to time, conduct such practice drills or other emergency preparedness exercises as are deemed necessary to assure prompt and effective operation of the City Emergency Plan when disaster occurs.

5. The Director shall utilize the personnel, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the Emergency Management Organization and to the Governor upon request. The head of each department and agency, in cooperation with and under the direction of the Director, shall be responsible for the planning and programming of such emergency prepared activities as will involve the utilization of the facilities of their department or agency.

6. The Director shall, in cooperation with existing City departments and agencies affected, organize, recruit, and train emergency medical personnel that may be required on a volunteer basis to carry out the emergency plans of the City and the State. To the extent that such emergency personnel is recruited to augment a regular City department or agency for emergencies, they shall be assigned to such department or agency for purposes of administration and command. The Director may dismiss any emergency volunteer at any time and require that person to surrender any equipment and identification furnished by the City.

7. Consistent with the emergency plan, the Director shall coordinate the activity of the city emergency management organizations with the City and assist in establishing and conducting training programs as required to assure emergency operational ~~capabilities~~capability in the several services (Minnesota Statutes, Chapter 12, 12.25)

8. The Director shall carry out all orders rules and regulations issued by the Governor with reference to emergency management.

9. The Director shall direct and coordinate the general operations of all emergencies in conformity with controlling regulations and instructions of State emergency management authorities. The heads of departments and agencies shall be governed by the Director's orders in respect thereto.

10. Consistent with the emergency plan, the Director shall provide and equip at some suitable place in the City a control center and, if required by the State emergency plan, an auxiliary control center to be used during an emergency as headquarters for direction and coordination of emergency management forces. The Director shall arrange for representation at the control center by municipal departments and agencies, public utilities and other agencies, authorized by federal or State authority, to carry on activities during an emergency. The Director shall arrange for the installation at the control center of necessary facilities for communication with and between heads of emergency management divisions, stations and operating units of municipal services, other agencies concerned with emergency management, other communities and control centers within the surrounding area and with the federal and State agencies concerned.

11. During the first ~~thirty (30)~~ days of an emergency, if the legislature is in session, or the Governor has coupled his or her declaration of the emergency with a call for a special session of the legislature, the Director may, when necessary to save life or property, require any person, except members of the federal or state military forces and officers of the State or any other political subdivisions, to perform services for emergency management purposes and may commandeer, for the time being, any motor vehicles, tools, appliances or any other property, subject to the owner's right to just compensation as provided by law.

12. The Director shall prepare and submit such reports on emergency preparedness activities as may be requested by the ~~City~~ Council.

~~106.05.303.05~~ Emergency Preparedness Workers

1. Emergency management volunteers shall be called into service only in case of an emergency for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

2. Each emergency management volunteer shall be provided with such suitable insignia or other identification as may be required by the Director. Such identification shall be in a form and style approved by the ~~City~~federal government. No volunteer shall exercise any authority over the persons or property of others without displaying his or her identification. No person,

except an authorized volunteer, shall use the identification of a volunteer or otherwise represent ~~himself or herself~~themselves to be an authorized volunteer.

3. No emergency management volunteer shall carry any firearm while on duty except on written order of the Director of Public Safety for the City ~~of Fridley~~.

4. Personnel procedures of the City ~~of Fridley~~ applicable to regular employees shall not apply to paid employees of the Emergency Management Organization during a declared emergency.

~~106.06.303.06~~ Local Emergencies

1. A local emergency may be declared only by the Mayor ~~of Fridley or their legal successors~~. It shall not be continued for a period in excess of three days except by or with the consent of the ~~city~~ Council. ~~Any order, or proclamation~~ A resolution declaring, continuing, or terminating a local emergency shall be ~~given prompt and general publicity and shall be filed promptly by the city clerk/Records Coordinator~~ properly noticed and filed with the City Clerk in accordance to State law.

2. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans and may authorize aid and assistance thereunder.

~~3. Subdivision 3. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.~~

~~106.07.303.07~~ Emergency Regulations

1. Whenever necessary to meet a declared emergency or to prepare for such emergency for which adequate regulations have not been adopted by the Governor or by the ~~City~~ Council, the Mayor may by ~~proclamation~~ resolution executive order promulgate regulations consistent with applicable federal or State law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire and safety regulations; drills, or practice period required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in emergencies.

2. Every ~~resolution of~~ executive order establishing emergency regulations shall be in writing, signed by the Mayor, dated, refer to the particular civil defense emergency to which it pertains, if so limited, and be filed in the office of the City Clerk ~~where a copy shall be kept posted and available for public inspection during business hours~~ in accordance to State law. ~~Notice of the existence of such regulation and its availability for inspection at the Clerk's office shall be conspicuously posted at the front of City Hall or other headquarters of the City and at such other places in the affected area as the Mayor shall designate in the proclamation.~~ Thereupon the regulation shall take effect immediately or at such later time as may be specified in the

~~proclamation~~resolution. By like ~~proclamation~~executive order the Mayor may modify or rescind any such regulation.

3. The ~~City~~ Council may rescind any such regulation by resolution at any time. ~~Every such regulation shall expire at the end of thirty (30) days after its effective date or at the end of the emergency to which it relates, whichever occurs first.~~ Any ordinance or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time to the extent that such conflict exists.

4. During a declared emergency, the City is, notwithstanding any statutory or City Charter provision to the contrary, empowered through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities, prescribed by law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, for example, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirements for budgets.

~~106.08.303.08~~ Procedure

1. There is hereby established an account in the general fund to be known as the Emergency Management Account. Into this fund shall be placed the proceeds of taxes levied for emergency management, money transferred from other accounts, gifts and other revenues of the Emergency Management Organization. From such account, expenditures shall be made for the operation and maintenance of the Emergency Management Organization and other expenditures for emergency preparedness. Regular accounting disbursement, purchasing, budgeting and other financial procedures of the City shall apply to the Emergency Management Organization insofar as practicable, but budgeting requirements and other financial procedures shall not apply to expenditures from the account in any case when their application will prevent compliance with terms and conditions of a federal or state grant of money or property for emergency preparedness purposes.

2. The Director shall, as soon as possible after the end of each fiscal year, prepare and present to the City Council for the information of the Council and the public, a comprehensive report of the activities of the Emergency Preparedness Organization during the year.

~~106.09.303.09~~ Conformity of Cooperation

Every officer and agent of the City shall cooperate with the federal and state authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this Chapter and of all regulations made thereunder shall be subject to all applicable and controlling provisions of federal and State laws and of regulations and orders issued thereunder and shall be deemed to

be suspended and inoperative so far as there is any conflict therewith. The Public Safety Director may appoint any qualified person holding a position in any agency created under federal or State authority for emergency purposes as a special police officer of the City, with such police powers and duties within the City incident to the functions of that person's position, not exceeding those of a regular police officer of the City, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the Public Safety Director and such police officers of the City as are designated.

106.10.303.10 Governmental Function

1. All functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. The City and, except in cases of willful misconduct, its officers, agent, employees, or representatives engaged in any emergency activities, while complying with or attempting to comply with the Minnesota Civil Defense Act of 1951 as amended ~~(Minn. Stats. 12.01 to 12.46)~~ or with this Chapter or any rule, regulation or order made hereunder, shall not be liable for the death of or any injury to persons or damage to property as a result of such activity.

2. The provisions of this Section shall not affect the right of any person to receive benefits to which that person would otherwise be entitled under this Chapter or under Worker's Compensation Law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

106.11.303.11 Political Participation

The Emergency Management Organization shall not participate in any form of political activity nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

106.11 Penalties

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~



RECODIFICATION REPORT

Introduction

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| ☐ Title 4 – Public Nuisance | ☐ Title 9 – Public Ways and Places |
| ☐ Title 5 – Lands and Buildings | ☐ Appendices |

Chapter Information

Chapter Title: Civil Defense (to be renamed Emergency Management)

Recodification Liaisons: Ryan George, Deputy Director of Public Safety; Kevin Titus, Police Lieutenant; Nick Knaeble, Police Lieutenant; Andy Todd, Administrative Sergeant; Melissa Moore, City Clerk/Communications Manager

Current Chapter Number: 106

New Chapter Number: 303

Substantive Changes

Section Number	Current Code	Proposed Changes
303.01	Establishes the purpose of the chapter.	Modernizes the language of the chapter and removes the last paragraph, as the City's authority to coordinate with external agencies is already established in State law.
303.06 (3)	Restricts declaring a local emergency unless doing so is authorized by an inter-jurisdictional agency agreement.	Removes subd. (3) as the authority to declare an emergency is established in State law and does not require an inter-jurisdictional agency agreement.
303.07	Describes the steps the City must take when declaring a local emergency.	Changes the legislative tool to declare a local emergency from a resolution to an executive order, and removes notice requirements for the action. The City is already obligated to notification



RECODIFICATION REPORT

		requirements of public meetings, which are established in State law.
106.11	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Fridley City Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.

Fridley City Code
Chapter ~~801.306~~ Curfew

~~801.01.306.01~~ Findings and Purpose

~~1. In recent years, there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.~~

~~2. Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger the person is, the more likely he or she is to be a victim of crime.~~

~~3. While parents have the primary responsibility to provide for the safety and welfare of juveniles, Fridley also has a substantial interest in the safety and welfare of juveniles. Moreover, the City of Fridley has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well being of the general public.~~

~~4. An updated and enforceable curfew ordinance will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.~~

This Chapter will regulate the conduct of minors in public places during nighttime hours for the protection of juveniles and the general public in the City of Fridley (City).

~~801.02.306.02~~ Definitions

Emergency: a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury, or loss of life.

Establishment: any privately owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or refreshment.

Guardian: an adult appointed as a guardian over a minor as those terms are defined in pursuant to Minn. Stat. 525.6155 or 525.6165~~Minnesota Statute (M.S.) Chapter 524. who has the powers and responsibilities of a parent as defined by Minn. Stat. 525.619.~~

Juvenile: a person under the age of ~~eighteen (18)~~. The term does not include persons under 18 who are married or have been legally emancipated.

Parent: birth parents, adoptive parents, and stepparents whose parental rights have not been terminated.

Proprietor: any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Public place: any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Responsible adult: a person over the age of ~~eighteen (18)~~ specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

Serious bodily injury: bodily injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss of impairment of the function of any body part or organ.

~~801.03-306.03~~ Prohibited Acts

1. It is unlawful for a juvenile under the age of 16 to be present in any public place or establishment within the City ~~of Fridley~~:

(a) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day.

(b) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

2. It is unlawful for a juvenile, age 16 or 17 to be present in any public place or establishment within the City ~~of Fridley~~:

(a) any time between the 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. the following day.

(b) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

3. It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the City ~~of Fridley~~ during the hours prohibited in ~~paragraphs A and B subds. (a) and (b)~~ of this section without a responsible adult.

4. It is unlawful for a proprietor of an establishment within the City ~~of Fridley~~ to knowingly permit a juvenile to remain in the establishment or establishment's property during the hours prohibited in ~~paragraphs A and B subds. (a) and (b)~~ of this section without a responsible adult.

If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

~~801.04.306.04~~ Defenses-Exceptions

1. It is an affirmative defense for a juvenile to prove that:
 - (a) the juvenile was accompanied by his or her parent, guardian, or other responsible adult.
 - (b) the juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment.
 - (c) the juvenile was involved in an emergency situation.
 - (d) the juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or civic organization.
 - (e) the juvenile was on an errand at the direction of a parent or guardian.
 - (f) the juvenile was exercising First Amendment rights protected by the United States constitution or Article 1 of the Constitution of the State of Minnesota.
 - (g) the juvenile was engaged in interstate travel.
 - (h) the juvenile was on the public right of way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.
 - (i) the juvenile is a legally emancipated minor.
2. It is an affirmative defense for a proprietor of an establishment to prove that:
 - (a) the proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof and age. Proof of age may be established pursuant to ~~Minn. Stat.M.S.~~ 340A.503, subd. 6, or other verifiable means, including but not limited to, school identification cards and birth certificates.
 - (b) the proprietor or employee promptly notified the ~~City of Fridley police department~~ Police Division that a juvenile was present on the premises of the establishment during curfew hours.

~~801.05. PENALTY~~

~~Violation of this ordinance is a misdemeanor.~~

Fridley City Code
Chapter ~~103~~-302 Dangerous Weapons and Facsimile Firearms

302.01 Purpose

To preserve and protect the health, safety, and welfare of the citizens of the City of Fridley (City) this chapter regulates the use of firearms and facsimile firearms within the City.

~~103.01~~302.02 Definitions

~~1. A dangerous weapon is any~~ Dangerous weapon: any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The term ~~"dangerous weapon"~~ includes, but is not limited to, the following:

~~1.(a)~~ All firearms

~~2.(b)~~ Bows and arrows, and cross bows

~~3.(c)~~ All instruments used to expel, at high velocity, pellets of any kind including, but not limited to, B-B guns and air rifles

~~4.(d)~~ Sling shots

~~5.(e)~~ Black jacks, nunchakus, clubs or like objects

~~7.(f)~~ Daggers, dirks, and knives

~~8.(g)~~ Wrist rockets

(h) Any explosive

(i) Fist-load weapons, including but not limited to, sap gloves, knuckle gloves, knuckles made of brass, metal, wood, plastic or any other material capable of causing injury.

2. Facsimile firearm: any object which is a replica of an actual firearm, which substantially duplicates an actual firearm or which could reasonably be perceived to be an actual firearm, unless:

(a) The entire exterior surface of such object is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern, or such object is

constructed entirely of transparent or translucent materials which permit unmistakable observation of the object's complete contents; and

(b) Such object has a blaze orange extension that extends at least six millimeters from the muzzle end of the barrel of such object which is as an integral part of the object and is permanently affixed.

103.02-302.03 Prohibited Acts

Whoever does any of the following is guilty of a misdemeanor:

1. Recklessly handles or uses a dangerous weapon, facsimile firearm, or explosive so as to endanger the safety of another.
2. Aims any dangerous weapon or facsimile firearm, whether loaded or not, at or toward any human being.
3. Manufactures or sells for any unlawful purpose any weapon known as a sling shot, black jack, nunchakus, club, wrist rocket, bow and arrow, crossbow, or like object.
4. Manufactures, transfers or possesses ~~metal knuckles~~ any fist-load weapon or a switch blade knife opening automatically.
5. Possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another.
6. Sells or has in their possession any device designed to silence or muffle the discharge of a firearm that is not lawfully possessed under federal law.
7. Possesses a dangerous weapon or facsimile firearm, in a motor vehicle, except a pocket knife with a blade under three ~~(3)~~ inches, unless contained in a secure area not immediately available to vehicle occupants.
8. As a parent or guardian, permits a child under ~~fourteen (14)~~ years of age to handle or use a dangerous weapon or facsimile firearm, of any kind or any ammunition or explosive outside of the parent's or guardian's presence.
9. Sells, gives, loans or furnishes in any way, any deadly weapon to a person under the age of ~~eighteen (18)~~ years without written consent of such minor's parent or guardian, or of a police officer or magistrate.
10. Sells, or offers for sale, any facsimile firearm.

103.03-302.04 Minor in Possession

1. No person under the age of ~~fourteen (14)~~ years shall handle or have in their possession or under their control any dangerous weapon or facsimile firearm, except while accompanied by or under the immediate charge of their parent or guardian and which weapon would not otherwise be prohibited.
2. Nothing in this Section prohibits minors from participating in a state approved firearms safety class or other city approved formal course of instruction.

~~103.04.302.05~~ Exceptions

Nothing in this Chapter shall be construed to prohibit:

1. Possession or discharge of a dangerous weapon by a legally appointed Law Enforcement Officer or person under such Officer's direction, in the performance of the Officer's duties.
2. Possession or discharge of a dangerous weapon by persons authorized by Federal or Minnesota Statute, such as the military or persons holding valid permits
3. Possession or discharge of a dangerous weapon by persons at legally authorized ranges designed for the discharge of dangerous weapons, notwithstanding laws to the contrary.
4. Possession by museums or collectors of art or for other lawful purposes of public exhibition.
5. The discharge of dangerous weapons, other than firearms and instruments used to expel, at high velocity, pellets of any kind such as B-B guns and air rifles, with permission of the appropriate property agent, when discharged under conditions not to endanger persons, property, or animals and where the projectile will not leave said property.

~~103.05.302.06~~ ~~Discharge Permits~~ Authorized Discharge

Notwithstanding the provisions of Section 103.04 of this Chapter, it shall be unlawful to use, fire or discharge a dangerous weapon within the City of Fridley, ~~except with a firearms permit issued unless authorized~~ by the Public Safety Director or their designee. ~~Permits~~ Written permission shall specify the conditions under which they are issued and valid. ~~Permits~~ Authorization may be revoked by the Public Safety Director when, in the Director's opinion, there is a public safety danger or infringement of peace and tranquility. ~~Denied and revoked permits~~ Denial or revocation of authorization may be appealed to the Fridley City Council.

~~103.06~~ FEES

~~Permit fees shall be as provided in Chapter 11 of this Code. (Ref. 1047)~~

103.07. Violations

~~Any person violating this Chapter is guilty of a misdemeanor. Any weapons used or carried in violation of this Chapter shall be seized and impounded by a police officer to be disposed of through prescribed legal procedures.~~



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| ☐ Title 5 – Lands and Buildings | ☐ Appendices |

Chapter Information

Chapter Title: Dangerous Weapons (to be renamed Dangerous Weapons and Facsimile Firearms)

Recodification Liaisons: Ryan George, Deputy Director of Public Safety; Kevin Titus, Police Lieutenant; Nick Knaeble, Police Lieutenant; Andy Todd, Administrative Sergeant; Melissa Moore, City Clerk/Communications Manager

Current Chapter Number: 103

New Chapter Number: 302

Substantive Changes

Section Number	Current Code	Proposed Changes
302.01		Adds a Purpose Statement to the chapter.
302.02	Lists definitions applicable to the chapter.	Updates and adds two new chapters to the chapter including “facsimile firearm” and “fist-load weapons.”
302.06	Described a permitting process to discharge a dangerous weapon in the City.	The Police Division does not issue any permits for this purpose. The Minnesota Department of Natural Resources manages any wildlife removal initiatives using dangerous weapons, which involves a robust list of safety measures and checks.
103.07	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Fridley City Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.

Fridley City Code
Chapter ~~107.304~~ Disposition-Disposal of Certain Property

304.01 Purpose

Pursuant to this section, the Public Safety Director or their designee shall dispose of property lawfully coming into possession of the Fridley Police Division in the course of City of Fridley (City) operations and remaining unclaimed by the owner for a period of at least 60 days.

~~107.01.304.02~~ Disposal of Lost, Unclaimed, and Stolen Property

~~Pursuant to this section, the Public Safety Director shall dispose of property lawfully coming into possession of the Fridley Police Department in the course of municipal operation and remaining unclaimed by the owner for a period of at least sixty (60) days.~~ Disposition of such property may be by live public auction, online public auction or, upon approval of the Fridley City Council, by private sale to a non-profit organization that has a significant mission to community service. ~~Public sales shall be held at least annually.~~ The proceeds from such sales shall be deposited with the Treasurer of the City ~~of Fridley~~ and become part of the General Fund. The former owner of sold property shall have the right to payment of the sale price from the fund upon application and satisfactory proof of ownership within the six ~~(6)~~ months of the sale. ~~Notice of public live auction sales shall be given in a legal newspaper at least ten (10) days prior to such sale.~~ Any disposition of property lawfully coming into possession of the Police ~~Department~~ Division may only occur after the Police Department-Division has made a reasonable effort to contact the legal owner of the property. ~~—(Ref. 1346)~~

~~107.02.304.03~~ Storage Fees for Seized Motor Vehicles

Whenever a motor vehicle is seized by the ~~police department~~ Police Division and held at a storage facility or impound lot pending a forfeiture action commenced under statutory authority, the City may assess fees to the owner or lien-holder of the motor vehicle for costs associated with the towing, storage, seizure, and disposition as specified in ~~Chapter 11~~ the Fees Chapter of the Fridley City Code. In addition, the owner or lien-holder of any such seized motor vehicle who reclaims the vehicle prior to the sale of the vehicle shall be responsible for payment of any towing and storage charges. ~~—(Ref 1250)~~



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Chapter Information

Chapter Title: Disposition (to be renamed Disposal of Certain Property)

Recodification Liaisons: Ryan George, Deputy Director of Public Safety; Kevin Titus, Police Lieutenant; Nick Knaeble, Police Lieutenant; Andy Todd, Administrative Sergeant; Melissa Moore, City Clerk/Communications Manager

Current Chapter Number: 107

New Chapter Number: 304

Substantive Changes

Section Number	Current Code	Proposed Changes
304.01		Adds a purpose statement to the chapter.
304.02	Describes how the City will proceed with disposing of unclaimed property.	The City now uses public and private auction vendors who auction off property to the public. These vendors advertise, sell, and remit proceeds to the City. The language removed referred to practices when the City held its own public auctions at Public Works. This is no longer the City's practice.
304.03	Details what fees the City will charge in relation to disposing of unclaimed vehicles.	Language was added addressing changes to the collection of fees as found in the Fees chapter of the Code, and aligns the language with State law.

Fridley City Code
Chapter ~~421.309~~ Liquor Consumption, Use or Display

309.01 Purpose

This Chapter regulates the use of alcohol in public places such as parks, streets, parking lots and other areas defined as public property in the City of Fridley (City).

~~421.01~~309.02 Definitions

The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms, wherever they occur in this Chapter, are defined as follows:

3.2% Malt Liquor: malt liquor containing not less than ~~one-half of one percent (.5%)~~ alcohol by volume nor more than ~~3.2 percent (3.2%)~~ alcohol by weight ~~and which is a fermented malt beverage.~~

Alcoholic Beverage: any beverage containing more than one-half of one percent alcohol by volume.

Consumption, use or display: any drinking, consuming, exhibiting, showing, imbibing, or having in one's possession or control.

Intoxicating Liquor: ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverage containing in excess of ~~3.2 percent (3.2%)~~ of alcohol by weight.

Parking Area: any area or space used for the parking of vehicles.

~~421.02~~309.03 Prohibited Use or Consumption

1. No person shall consume an alcoholic beverage in any parking area connected with or a part of the land area of a premises which has been issued an intoxicating liquor license, wine license or a license to sell 3.2% malt liquor, under ~~Chapter(s) 602 or 603 the 3.2% Malt Liquor or Intoxicating Liquor chapters~~ of the Fridley City Code ~~(Code)~~, including any parking area connected with or a part of the land area of the premises of any private bottle club, fraternal organization or other private club, defined in ~~Chapter 605 the Intoxicating Liquor chapter~~ of the ~~Fridley City~~ Code, located within the City, except as permitted by Section ~~421.02.3~~309.03 (3).

2. No person shall carry any open receptacle, including a glass, bottle or other device used for the consumption of alcoholic beverages from the licensed premises.

3. No person shall consume an alcoholic beverage or possess an open container containing any alcoholic beverage in any public place or on any public street, highway, alley, sidewalk, or in any public or private parking area unless the consumption of alcoholic beverage is permitted under:

- (a) State law, County ordinance, or City ~~ordinance~~Code;
- (b) A temporary on-sale 3.2% malt liquor license;
- (c) A temporary on-sale intoxicating liquor license;
- (d) A one-day consumption and display permit; or
- (e) Any other liquor license or permit issued or approved by the City.

~~121.03 Penalties~~

~~Any violation of this Chapter is a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.~~

~~121.04 Severability~~

~~Every section, provision or part of this Chapter is declared separable from every other section, provision or part to the extent that if any section, provision, or part of this Chapter shall be held invalid, such holding shall not invalidate any other section, provision or part hereof.~~



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Chapter Information

Chapter Title: Liquor Consumption, Use or Display

Recodification Liaisons: Ryan George, Deputy Director of Public Safety; Kevin Titus, Police Lieutenant; Nick Knaeble, Police Lieutenant; Andy Todd, Administrative Sergeant; Melissa Moore, City Clerk/Communications Manager; Beth Kondrick, Deputy City Clerk

Current Chapter Number: 121

New Chapter Number: 309

Substantive Changes

Section Number	Current Code	Proposed Changes
309.01		Adds a purpose statement to the chapter.
309.02	Describes several terms applicable to the chapter.	The definition of 3.2% malt liquor was updated to be in alignment with State law.
121.03	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Fridley City Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.
121.04	Declares the requirements of this chapter to be separate from any other chapter of the Code.	This was established in Title 1 (General Provisions) of the Code. Chapter 102, Severability, declares that if any section of the Code were to be found invalid by the courts, that action will not affect the validity of any other section of the Code.

Fridley City Code
Chapter ~~127.308~~ Sexually Oriented Business

~~127.01.308.01~~ Purpose ~~and Intent~~

It is the purpose of this ~~ordinance Chapter~~ to regulate Sexually Oriented Businesses to promote the health, safety, morals, and general welfare of the citizens of the City of Fridley (City) and to establish reasonable and uniform regulations to:

1. Prevent additional criminal activity within the City;
2. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
3. To locate Sexually Oriented Businesses away from residential areas, schools, churches, and parks and playgrounds; ~~and~~
4. Prevent concentration of Sexually Oriented Businesses within certain areas of the City.

The provisions of this ~~ordinance Chapter~~ have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market.

~~127.02.308.02~~ Definitions

Adult use: any of the activities and businesses described below constitute "Sexually Oriented Businesses" which are subject to the regulations of this ~~ordinance Chapter~~.

1. Adult book and/or media store: an establishment which excludes minors or which has a substantial portion of its stock in trade or stock on display books, magazines, films, videotape, or other media which are characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
2. Adult cabaret: an establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of "specified sexual activities" or "specified anatomical areas."

3. Adult establishment: any business which excludes minors or offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other adult establishments.

4. Adult hotel or motel: adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

5. Adult mini-motion picture theater:

(a) A theater in an enclosed building, from which minors are excluded, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on- matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

(b) Any business which presents motion pictures, from which minors are excluded, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.

6. Adult modeling studio: an establishment, which excludes minors, whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

7. Adult motion picture arcade: any place which excludes minors wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized. by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

8. Adult motion picture theater: a theater in an enclosed building, from which minors are excluded, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotape,

having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

9. Adult novelty business: a business, from which minors are excluded, which sells, offers to sell, or displays devices which simulate human genitals or devices which are designed for sexual stimulation.

10. Specified anatomical areas are any of the following conditions:

(a) Less than completely and opaquely covered:

(1) human genitals, pubic region, or pubic hair;

(2) buttock;

(3) female breast below a point immediately above the top of the areola; and

(4) human male genitals in a discernibly turgid state, even if opaquely covered.

11. Specified Sexual Activities are any of the following conditions:

(a) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(b) Sadoomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

(c) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.

(d) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of a female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

427.03.308.03 Application of this Ordinance

Except as in this ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this ordinance. No Sexually Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ordinance of the City of Fridley, the laws of the State of Minnesota, or the United States of America. Nothing in this ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes

or ordinances, including but not limited to statutes or ordinance prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.

~~127.04.308.04~~ Non-Conforming Uses

All Sexually Oriented Businesses which were lawfully in existence as of the effective date of this ~~ordinance~~ Chapter and which were rendered nonconforming by the application of this ~~ordinance~~ Chapter shall ~~be subject to abatement within three (3) years of the date of enactment of this ordinance be allowed to continue.~~

~~127.05.308.05~~ Location

During the term of this ~~ordinance~~ Chapter, no Sexually Oriented Businesses shall be located less than 500 feet from any residential zoning district boundary or site used for residential purposes, and less than 1,000 feet from any church site, from any school site, or from any park which is adjacent to property zoned residential. In addition, no Sexually Oriented Business may be located within 1,000 feet of another Sexually Oriented Business. For purposes of this ordinance, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, park site, or another Sexually Oriented Business site to the nearest boundary of the proposed Sexually Oriented Business site.

~~127.06.308.06~~ Hours of Operation

No Sexually Oriented Business site shall be open to the public from the hours of 11:00-~~o'clock~~ p.m. to 8:00 ~~o'clock~~ a.m.

~~127.07.308.07~~ Operation

1. An establishment operating as a Sexually Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of M.S. Chapter 617 or other applicable Federal or State Statutes or local ordinances.
2. All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.
3. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.
4. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

~~127.08.308.08~~ Signs

Signs for Sexually Oriented Businesses shall comply with the City's sign ordinance, and in addition signs for Sexually Oriented Businesses shall not contain representational depictions of an adult nature or graphic descriptions of the adult theme of the operation.

~~127.09.308.09~~ Licenses

All establishments, including any business operating at the time this ordinance becomes effective, operating, or intending to operate Sexually Oriented Business, shall apply for and obtain a license with the City ~~of Fridley~~.

1. Licenses Required

(a) A person is in violation of the Fridley City Code if he operates a Sexually Oriented Business without a valid license, issued by the City.

(b) An application for a license must be made on a form provided by the City. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(c) The applicant must be qualified according to the provisions of this Chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official.

(d) Application for license shall be made only on the forms provided by the City. Four ~~(4)~~ complete copies of the application shall be furnished to the office of the City Clerk containing the address and legal description of the property to be used; the names, addresses, phone numbers of the owner, lessee, if any, and the operator or manager; the name, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted or a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place, and nature of such crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.

If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names and addresses of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business and, in the case of a corporation, the names and addresses of all officers,

general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation.

All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having, an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition, or maintenance of the enterprise.

2. Issuance of License

(a) The Public Safety Director or their designee shall recommend approval of the issuance of a license by the City to an applicant within 45 days after receipt of an application unless he finds one or more of the following to be true:

- (1) An applicant is under 18 years of age.
- (2) An applicant or an applicant's spouse is overdue in his payment to the City, County, or State of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a Sexually Oriented Business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- (4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this chapter, other than the offense of operating a Sexually Oriented Business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect
- (5) An applicant is residing with a person who has been denied a license by the City to operate a Sexually Oriented Business within the preceding 12 months, or residing with a person whose license to operate a Sexually Oriented Business has been revoked within the preceding 12 months.
- (6) The premises to be used for the Sexually Oriented Business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances; such inspections shall be completed within thirty (30) days from the date the application was submitted, provided that the application contains all of the information required by this ordinance. If the application is deficient, the inspections shall be completed within ~~thirty (30)~~ days from the date the deficiency has been corrected.

(7) The license fee required by this chapter has not been paid.

(8) An applicant has been employed in a Sexually Oriented Business in a managerial capacity within the preceding 12 months and has demonstrated that he is unable to operate or manage a Sexually Oriented Business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(9) An applicant or an applicant's spouse has been convicted of a crime involving any of the following offenses:

~~((a))~~ Any sex crimes as defined by Minnesota Statutes ~~(M.S.) Chapter 609.29 through 609.352~~ inclusive or as defined by any ordinance or statute in conformity therewith;

~~((b))~~ Any obscenity crime is defined by ~~Minnesota statutes 617.23 through 617.299~~ M.S. Chapter 617 inclusive, or as defined by any ordinance or statute in ~~conformity therewith; for which including:~~

~~((1))~~ less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

~~((2))~~ less than five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is a felony offense; or

~~((3))~~ less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring, within any 24 month period.

(b) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.

(c) An applicant who has been convicted or whose spouse has been convicted of an offense listed in ~~Subsection 127.09.02.(9)~~ section 308.09 (2)(9) may qualify for a Sexually Oriented Business license only when the time period required ~~by Subsection 127.09.02.(9) has elapsed the same section has lapsed.~~

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Sexually Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Sexually Oriented Business so that it may be easily read at any time.

(e) The Fridley City Council (Council) shall act to approve or disapprove the license application within 120 days from the date the application was submitted, provided that

the application contains all of the information required by this ~~ordinance~~Chapter. If the application is deficient, the Council shall act on the application within 120 days from the date that the deficiency has been corrected.

(f) Within 90 days after the decision by the Council, the applicant may appeal to the District Court by serving a notice upon the Mayor or City Clerk ~~of the Municipality~~.

3. Fees

~~An initial investigation fee of \$400.00 shall be charged at the time the application is filed; no part of this fee shall be refundable. If after review of the application the license is approved, the license holder shall pay \$400.00 for the initial license and \$400.00 per annum each time the license is renewed. The fees for this Chapter are provided in the Fees Chapter of this Code.~~

4. Inspection

(a) An applicant or license shall permit representatives of the ~~police department~~ Police and Fire Divisions, County Health Department, fire department, and Code Enforcement Division housing and building inspection division, to inspect the premises of a Sexually Oriented Business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operates a Sexually Oriented Business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the ~~police department~~ Police Division at any time it is occupied or open for business.

(c) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

5. Expiration of License

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in ~~Section 127.09.01~~ section 308.09 (1). Application for renewal should be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

(b) When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

6. Suspension

The City may suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a license has:

(a) Violated or is not in compliance with any provisions of this Chapter.

(b) Engaged in excessive use of alcoholic beverages while on the Sexually Oriented Business premises.

(c) Refused to allow an inspection of the Sexually Oriented Business premises as authorized by this Chapter.

(d) Knowingly permitted gambling by any person on the Sexually Oriented Business premises.

(e) Demonstrated inability to operate or manage a Sexually Oriented Business in a peaceful and law-abiding manner, thus necessitating action by ~~law enforcement officers~~the Police Division.

A suspension by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed business premises with the person in charge thereof.

7. Revocation

(a) The City may revoke a license if a cause of suspension in ~~section 127.09.6~~section 308.09 (6) occurs and the license has been suspended within the preceding 12 months.

(b) The City shall revoke a license if it determines that:

(1) A licensee gave false or misleading information in the material submitted to the City during the application process;

(2) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) A licensee or an employee has knowingly allowed prostitution on the premises;

(4) A licensee or an employee knowingly operated the Sexually Oriented Business during a period of time when the licensee's license was suspended;

(5) A licensee has been convicted of an offense listed in ~~Section 127.09.02.A. (9)~~section 308.09 (2)(9) for which the time period required in ~~Section 127.09.02.A. (9)~~in the same section has not elapsed;

(6) On two or more occasions within a 12 month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in ~~Section 127.09.02.A. (9)~~section 308.09 (2)(9) for which a conviction has been obtained, and. the person or persons were employees of the Sexually Oriented Business at the time the offenses were committed.

(7) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

(8) A licensee is delinquent in payment to the County or State for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the Sexually Oriented Business.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license,

(d) ~~Subsequent B. (7) does~~ Section 308.09 (7)(b)(7) does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

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(e) When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued a Sexually Oriented Business license for one year from the date revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoked under Subsection ~~127.09.07.B. (5)~~ section 308.09 (7)(b)(5) an applicant may not be granted another license until the appropriate number of years required under ~~Section 127.09.02.A. (9)~~ section 208.09 (2)(a)(9) has elapsed.

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(f) A revocation by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

8. Transfer of License

A licensee shall not transfer this license to another, nor shall a licensee operate a Sexually Oriented Business under the authority of a license at any place other than the address designated in the application.

127.10. Severability

~~Every section, provision, or part of this ordinance or any permit issued to this ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance or any permit issued pursuant to this ordinance shall be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision, or part thereof.~~

Fridley City Code
Chapter ~~12.~~ 307 Trespassing

~~129.01.~~307.01 Purpose

The purpose of this Chapter is to allow an owner of real property to which the public has some implicit right of access to exclude a person from that property if the person has committed a crime on the property or has violated the properly posted or otherwise provided rules of conduct for the property.

~~129.02.~~307.02 Definitions

~~For the purposes of this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:~~

Covered Premises: any improved real property, or portion thereof, within the City of Fridley (City), to which the public has an implicit right of access, including, but not limited to, places of worship, shopping malls, retail sales facilities, hotels, motel, nursing homes, restaurants, multiple dwellings, hospitals, medical and dental offices, clubs, lodges, office buildings, banks and financial institutions, transit stations, athletic and recreational facilities, personal service establishments, theaters, and day care facilities.

Tenant: any authorized occupant of a covered premises, or the agent thereof, but excluding an occupant of a domestic use, such as a renter or lessee of a dwelling or apartment, resident in a nursing home, or a hotel or motel guest.

Property manager: any owner of a covered premises, or the agent of the owner or any tenant who is authorized by the owner to exercise control over the covered premises, including its public common areas.

Public common areas: all areas of the covered premises, other than private common areas, maintained for the common use of its tenants or of the general public incidental to normal and legitimate activities upon the covered premises, including, but not limited to: the curtilage; parking lots and ramps; private roadways, sidewalks, and walkways; recreational facilities; reception areas; rotundas; waiting areas; hallways; restroom facilities; elevators; escalators; and staircases.

Private common areas: other common areas within the covered premises normally within the exclusive control of a tenant but subject to reasonable regulation by the property manager, including, but not limited to, sales floors, store restroom facilities accessible to customers or clients, checkout lanes, and customer service areas.

Private areas: areas within the covered premises not normally accessible to members of the public without explicit permission of the person in direct control of the area, including, but not limited to, individual apartment units, employee rest areas and facilities, banquet halls, meeting rooms, and private offices.

Written Trespass Notice: a written notice issued by a Property Owner or their agent that contains minimally:

1. ~~Verbatim copies of Sections 129.05 and 129.06~~ Printed copies of the Prohibited Conduct and Penalties sections of this Chapter.
2. The name, date of birth, and address of the person to whom the notice is issued and the name of the person's custodial parent or guardian if the person is a juvenile.
3. A description of the specific conduct that forms the basis for the issuance of the notice.
4. A description of the specific covered premises or portion thereof to which the notice applies.
5. The period during which the notice is in effect, including the date of its expiration.
6. The name, title, address, and telephone number of a person with authority to modify, amend, or rescind the notice.
7. The method by which the notice was served upon the person to whom it was issued.

Verbal Trespass Notice: a verbal notice issued by the Public Safety Director or their designee, minimally containing the following:

1. A statement that the individual must leave the property and may not return.
2. A description of the specific conduct that forms the basis for the issuance of the notice.
3. A description of the specific covered premises or portion thereof to which the notice applies.
4. The period during which the notice is in effect, including the date of its expiration.

~~129.03~~ 307.03 Issuance of Trespass Notice

A property manager or tenant may issue a trespass notice to a person only if there is probable ~~probably~~ cause to believe the person has, no more than ~~thirty (30)~~ days before the issuance of that notice:

1. Committed an act prohibited by State statute or City ordinance while on the covered premises; or

2. Violated any rule of conduct for the covered premises that has been conspicuously posted at all public entrances to the covered premises or that the property manager or tenant has provided to the person in writing.

~~129.04.~~307.04 Coverage of Trespass Notice Issued by Property Manager or Tenant

1. If issued by a property manager, a trespass notice is effective only as to those public common areas and private areas within the property manager's exclusive control, except that a trespass notice may also cover private common areas and other private areas provided the tenant or tenants in control of such areas have agreed in writing to be precluded from inviting onto the premises any person to whom a trespass notice has been issued under this Chapter. Such a trespass notice must state that the tenant or tenants of the covered premises are precluded from inviting onto the covered premises any person to whom a trespass notice has been issued under this Chapter.

2. If issued by a tenant, the trespass notice is effective only as to those private common areas and private areas over which the tenant has control.

3. A notice broader in coverage than authorized by this Section shall not be invalid, but shall be valid to the extent authorized by this Section.

~~129.05.~~307.05 Prohibited Conduct

1. No person shall trespass in or upon any covered premises of another and, without claim of right, refuse to depart therefrom on demand of the property manager, or a tenant authorized to exercise control over the covered premises or portion involved.

2. No person ~~served with~~who has received a trespass notice in conformity with this Chapter shall enter in or upon the premises described therein during its effective period without ~~the written permission of the notice issuer, agent, or assign~~ claim of right.

3. No person shall enter any public facility, utility, or grounds ~~thereto~~, or any covered premises ~~or portion thereof~~ in violation of conspicuously posted signs printed on at minimum letter size paper prohibiting ~~of or~~ restricting access ~~thereto~~, including, but not limited to, the following: "Trespassing", "Authorized Personnel Only", "Private", "Employees Only", "Emergency Exit Only."

~~129.06.~~ Violations

~~Any person violating any of the provisions of this Chapter is guilty of a misdemeanor.~~

~~129.07.~~307.06 Additional Provisions

1. No trespass notice shall be effective for more than one year.

2. All trespass notices issued pursuant to this Chapter must be ~~properly~~ properly served upon the person named therein as follows:

(a) Personal service documented by either a receipt signed by the person to whom it was issued or an affidavit of the issuer; or

(b) If the person is arrested, ~~or~~ detained, or identified by a police officer, the officer may personally serve the notice verbally or in writing on behalf of the property manager or tenant and document service in the officer's official police report detailing the incident.

~~129.08. Severability~~

~~If any section or portion of any section of this Chapter is deemed invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of other sections or portions of sections of this Chapter.~~



RECODIFICATION REPORT

Introduction

To aid accessibility and clarity in understanding of proposed updates to large, and sometimes complicated chapters of the Fridley City Code (Code), this Recodification Report (Report) will accompany select ordinances as they are introduced to the City Council. The Report will illuminate substantive changes to the Code (e.g., addition or removal of a section, fee changes, policy updates, etc.). It will not point out grammatical, punctuation, renumbering, or stylistic changes.

Title Placement

- | | |
|--|---|
| ☐ Title 1 – General Provisions | ☐ Title 6 – Zoning |
| ☐ Title 2 – Administration | ☐ Title 7 – Licensing |
| ☒ Title 3 – Health, Safety and Welfare | ☐ Title 8 – Franchises, Utilities and Right-of-Way |
| ☐ Title 4 – Public Nuisance | ☐ Title 9 – Public Ways and Places |
| ☐ Title 5 – Lands and Buildings | ☐ Appendices |

Chapter Information

Chapter Title: Trespassing

Recodification Liaisons: Ryan George, Deputy Director of Public Safety; Kevin Titus, Police Lieutenant; Nick Knaeble, Police Lieutenant; Andy Todd, Administrative Sergeant; Melissa Moore, City Clerk/Communications Manager

Current Chapter Number: 129

New Chapter Number: 307

Substantive Changes

Section Number	Current Code	Proposed Changes
307.02	Lists various definitions for the chapter.	Updates the definition of trespass notice to distinguish between written notice and verbal notice. The Police Division recommends adding “verbal notice” as a means of formally trespassing a person who is already positively identified by an officer. Officers are often called to businesses and properties for issues involving the same individuals. The subjects cause alarm, shoplift, and act in a disruptive manner. Many times, the business simply wants the person trespassed, but unwilling to press criminal charges because the subject is under the influence or is experiencing a mental health crisis. The subject usually leaves when they know that the



RECODIFICATION REPORT

		police are on their way, so they are often found walking nearby. The goal is to minimize the number of interactions officers have with people who are experiencing emotional dysregulation and are uncooperative, as many of those interactions will require some sort of force to gain compliance. For subjects who are well-known to officers or who are otherwise positively identified, the officer can verbally announce to the subject that they are trespassed from the business until a specific date, and note the verbal service of trespass notice in their report.
129.06	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Fridley City Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.
129.08	Declares the requirements of this chapter to be separate from any other chapter of the Code.	This was established in Title 1 (General Provisions) of the Code. Chapter 102, Severability, declares that if any section of the Code were to be found invalid by the courts, that action will not affect the validity of any other section of the Code.