



Council Conference Meeting

February 27, 2023

5:30 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

- [1.](#) Recodification Update
- [2.](#) Review Moore Lake Park Site Improvements Project and Additional Elements

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: February 27, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager
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 This grouping of chapters addresses the remaining chapters to be placed into Title 3, or repealed as a result of recodification:

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

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.

There are three chapters staff are recommending for repeal:

- The Air Quality chapter because the City's authority to enforce environmental regulations is granted by several sections of State law, and rules established by the Minnesota Pollution Control Agency and others.
- The Fire Department Service Charges chapter because its contents were integrated into the Fire Prevention chapter.
- The Public Sanitation Facilities chapter because all of the regulatory functions called for in the chapter are out of date and/or are regulated by other government entities.

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:

- 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.

Appeals and Administrative Citations

In staff's work on the chapters to be contained in Title 3, it became evident that various appeal processes were laid out in chapters of the Code that were similar in nature but had slight variations. This led staff to do a Code-wide inventory of all appeal processes allowed in the Code.

In subsequent meetings and through review with the City Attorney, attached is a proposal to update Chapter 203, Administrative Enforcement of Ordinance Violations. The chapter was created in 2020 to allow the City to utilize administrative citations for Code violations and created an administrative hearing process to appeal such citations. The revised chapter adds onto these provisions incorporating other appeal language found throughout the Code. The revised chapter does not create any new appeal process. Broadly, the chapter includes:

- Section 203.01 is an expanded purpose statement for the chapter;
- Section 203.02 adds applicable definitions to the chapter;
- Section 203.03 describes the appeal process the City and appellant must follow if an appeal of a citation or City decision is filed;
- Section 203.04 defines the City's administrative hearing process;
- Section 203.05 describes how the City will use administrative citations to enforce violations of the Code;
- Section 203.06 directs that this chapter applies to the entire Code, except if there are special circumstances related to violations.

As the City continues its recodification efforts, any chapter that allows for an appeal of a citation or City decision would refer to Chapter 203. If a chapter calls for any unique nuances to the appeal process above what Chapter 203 allows, those specifics will be included in the revised chapter.

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Attachments and Other Resources

- Air Quality Chapter and Recodification Report
- Boats and Watercraft Chapter and Recodification Report
- False Alarms Chapter and Recodification Report
- Fire Department Service Charges
- Fire Prevention Chapter and Recodification Report
- Public Sanitation Facilities Chapter and Recodification Report
- Snowmobile Regulations Chapter and Recodification Report
- Solid Waste Disposal and Recycling Collection Chapter and Recodification Report
- Administrative Enforcement of Ordinance Violations

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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 2 – Administration
- ☒ Title 3 – Health, Safety and Welfare
- ☐ Title 4 – Public Nuisance
- ☐ Title 5 – Lands and Buildings

- ☐ Title 6 – Zoning
- ☐ Title 7 – Licensing
- ☐ Title 8 – Franchises, Utilities and Right-of-Way
- ☐ Title 9 – Public Ways and Places
- ☐ Appendices

Chapter Information

Chapter Title: Air Quality

Recodification Liaisons: Melissa Moore, City Clerk/Communications Manager; Stacy Stromberg, Planning Manager; Rachel Workin, Environmental Coordinator

Current Chapter Number: 109

New Chapter Number: N/A (recommended for repeal)

Substantive Changes

Section Number	Current Code	Proposed Changes
109.01	Adopts Minnesota Statute (M.S.) 116, which lays out the policies and procedures of the Minnesota Pollution Control Agency in its efforts to protect water, air, and land resources in the State.	Several sections of M.S. already enable the City to enforce State laws that regulate the protection of natural resources. In addition, other agencies such as the Minnesota Department of Natural Resources, Pollution Control Agency, and Anoka County enforce various environmental protections in the City.
109.02	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 109. AIR QUALITY~~
(Ref. 458, 800)

~~109.01. AIR QUALITY STANDARDS~~

~~Air Pollution Control Regulations and Ambient Air Quality Standards of the Minnesota Pollution Control Agency as adopted pursuant to Minnesota Statutes 1967, Section 116.07, as filed with the Commissioner of Administration of the State of Minnesota on July 7, 1969, are hereby adopted by reference and shall be in full force and effect in the City of Fridley as if set out here in full, pursuant to Minnesota Statutes Section 471.62. (Ref. 458)~~

~~109.02. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and shall be subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code. Each day that a violation continues to exist shall constitute a separate violation. Such penalties may be imposed in addition to revocation or suspension of permit and in addition to abatement of a nuisance.~~



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Chapter Information

Chapter Title: Boats and Watercraft

Recodification Liaisons: Melissa Moore, City Clerk/Communications Manager; Ryan George, Deputy Director of Public Safety; Maddison Zikmund, Fire Chief; Mike Maher, Parks and Recreation Director

Current Chapter Number: 701

New Chapter Number: 317

Substantive Changes

Section Number	Current Code	Proposed Changes
317.01		Adds a Purpose Statement to the chapter.
317.02	Lists definitions applicable to the chapter.	Updates applicable definitions to incorporate public nuisance.
317.03		This section outlines regulations for the City's bodies of water including the types of watercraft allowed and related behaviors.
701.03-701.12	Described various regulations pertaining to boats and watercraft in the City.	These regulations were combined in Section 317.03.

Fridley City Code
Chapter ~~701.317~~ Boats and Watercraft

317.01 Purpose

The purpose of this chapter is to protect and preserve the peaceful enjoyment of any lake or waterway within the City of Fridley (City) and to provide for the compatibility of various uses of those bodies of water.

701.01. Watercraft Regulations

~~No person shall navigate, operate, dock, or anchor any boat or watercraft upon any water or waterway within the City of Fridley except in accordance with the provisions of this Chapter and all other rules and regulations made a part hereof by reference.~~

701.02-317.02 DefinitionDefinitions

~~The following definitions shall~~will 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:~~

~~1.-Boat:~~ Every boat, houseboat, barge, vessel, raft, canoe, or other watercraft used as a support in or upon the water.

~~2.-Motorboat:~~ A boat propelled by an electric or internal combustion engine and includes both varieties commonly known as "outboard" and "inboard."

Public Nuisance: Any act or the operation of any watercraft in violation of this Chapter.

Watercraft: Any device used or designed for navigation on water.

317.03 Watercraft Regulations

1. No person may navigate, operate, dock, or anchor any boat or watercraft upon any water or waterway within the City except in accordance with the provisions of this Chapter.

2. No boat exceeding 16 feet overall in length may be placed upon any lake or waterway in the City.

3. The use of motorboats within the City is prohibited.

4. Every sailboat must be navigated in accordance with the rules and regulations of Minnesota Statute Chapter 86B, which is hereby adopted.

5. No person may bring into or use upon any lake or waterway within the City any artificial float or air-inflated watercraft, except for paddleboards and kayaks.

6. Any non-motorized watercraft of 10 feet or longer must be registered with the State.

7. No person shall be in or remain in any boat or otherwise upon the lakes or any other waterways within the City after 12:00 midnight nor before daylight of the following day.

8. No person under the age of 11 years may operate any watercraft unless accompanied by an adult. No owner of such a watercraft, may permit or allow a person under the age of 11 to operate or run such a watercraft unless accompanied by an adult.

9. No person may navigate, direct, or handle any watercraft in such a manner as to annoy, unnecessarily frighten or endanger the occupants of any watercraft or of persons in or upon the water.

10. No person may run, operate, navigate, or direct any watercraft within 100 feet of the area being used by persons for swimming or designated by the City as a swimming area.

701.03. Public Nuisance

~~The doing of any thing, act or the operation of any watercraft in violation of any of the provisions of this Chapter is hereby declared to constitute a public nuisance and as such is hereby prohibited.~~

701.04. Underage

~~No person under the age of eleven (11) years shall operate any rowboat, canoe or sailboat unless accompanied by an adult, except and unless a special permit thereof has been granted by the Council. No person, being the owner of such a watercraft, shall permit or allow a person under the age herein prescribed to operate or run such a watercraft unless accompanied by an adult.~~

701.05. Control

~~No person shall navigate, direct or handle any boat in such a manner as to annoy, unnecessarily frighten or endanger the occupants of other boats or of persons in or upon the water.~~

701.06. Swimming Area

~~No person shall run, operate, navigate or direct any sailboat within 100 feet of the area being used by persons for swimming or designated by the Council as a swimming area.~~

701.07. Maximum Length

~~No boat exceeding sixteen (16) feet overall in length shall be placed upon any lake or waterway in the City of Fridley, except and unless a special permit has been granted by the Council.~~

~~701.08. Motorboats~~

~~The use of motorboats within the City is prohibited.~~

~~701.09. Sailboats~~

~~Every sailboat shall be navigated in accordance with the rules and regulations of the Minnesota State Marine Laws, which regulations are hereby adopted and by this reference made a part of this Chapter.~~

~~701.10. Nighttime Operation~~

~~No person shall be in or remain in any boat or otherwise upon the lakes or any other waterways within the City of Fridley after 12:00 midnight nor before daylight of the following day.~~

~~701.11. Floats and Air-Inflated Watercraft~~

~~No person shall bring into or use upon any lake or waterway within the City of Fridley any artificial float or air-inflated watercraft of any kind or description.~~

~~701.12. 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

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.

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

Chapter Information

Chapter Title: False Alarms

Recodification Liaisons: Maddison Zikmund, Fire Chief; Melissa Moore, City Clerk/Communications Manager; Ryan George, Deputy Director of Public Safety

Current Chapter Number: 112

New Chapter Number: 301

Substantive Changes

Section Number	Current Code	Proposed Changes
301.01		Updates the purpose statement of the chapter.
301.04	Addresses fees associated with false alarms.	Adds a provision for the City to impose a penalty after the third emergency response to a property for a false alarm.

Fridley City Code
Chapter ~~112-301~~ False Alarms

~~112.01-301.01~~ Purpose and Intent

False alarms are a burden to public safety resources in the City of Fridley (City). The purpose of this ordinance-chapter is to provide regulations for the use of burglary, fire and safety alarms, including establishment of user fees for false alarms.

~~112.02-301.02~~ Definitions

~~The following terms shall apply in the interpretation and application of this chapter:~~

Public Safety Personnel: ~~duly~~ authorized ~~city~~ City employees.

Alarm User: the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility ~~wherein~~ where an alarm system is maintained.

Alarm System: any alarm installation designed to be used for the prevention or detection of burglary, robbery or fire on the premises, which contains an alarm installation.

False Alarm: an alarm signal eliciting a response by public safety personnel when a situation requiring a response does not, in fact, exist, and which is caused by the activation of the alarm system through mechanical failure, alarm malfunction, improper installation, or the inadvertence of the user of an alarm system. or its employees or agents. False alarms do not include alarms caused by climatic conditions such as tornadoes, thunderstorms, utility line mishaps, or violent conditions of nature, nor do they include alarms caused by third persons over whom the user has no control.

~~112.03-301.03~~ Exceptions

The provisions of this ~~ordinance-chapter~~ are not applicable to alarm systems affixed to automobiles, boat trailers, house trailers, and recreational motor vehicles.

~~112.04-301.04~~ Fees

1. Penalties for false alarms will take place on the third such alarm within 365 days and each subsequent alarm.

2. Penalties for false alarms will only be assessed at the property address. If a suite or unit number is responsible for the given violation, penalties will be assessed to that suite or unit. Penalties for false alarms for suppression systems shared by numerous tenants, will be assessed to the property owner.

~~1.3. The user fee shall be a penalty for false alarms is provided in Chapter 11-the Fees chapter of this the Fridley City Code.~~

~~2.4.~~ Payment of user fees ~~provided for herein~~ must be paid to the City Treasurer within ~~thirty~~ (30) days from the date of notice by the City to the alarm user. Failure to pay the fee within ~~thirty~~ (30) days will result in the imposition of a penalty of ~~ten percent~~ (10%) of the user fee.

~~3.5.~~ All unpaid user fees and penalties ~~shall~~ will be certified as an assessment against the property on which the alarm was located and ~~shall~~ will be collected each year along with the taxes on said property. Administrative costs in the amount of ~~ten percent~~ (10%) of the unpaid fee and penalty shall be added to each assessment.

~~4.6~~ An alarm user which is required by the City to pay a user fee as a result of a false alarm, may make a written appeal of the false alarm user fee to the Public Safety Director or Fire Chief, ~~as appropriate,~~ within ~~ten~~ (10) days of notice by the City of the false alarm charge. An adverse decision by the Public Safety Director or Fire Chief may be appealed to the City Manager or their designee, within ~~ten~~ (10) days of receipt of the Public Safety Director or Fire Chief's decision. The City Manager will have authority to make a final determination as to whether or not the user is to be charged a user fee for the false alarms.

~~112.05.301.05~~ Liability of City

The regulation of alarm response shall not constitute acceptance by the City of liability to maintain equipment, to answer alarms, or to respond to alarms in any particular manner.

FRIDLEY CITY CODE
CHAPTER 131. FIRE DEPARTMENT SERVICE CHARGES

131.01 PURPOSE AND INTENT

The purpose of this ordinance is to establish user service charges for Fire Department services as described in this ordinance.

131.02 Definitions

The following terms shall apply in the interpretation and application of this chapter:

1. ~~"Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle. This includes semi trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles or park trailers.~~
2. ~~"Motor Vehicle Owner" means any person, firm, association, or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.~~
3. ~~"Excavator" means a person who conducts excavation.~~
4. ~~"Underground Pipeline Utility" means an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute gas, oil, petroleum products, and other similar substances.~~
5. ~~"Person" means the state, a public agency, a local governmental unit, an individual, corporation, partnership, association, or other business or public entity or a trustee, receiver, assignee, or personal representative of any of them.~~

131.03 CONFLICTS

In the event of any conflict between the provisions of this Code adopted by the provisions of this Chapter and applicable provisions of State law, rules or regulations, the latter shall prevail.

131.04 EMERGENCY RESPONSE SERVICE CHARGES

1. ~~The collection service charges shall be as authorized in Minnesota Statute 366.011.~~
2. ~~Collection of unpaid service charges shall be as authorized in Minnesota Statute 366.012.~~
3. ~~The service charges shall be as follows:~~

~~A. Vehicle Accident~~

- ~~1.) Any incident response to an accident involving a motor vehicle where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the patients. This would include but not be limited to:

 - ~~Extrication~~
 - ~~Medical Care~~
 - ~~Absorbing Liquid Spills~~
 - ~~Vehicle System Safety~~
 - ~~Vehicle Stabilization~~~~
- ~~2.) An invoice for \$400 will be sent to the motor vehicle owner or owner's insurance company. In the event the owner cannot provide insurance information and is charged for the offense, the city shall collect the fee through the criminal process as defined in the Minnesota State Statutes.~~
- ~~3.) If there is more than one motor vehicle involved for which fire department service is provided, each motor vehicle owner or insurer will be invoiced an equal share of the \$400 service charge. (Ref 1229)~~

~~B. Fires Along a Railroad Right of Way or Operating Property~~

- ~~1.) Any incident response to a fire or fire hazard emergency caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property as defined in Minnesota Statute 219.761.~~
- ~~2.) An invoice will be sent to the railroad responsible for the railroad right-of-way or operating property. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

~~C. Grass Fires Within Trunk Highway Right-of-way~~

- ~~1.) Any incident response to a grass fire within the right-of-way of a trunk highway or outside of the right-of-way of a trunk highway if the fire originated within the right-of-way of a trunk highway as defined in Minnesota Statute 161.465.~~
- ~~2.) An invoice will be sent to the commissioner of transportation. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

~~D. Technical Rescue~~

- ~~1.) Any incident response to a rescue on the water, ice, confined space, trench, high or low level where specialized equipment and training are required and where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the persons in need of rescue.~~
- ~~2.) An invoice will be sent to the persons, corporation or business owner receiving rescue service. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

~~E. Underground Pipeline Utility Breaks~~

- ~~1.) Any incident response to an underground pipeline utility break if caused by an excavator or person other than a homeowner or resident.~~
- ~~2.) An invoice will be sent to the excavator or person responsible for the pipeline utility break. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

~~F. Hazardous Material~~

- ~~1.) Any incident response to the release of hazardous material from it's container, or the threat of a release of a hazardous material from it's container, chemical reaction, or other potential emergency as the result of a hazardous material where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions or protect the public.~~
- ~~2.) An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident, specialized equipment and materials used on the incident.~~

~~G. Fire as the Result of Negligence~~

- ~~1.) Any incident response to a fire that resulted from an act of negligence as defined in City Ordinance Chapter 108.06. Examples of this would include but not be limited to methamphetamine labs, commercial and industrial operations where hot work is performed and reasonable care is not exercised, and burning of debris by contractors or homeowners that results in subsequent fires to wild land or structures.~~

2.) ~~An invoice will be sent to the person responsible for the negligent fire. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

~~Arson Fire—Any incident response to a fire where a person is charged under the arson statutes.~~

~~The fire investigator responsible for the incident investigation will forward all costs encumbered by the Fire Department in association with the incident to the court for reimbursement through restitution.~~

131.05 INCIDENT INVOICE SCHEDULE

Engine	Crew of 4	\$400 per hour
Ladder Truck	Crew of 4	\$500 per hour
Grass Truck	Crew of 4	\$150 per hour
Rescue Truck	Crew of 2	\$100 per hour
Fire Fighter	One	Current hourly rate
Fire Officer	One	Current hourly rate



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Chapter Information

Chapter Title: Fire Prevention

Recodification Liaisons: Maddison Zikmund, Fire Chief; Melissa Moore, City Clerk/Communications Manager

Current Chapter Number: 108

New Chapter Number: 316

Substantive Changes

Section Number	Current Code	Proposed Changes
316.01		Adds a purpose statement to the chapter.
316.02		Defines certain terms applicable to the chapter.
316.03	Adopts the Minnesota State Fire Code (MSFC).	Modernizes the language and more clearly states specific appendices the City adopts into the Code. This proposed revision adopts the same MSFC appendices that have been integrated into the Code previously.
316.05		Adds requirements for inspections of commercial and rental dwellings.
316.06	Describes various fees the City will charge for Fire Division services.	Details of fees will be detailed in the corresponding amendment of the Fees chapter of the Code.
316.14	Restricts any open flames or barbecues on balconies.	Refers the reader to MSFC Appendix O for more specific burning restrictions on balconies.



RECODIFICATION REPORT

316.15	Details the requirements of fire access roads for new construction in the City.	Refers the reader to MSFC Appendix D for more specific details on fire apparatus access roads.
316.16	Describes restrictions on open burning in the City.	Moves certain definitions to Section 316.02 of the chapter. Restricts any recreational fires when a governing authority has issued a burn restriction, (e.g., during extreme draught conditions a burn restriction is issued to prevent the spread of wildfires).
108.14	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.
108.15	Adopts the MSFC.	Moved to Section 316.03.
316.17		Outlines when the City's service charges may apply in certain circumstances.

Fridley City Code
Chapter 108.316 Fire Prevention

316.01 Purpose

This chapter will provide regulations and processes related to the Fire Division's standards of operation as they relate to matters of fire prevention in the City of Fridley (City).

316.02 Definitions

Alarm System includes a detection, alarm, or extinguishing system intended for heat, smoke, flames, or hazardous atmosphere that may or may not be monitored by a third-party notification system as required by the Fridley City Code (Code).

Burner: a firebox, barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food, or outdoor fireplaces.

Burning Permit: a permit issued by the Fire Chief or their designee authorizing fires.

Bon Fire: an outdoor fire utilized for recreational purposes.

False Alarm means any of the defined above Alarm Systems that alert the response of emergency apparatus or personnel to a premise for any reason other than an intended emergency. This includes failure to properly maintain alarm systems and factors that may be outside of the control of the alarm user.

Fire Extinguishing Equipment: any National Fire Protection Association (NFPA) compliant equipment and material such as a fire extinguisher with a minimum 4-A rating, garden hose and water supply, or shovel and sand, that is used for the purpose of extinguishing a fire.

Open Fire or Open Burning: the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air are open and permit the escape of exhaust gas.

Outdoor Fire Place: a manufactured freestanding fire pit or barbecue pit approved and listed by a nationally recognized agency for the purpose of recreational fires that is enclosed with spark arresting screening and is used per the manufacturer's instructions.

Person: any natural person acting either individually or in any representative capacity, a corporation, a company, a partnership, or an association of any nature or kind.

Recreational Fire: a fire set for cooking, warming or ceremonial purposes which is not more than three feet in diameter by two feet high, and has had the ground five feet from the base of the fire cleared of all combustible material.

Starter Fuels: dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open fire.

Wood: dry, clean fuel only such as twigs, branches, limbs, commercially made logs for heating, charcoal, cord wood or untreated dimensional lumber. "Wood" does not include wood that is green, leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Clean wooden pallets may be used for recreational fires when cut into three-foot lengths.

108.01-316.03 Adoption of Minnesota State Fire Code

The Minnesota State Fire Code, as adopted by the Commissioner of Public Safety through the Division of the Fire Marshal, pursuant to Minnesota Statutes 299F.011, including amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Public Safety through the Fire Marshal Division, hereinafter referred to as MSFC, is hereby adopted by reference with the exception of the optional appendices, unless specifically stated in this section of the City Code, as the Fire Code for the City of Fridley. The MSFC is hereby incorporated in this section of the City Code as if fully set out herein. Pursuant to Minnesota Statute § 299F.011 the Minnesota State Fire Code (MSFC) is hereby adopted into the Code, including the following optional appendices:

Appendix D: Fire Apparatus Access Roads

Appendix E. Hazard Categories

Appendix F: Hazard Ranking in Accordance with NFPA 704

Appendix O: Fires or Barbecues on Balconies or Patios.

108.02. Application, Administration and Enforcement 316.04 Administration

The application, administration, and enforcement of this code Chapter shall be in accordance with the MSFC. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 299F.011. The code enforcement agency of the City of Fridley is the City of Fridley Fire Department Division and the Code Official is the Fire Chief or their designee.

316.05 Inspection

1. Commercial and rental dwellings are at all times subject to a Fire and Life Safety Inspection at the discretion of the Fire Chief or their designee to determine whether they are in compliance with the Code and State law. The Fire Marshal shall set up a schedule of periodic inspections to ensure city-wide compliance with this Chapter. Personnel conducting inspections shall provide reasonable motive to the owner or operator as to the date and time of the inspection. For purposes of this Chapter, rental dwellings shall only be inspected within common and shared areas where fire and life safety features are not in individual or privately occupied units.

2. When the Fire Chief or their designee determines an occupancy fails to meet the provisions within this Chapter, a written correction order shall be sent to the owner via U.S. Mail. The order will include the following information:

(a) Describe the location and nature of the violation in this Chapter; and

(b) Specify a reasonable time in which violations must be corrected.

3. Upon expiration of the above correction order, the Fire Chief or their designee will conduct a compliance check to confirm the violation has been corrected.

4. After a compliance check, if a violation has not been corrected and an additional reinspection is required, a reinspection fee shall be invoiced to the business owner as set forth in the Fees chapter of the Code.

~~108.03.316.06~~ Required Permits, Fees and User Surcharges

~~1. Fire Department User Surcharge. A surcharge equal to .1% (1/10%) of the project valuation of each building permit issued shall be collected at the time a building permit is issued.~~

~~2.1. Permit Required Prior To to Initiation of Activity.~~ Applicants seeking a permit as specified by provision of the MSFC or this ~~code~~ Code, shall be in receipt of said permit prior to commencement of the regulated activity, construction, installation, modification, maintenance, operation or process granted by said permit.

~~3.2. Required Construction Permits.~~ Fire Department-Division Construction Permits permits required by MSFC provision or this ~~code~~ Code shall be issued by the ~~code official~~ Code Official for the construction or modification of the following systems under the conditions as stated herein or in the MSFC:

~~A.~~ (a) Automatic Fire-Extinguishing Systems: installation or modification to an automatic fire-extinguishing system.

~~B.~~ (b) Compressed Gases: installation, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

~~C.~~ (c) Fire Alarm and Detection Systems and Related Equipment: installation of or modification to fire alarm and detection systems and related equipment

~~D.~~ (d) Fire Pumps and Related Equipment: installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators.

~~E.~~ (e) Flammable and Combustible Liquids: ~~to~~ repair or modify a pipeline for the transportation of flammable or combustible liquids; to install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced,

processed, transported, stored, dispensed or used; ~~and to install, alter, remove, abandon,~~ place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

~~F.(f)~~ Hazardous Materials: to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by ~~MSFC Chapter 27 and MSFC Table 105.6.21~~ 105.6.20.

~~G.(g)~~ Industrial Ovens: ~~to install~~ installation of industrial ovens covered by MSFC Chapter ~~21~~ 30.

~~H.(h)~~ LP Gas System: installation or modification of an LP - gas system.

~~I.(i)~~ Private Fire Hydrants: installation or modification of private fire hydrants.

~~J.(j)~~ Spraying or Dipping: to install or modify a spray room, dip tank or booth.

~~K.(k)~~ Standpipe-Systems: installation, modification, or removal from service of a standpipe system.

~~L.(l)~~ Temporary Membrane Structures, Tents, and Canopies: erection of an air-supported temporary membrane or tent having an area in excess of 200 ft² or a canopy in excess of 400 ft².

4. ~~Commence~~ Commencement of Work Prior to the Issuance of a Construction Permit. If work for which a permit is required by this Section ~~408.02.3~~ has been commenced without first obtaining the required permit, a special investigation shall be made by the Fire Chief or their designee before a permit may be issued for the work. An investigation fee will be charged for the investigation. The investigation fee shall be equal to the permit fee for the permitted activity and shall be collected in addition to the required permit fee.

5. Operational Permits. An operational permit shall be required for specific operations or businesses in the City of ~~Fridley~~ as set forth in MSFC Sections 105.6.1 through 105.6.46 ~~50~~ or within this ~~code~~ Code.

6. Permit Fees. ~~Wherein permits are required by the MSFC or other provision of this code, the Code Official shall collect fees in accordance with the schedule set forth in Chapter 11 of the City Code of Fridley. Permit fees shall be paid prior to the issuance of any permit. Fees shall be reviewed annually to insure proper charges for services rendered.~~

~~7.6.~~ Permit To Remain On Premise. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Code Official.

~~408.04.316.07~~ Portable Fire Extinguishers

1. All required portable fire extinguishers shall be selected, installed, and maintained in accordance with MSFC Section 906 and ~~National Fire Protection Association (NFPA)~~ Standard 10, Standard for Portable Fire Extinguishers.

2. The recharging and certification of portable fire extinguishers shall be accomplished by persons who are skilled and competent in such work, including certified firms or individuals who are actively engaged in the business of portable fire extinguisher servicing.

~~108.05.316.08~~ Fire Lanes

1. The Code Official shall be empowered to order the establishment of fire lanes on public or private property in accordance with the MSFC. When such fire lane is established on public property or a public right of way, the necessary sign or signs shall be provided by the City of Fridley, and when on private property, the required signage shall be erected and maintained by the owner at ~~his/her~~ their expense. Following installation of fire lane signs, no person shall park a vehicle or otherwise occupy or obstruct a fire lane.

2. Fire Lane Sign Specifications

~~A.(a)~~ Fire lane signs shall have a minimum dimension of 12" inches wide by 18" inches high and shall contain the legend "NO PARKING - FIRE LANE" in red letters on a white, reflective background.

~~B.(b)~~ Signs shall be posted at each end of the fire lane and every 75-foot interval within the fire lane.

~~C.(c)~~ Safety islands under 75 feet in length shall have one fire lane sign centered in the island. Safety islands over 75 feet in length shall have signs posted at each end of the island and every 75-foot interval within the fire lane. Safety islands that are odd shaped may require additional signage as approved by the Code Official.

~~D.(d)~~ Curbs shall be painted yellow and maintained along fire lanes at mercantile, educational, institutional, and commercial residential (hotels, motels, condominiums, and apartments) occupancies and in other specific areas as designated by the Code Official.

~~E.(e)~~ Sign posts shall be set back a minimum of 12 inches but not more than 60 inches ~~(five feet)~~ from the curb.

~~F.(f)~~ A ~~Fire fire Lane~~ lane, as approved by the Code Official, shall be required in front of ~~every sprinkler system~~ Fire Department Division connection allowing connections for sprinkler systems in order to allow for unobstructed connection of hose(s) for firefighting purposes.

~~108.06.316.09~~ Fire Alarm and Detection Systems

Fire alarm and detection systems shall be required in occupancies as specified in the MSFC and this ~~code~~ Chapter. All fire alarm and detection systems shall be installed and maintained in

accordance with ~~National Fire Protection Association (NFPA)~~ Standard 72, National Fire Alarm Code and the MSFC.

1. Local Protective Alarms in Multiple Family Residential Buildings. ~~Group R-2 apartment buildings and condominiums located in the City of Fridley having more than four (4) dwelling units and less than seventeen (17) dwelling units or having three (3) stories in height shall be equipped with a local protective system installed and maintained in accordance with National Fire Protection Association (NFPA) Standard 72, National Fire Alarm Code. A fire alarm system shall be installed in accordance with MSFC §§ 907.2.9.1 through 907.2.9.1.2 in Group R-2 occupancies where:~~

(a) Any sleeping unit or dwelling unit is located two or more stories above the story containing the lowest level of exit discharge;

(b) Any sleeping unit or dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit;

(c) The building contains more than 16 dwelling units or sleeping units; or

(d) The building is used as a congregate living facility, dormitory, convent, monastery, fraternity, sorority, group home, or shelter and has an occupant load of 20 or more.

2. Notification Required. Where a fire detection, alarm or extinguishing system required by this ~~Code Chapter~~ or the MSFC is out of service for any reason, the ~~fire department~~ Fire Division ~~shall must~~ be notified immediately. Notification of the ~~fire department~~ Fire Division through ~~its dispatch center, Anoka County Central Communications, Anoka County Dispatch shall will~~ be construed as proper notification.

~~108.07.316.10~~ Deliberate or Negligent Burning

It ~~shall be~~ is unlawful for any person to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

~~108.08.316.11~~ Removal or Tampering with Equipment

1. It ~~shall is be~~ unlawful for any unauthorized person to remove, tamper with or otherwise disturb any fire hydrant, sprinkler system ~~Fire Department~~ City connection, fire detection and alarm system, fire suppression system, or other fire appliance required by this ~~code~~ Code or the MSFC.

2. No person ~~shall may~~ render a system or device inoperative during an emergency unless by direction of the Fire Chief or ~~fire department official~~ their designee in charge of the incident.

~~108.09.316.12~~ Removal of or Tampering with Appurtenances

Locks, gates, doors, barricades, chains, enclosures, signs, tags, notices, or seals which have been installed by or at the direction of Code Official ~~shall~~ must not be removed, unlocked, destroyed, tampered with or otherwise vandalized in any manner.

~~108.10.316.13~~ Obstruction of Egress

No person ~~shall~~ may physically obstruct or otherwise prevent the use by any other person of an egress device required by this ~~code~~ Code or the MSFC.

~~108.11.316.14~~ Fires or Barbecues on Balconies or Patios

~~1. Open Flame Prohibited. In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within fifteen (15) feet of the structure.~~

~~2. Fuel Storage Prohibited. No person shall store or use any fuel, barbecue, torch, or other similar device in the locations designated in Section 1.~~

~~Exception: — Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the Code Official.~~

See MSFC Appendix O for open flame and fuel storage restrictions on balconies or patios.

~~108.12.316.15~~ Fire Apparatus Access Roads

~~1. Access and Loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 50,000 pounds.~~

~~2. Turning Radius. The minimum turning radii shall be determined by the Code Official but in no case shall be less than twenty eight (28) feet.~~

~~3. Fire Apparatus Road Gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:~~

~~A. The minimum gate width shall be twenty (20) feet.~~

~~B. Gates shall be of the swinging or sliding type.~~

~~C. Construction of gates shall be of materials that allow manual operation by one person.~~

~~D. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.~~

~~E. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Code Official.~~

~~F. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools.~~

~~G. Locking device specifications shall be submitted for approval by the Code Official.~~

~~4. Access Road Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.~~

~~5. Aerial Fire Apparatus Access Roads~~

~~A. Buildings or portions of buildings or facilities thirty (30) feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.~~

~~B. Fire apparatus access roads shall have a minimum unobstructed width of twenty-six (26) feet in the immediate vicinity of any building or portion of building more than thirty (30) feet in height.~~

~~C. At least one of the required access routes meeting this condition shall be located within a minimum of fifteen (15) feet and a maximum of thirty (30) feet from the building, and shall be positioned parallel to one entire side of the building.~~

~~6. Turnarounds Required. Dead end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions approved by the Code Official.~~

~~See MSFC Appendix D for detailed elements of fire apparatus access roads.~~

~~108.13.316.16 Open Burning~~

~~1. Open burning is prohibited in the City, except when permitted by the Fire Chief or their designee. Burning Prohibited. Except as otherwise permitted by this section, all open burning is prohibited in the City of Fridley.~~

~~2. Definitions. For the purposes of this section the following definitions shall apply:~~

~~A. "Open Fire" or "Open Burning" means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures,~~

ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

B. "Person" includes any natural person acting either personally or in any representative capacity, a corporation, a firm, a co-partnership, or an association of any nature or kind.

C. "Starter Fuels" mean dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open fire.

D. "Wood" means dry, clean fuel only such as twigs, branches, limbs, commercially made logs for heating, charcoal, cord wood or untreated dimensional lumber. "Wood" does not include wood that is green, leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three foot lengths.

E. "Recreational Fire" means a fire set for cooking, warming or ceremonial purposes which is not more than three (3) feet in diameter by two (2) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.

F. "Burning Permit" is a permit issued by the Fire Chief or designee authorizing fires exempted from the general provisions hereof and setting conditions therefore.

G. "Burner" means a firebox, barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food, or outdoor fireplaces.

H. "Outdoor Fire Place" means a manufactured freestanding fire pit or barbecue pit approved and listed by a nationally recognized agency such as Underwriters Laboratories (UL) for the purpose of recreational fires that is enclosed with spark-arresting screening and is used per the manufacturer's instructions.

I. "Bon Fire" means an outdoor fire utilized for ceremonial purposes.

J. "Fire Extinguishing Equipment" means any approved equipment and material such as a fire extinguisher with a minimum 4-A rating, garden hose and water supply, or shovel and sand, that is used for the purpose of extinguishing a fire.

~~3-2.~~ Exemptions. The following types of open burning shall be exempt from the prohibition of Section ~~408.13.1316.16(1):~~

A.(a) Recreational fires subject to the conditions of this Section ~~408.13-12.~~

B.(b) Fires purposely set under the supervision of the Fire ~~Department~~ Division for the instruction and training of ~~fire fighting~~ firefighting personnel.

C.(c) Fires for which a burning permit has been obtained.

~~4.3.~~ Burning Permit. Except for permits issued by the Minnesota Department of Natural Resources for fire training and permanent burn sites, the Fire Chief or their designee may issue a burning permit for any of the following:

~~A.(a)~~ Fires set for the elimination of a fire hazard which cannot be abated by any other practical means.

~~B.(b)~~ Fires purposely set for forest, prairie, or ~~and~~ game management purposes when no other alternative methods are practical.

~~C.(c)~~ The burning of trees, brush, grass, and other ~~vegetable matter~~ vegetation in the clearing of land, the maintenance of street, roadway, highway or railroad right-of-way, park land, and in accepted agricultural land management practices where chipping, composting, landscaping, or other alternative methods are not practical.

~~D.(d)~~ The disposal of diseased trees generated on site or diseased or infected nursery stock.

~~E.(e)~~ Ground thawing for utility repair and construction.

~~F.(f)~~ Bon Fires under the direct supervision of the Fire ~~Department~~ Division.

~~5.4.~~ Prohibited Materials.

~~A.(a)~~ No permit ~~may~~ will be issued by the City for the open burning of oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted, or glued wood, composite shingles, tar paper, insulation, composition board, sheetrock, wiring paint, or paint filters.

~~B.(b)~~ No permit ~~shall~~ will be issued by the City for the open burning of hazardous waste or salvage operations, solid waste generated from an industrial or manufacturing process or from a service or commercial establishment, or building material generated from demolition of commercial or industrial structures, or discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food.

~~6.5.~~ Procedure for Permit Issuance.

~~A.(a)~~ ~~Application~~ An application for a burning permit shall be submitted to the Fire Chief on a form prescribed by the City.

~~B.(b)~~ The ~~Permit~~ permit fee ~~shall be as provide in~~ is set forth ~~chapter 11 of the City in the~~ chapter of the Code.

~~C.(c)~~ The Fire Chief, or their designee, shall review the application to ~~insure~~ ensure compliance with the provisions of this ~~section~~ Chapter and any applicable State laws ~~and/or~~ regulations.

~~D.(d)~~ The Fire Chief, or their designee, may inspect the proposed burn site on such occasions and at such time as is deemed necessary to adequately review the application. Submission of the application shall constitute authorization for the Fire Chief, or their designee, to enter the premises for this purpose.

~~E.(e)~~ Within five business days, excluding Saturdays, Sundays, and legal holidays, after receipt of the application, the Fire Chief, or their designee, shall either grant or deny the application.

7.6. Denial of Permit.

~~A.(a) Application~~ An application for a burning permit may be denied by the Fire Chief or their designee for any ~~one~~ of the following reasons:

~~1.(1)~~ The proposed fire or burn site does not meet the requirements of this ~~section~~ Chapter.

~~2.(2)~~ The Fire Chief, or their designee, determines that there is a practical alternative method of disposal of the material.

~~3.(3)~~ The Fire Chief, or their designee, determines that the fire would result in a pollution or nuisance condition.

~~4.(4)~~ The Fire Chief, or their designee, determines that the burn cannot be safely conducted, and no plan has been submitted to adequately address the safety concerns.

~~5.(5)~~ The location of the burning ~~shall~~ will not be within 600 feet of an occupied residence other than those located on the property on which the burning is conducted.

~~6.(6)~~ The denial of any application ~~shall~~ must be in writing and ~~shall~~ must state the reasons for the denial.

~~B.(b)~~ Any person aggrieved by the denial of a burning permit by the Fire Chief or their designee may appeal that decision to the Fridley City Council (Council) by submitting a written request or appeal to the Fire Chief's office within ~~ten~~ 10 days after the date of the denial. The Fire Chief shall submit the appeal request to the City Manager for placement on the next available ~~agenda~~ Council agenda for consideration by the Council.

8.7. Responsibilities of the Permit Holder. The holder of any permit shall be responsible for the following:

~~A.(a)~~ Have a valid permit in possession at the burn site at all times during the burn.

~~B.(b)~~ Prior to starting burn, ~~confirming~~ confirm that no burning ban or air quality alert is in effect.

~~C.(c)~~ Constant attendance by the permit holder or ~~competent~~ representative during a burn event.

~~D.(d)~~ Availability at the burn site of appropriate communication and fire extinguishing equipment as required by the permit or any fire safety plan approved by the Fire Chief, or their designee, as part of the permit process.

~~E.(e)~~ Not allowing the fire to smolder.

~~F.(f)~~ Being sure that the fire is completely extinguished before the permit holder or the permit holder's representative leaves the site.

~~G.(g)~~ All costs incurred as a result of the burn including, but not limited to, fire suppression, administrative fees, property damage and personal injuries.

~~9.8.~~ Revocation of Permit. An officer of the Minnesota Department of Natural Resources, the Fire Chief, or their designee, may revoke any burning permit for ~~appropriate reasons~~ good cause including, but not limited to:

~~A.(a)~~ A fire hazard exists or develops during the course of the burn;

~~B.(b)~~ Pollution or nuisance conditions develop during the course of the burn;

~~C.(c)~~ The fire smolders with no flame present; or;

~~D.(d)~~ Any of the conditions of the permit are violated during the course of the burn.

~~10.9.~~ Burning Ban or Air Quality Alert. No recreational fire or open burn will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to ~~potential~~ potentially hazardous fire conditions or when Minnesota Pollution Control Agency has declared an air quality alert.

~~11.10.~~ Use of Burners Prohibited. No person ~~shall~~ may use a burner within the City.

~~12.11.~~ Recreational Burning. Recreational fires ~~shall~~ must comply with the following requirements:

~~A.(a)~~ Burning ~~shall~~ will be prohibited between 12:00 ~~Midnight~~ midnight and 9:00 ~~AM~~ a.m. during any day of the week.

~~B.(b)~~ The fire shall not exceed three-~~(3)~~ feet in diameter and a flame height of approximately two ~~(2)~~ feet.

~~C.(c)~~ Only clean wood or charcoal may be burned. No burning of trash, leaves, or brush is allowed.

~~D.(d)~~ The fire ~~is~~ must be ignited with an approved starter fuel.

~~E.(e)~~ The fire is constantly attended by ~~an adult persona~~ a person age 18 or older who is knowledgeable in the use of fire extinguishing equipment and ~~an adult~~ the attendant supervises the fire until the fire has been totally extinguished.

~~F.(f)~~ Fire-extinguishing equipment is readily available.

~~G.(g) Fire~~ The fire is not conducted within ~~twenty-five (25)~~ feet of a structure or combustible material. This distance may be reduced to within ~~fifteen (15)~~ feet of a structure or combustible material when it is contained in an outdoor fireplace or container approved by the Fire Chief or their designee.

~~H.(h)~~ Any conditions that could cause a fire to spread to within ~~twenty-five (25)~~ feet of a structure ~~shall~~ must be removed or eliminated prior to ignition.

~~I.(i)~~ Recreational fires are not permitted on windy days when smoke may create a nuisance.

(j) Recreational fires are not permitted when a governing authority has issued a burn restriction of any type.

~~13. Severability. If any sections, subsection, sentence, clause or phrase of this code section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the code section.~~

~~108.14. Violations and Penalties~~

~~A person who violates a provision of this code shall be guilty of a misdemeanor.~~

~~108.15 Fire Code Optional Appendices~~

~~The MSFC, established pursuant to Minnesota Statutes 299F.011 allows a municipality to adopt by reference and enforce certain optional Appendices of the most current edition of the MSFC.~~

~~The following optional appendices identified in the most current edition of the MSFC are hereby adopted and incorporated as part of the Fire Code for the City of Fridley.~~

~~Appendix D: Fire apparatus access roads.~~

~~Appendix E: Hazard Categories.~~

~~Appendix F: Hazard Ranking. Assignment of levels of hazards to be applied to specific hazard classes as required by NFPA 704.~~

~~Appendix H: Fires or barbecues on balconies or patios.~~

~~Appendix I: Special locking for group 1 occupancies.~~

316.17 Fees

1. The collection of service charges shall be as authorized in M.S. § 366.011.

2. Collection of unpaid service charges shall be as authorized in M.S. § 366.012.

3. The service charge amounts can be found in the Fees chapter of the Code and will be applied in the following instances:

(a) Incident Response/Request. Vehicle Accident. Any incident response to an accident involving a motor vehicle where the Fire Division is able to render aid, provide assistance, or otherwise improve the conditions of the patients. This would include but not be limited to extrication, medical care, absorbing liquid spills, vehicle system safety, and vehicle stabilization. An invoice will be sent to the motor vehicle owner or the owner's insurance company. In the event the owner cannot provide insurance information and is charged for a criminal offense relating to the incident, the City will collect the fee through the criminal process.

(b) Fires Along a Railroad Right of Way or Operating Property. Any incident response to a fire or fire hazard emergency caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property as authorized by M.S. § 219.761. A written notice will be sent to the railroad responsible for the railroad right-of-way or operating property in accordance with M.S. § 219.761.

(c) Grass Fires Within Trunk Highway Right of Way. Any incident response to a grass fire within the right-of-way of a trunk highway or outside of the right-of way of a trunk highway if the fire originated within the right-of-way of a trunk highway as authorized by M.S. § 161.465. Certification of th expenses will be sent to the Commissioner of Transportation in accordance with M.S. § 161.465.

(d) Technical Rescue. Any incident response to a rescue on the water, ice, confined space, trench, high or low level where specialized equipment and training are required and where the Fire Division is able to render aid, provide assistance, or otherwise improve the conditions of the persons in need of rescue. An invoice will be sent to the person or entity receiving the rescue service.

(e) Underground Pipeline Utility Breaks. Any incident response to an underground pipeline utility break if caused by an excavator or person other than a homeowner or resident. An invoice will be sent to the excavator or person responsible for the pipeline utility break.

(f) Hazardous Materials. Any incident response to the release of hazardous material from its container, or the threat of a release of a hazardous material from its container, chemical reaction, or other potential emergency as the result of a hazardous material where the Fire Division is able to render aid, provide assistance, or otherwise improve the conditions or protect the public. An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material.

(g) Fires as a Result of Negligence. Any incident response to a fire that resulted from an act of negligence as defined in the False Alarms chapter of the Code. Examples of an act of negligence would include but not be limited to: methamphetamine labs, commercial and industrial operations where hot work is performed, and reasonable care is not

exercised and burning of debris by contractors or property owners or occupants that results in subsequent fires to wild land or structures. An invoice will be sent to the person responsible for the negligent fire. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

(h) Lift assist or body removal of a decedent outside the course of emergency response duties. Any request received by a funeral home or similar entity to assist in the transfer or removal of a decedent for which the Fire Division did not attempt to resuscitate prior and places burden on emergency personnel and resources. An invoice will be sent to the requesting party.

(i) Arson Fire. Any incident response to a fire where a person is charged under the arson statutes. The fire investigator responsible for the incident investigation will forward all costs encumbered by the Fire Department in association with the incident to the court for reimbursement through restitution.



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

Chapter Information

Chapter Title: Public Sanitation

Recodification Liaisons: Trent Homard,
Administrative Intern; Melissa Moore, City
Clerk/Communications Manager

Current Chapter Number: 116

New Chapter Number: N/A (recommended for
repeal)

Substantive Changes

Section Number	Current Code	Proposed Changes
116.01	Defines various terms related to the chapter	Recommended for repeal for the reasons outlined below.
116.02-116.06	Establishes a City license and local controls for public steam baths, public bathing room, or public suntanning rooms.	Recommended for repeal because business activities for the three mentioned business types are regulated in State Statute and Anoka County Health Code.
116.07	Describes construction requirements for steam baths, public bathing, suntanning rooms, public rest rooms, and portable public restrooms.	Recommended for repeal for the following reasons: The Minnesota State Building Code (MSBC) regulates the construction requirements for these types of buildings. The City has adopted by reference the entirety of the MSBC in the Building Code chapter of the Code.



RECODIFICATION REPORT

		• Staff from the City's Inspections Division report they strictly follow the MSBC for regulation. • Requirements for portable restrooms are found in the Occupational Safety and Health Administration (OSHA) guidelines and the Anoka County Health Code.
116.08	Describes regular maintenance and cleaning standards for public facilities	These requirements are found in the Anoka County Health Code.
116.09	Requires portable restrooms be provided when the City sees fit.	Recommended for repeal because portable restrooms are an industry- standard requirement in agreements for construction projects, and are a requirement for the City's permitting processes.
116.10-116.11	Explain the City's authority to approve and inspect any types of facilities described in this chapter.	Recommended for repeal as the MSBC and Anoka County Health Code require the same.
116.12	Allows the City to temporarily close any public sanitation facility due to hazardous conditions.	Recommended for repeal. The MSBC empowers the City to engage in this action if appropriate.
116.13	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 116. PUBLIC SANITATION FACILITIES
(Ref. 828)

116.01. ~~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:

1. ~~Dwelling Unit.~~

~~One or more habitable rooms which are occupied, or which are intended or designed to be occupied, by one family with facilities for living, sleeping, cooking and eating.~~

2. ~~Public Sanitation Facilities.~~

~~Steam baths, heat bathing rooms, suntanning rooms, rest rooms, portable rest rooms, bathing rooms and exercise rooms located in clubs, gasoline stations, schools, hotels and motels, apartment buildings, commercial and industrial buildings, and any other facilities not located within or constructed to accommodate one dwelling unit.~~

3. ~~Public Steam Bath.~~

~~Any public sanitation facility used for the purpose of bathing, reducing, or relaxing, utilizing steam as a cleaning, reducing or relaxing agent.~~

4. ~~Public Heat Bathing Room.~~

~~Any public sanitation facility used for the purpose of bathing, reducing or relaxing, utilizing hot air as a cleaning, reducing or relaxing agent.~~

5. ~~Public Rest Room.~~

~~A public sanitation facility equipped with a minimum of a flush water closet.~~

6. ~~Public Bathing Room.~~

~~A public sanitation facility designed and used for cleansing the human body.~~

7. ~~Public Exercise Room.~~

~~A public sanitation facility designed and used for the purpose of exercising.~~

8. ~~Public Portable Rest Room.~~

~~A public sanitation facility designed to be easily portable and equipped with a minimum of a riser and seat with a collecting device~~

~~116.02. LICENSE REQUIRED~~

~~1. No person shall Own, operate, maintain, lease or be responsible for any public steam bath, public heat bathing room or public suntanning room unless a license shall have been obtained from the City, pursuant to this Chapter. Also, no person shall own, operate, maintain, lease or rent to any other person, or in any way provide or service a public portable rest room within the City of Fridley unless a license shall have been obtained from the City, pursuant to this Chapter.~~

~~2. Any "sauna" as defined by Section 125.02 of this Code and which meets all of the following requirements:~~

~~A. Is licensed under this Chapter; and~~

~~B. Is constructed adjacent to and is operated in conjunction with a swimming pool having a minimum surface area of 750 square feet and which pool is licensed under Section 115.03 of this Code; and~~

~~C. There is not a separate charge imposed for the use of this "sauna";~~

~~shall be exempt from the requirements of Chapter 125 of this Code.~~

~~116.03. FEE~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code.~~

~~116.04. EXEMPTIONS~~

~~Persons owning, operating or maintaining schools, governmental subdivisions, houses of worship, convents, rectories, parsonages, or religious community centers shall be required to obtain a license, but without payment of a license fee.~~

~~116.05. APPLICATION~~

~~The application for a public steam bath, public heat bathing room, public suntanning room, and public portable rest room license shall be made on forms furnished by the City and shall set forth such information as the City shall require. Such application for the issuance of such licenses, their maintenance, termination and administration shall be in accordance with and subject to all~~

conditions of Chapter 11 of this Code, and the requirements of this Chapter. The application may be denied upon failure to meet any of these requirements.

~~116.06. REVOCATION~~

A violation of any provisions of this Chapter constitutes grounds for revocation of the license.

~~116.07. CONSTRUCTION REQUIREMENTS~~

~~1. Generally.~~

~~A. All public steam baths, public heat bathing rooms, public suntanning rooms, public rest rooms and public bathing rooms shall be constructed of materials including ceramic tile, quartz tile, smooth finished concrete block or other similar materials which are durable and impervious to moisture, bacteria, mold or fungus growth. The floor to wall and wall to wall joints shall be constructed to provide a sanitary cove. All other equipment and appurtenances shall be of sanitary design and construction which will permit easy and thorough cleaning.~~

~~B. Mechanical ventilation and lighting which will meet the requirements of Chapter 206 of this Code shall be provided in all public facilities except as provided in Section 116.07.4 for portable public rest rooms.~~

~~2. Public Suntanning Rooms.~~

~~Timing devices or other safety devices shall be required in public suntanning rooms. Warning signs and instructions shall be provided in public suntanning rooms.~~

~~3. Public Rest Rooms.~~

~~Public rest rooms shall be identified as such on or above the door. A hand washing sink equipped with hot and cold running water under pressure and a sanitary towel dispenser or hand drying device shall be provided in all public rest rooms. The doors of all public rest rooms shall be self-closing.~~

~~4. Public Portable Rest Rooms.~~

~~Public portable rest rooms shall be identified as such on or above the door. All portable rest rooms shall be designed and constructed with materials which are durable under conditions of normal use, resistant to moisture and easily cleanable. The waste collection device and appurtenances shall be of watertight construction and shall be designed and constructed to withstand the treatment process and repeated use and cleaning. The treatment process shall effectively eliminate all noxious, offensive and annoying odors. A minimum of natural ventilation and lighting~~

~~shall be provided. All openings and vents to the outer air shall be screened. Doors shall be self-closing.~~

~~116.08. MAINTENANCE~~

~~1. ——— Generally.~~

~~In all public facilities, the floors, walls, ceilings water closets, hand washing sinks, urinals, and all other equipment and appurtenances shall be maintained in a clean condition at all times.~~

~~2. ——— Public Rest Rooms.~~

~~Public rest rooms shall have hand-cleaning agents, sanitary towels or an operable hand-drying device and toilet tissue at all times. Refuse receptacles, which are easily cleanable, shall be provided and emptied and cleaned as necessary. The doors shall be self-closing. Hot and cold running water under pressure must be provided at all times.~~

~~3. ——— Public Portable Rest Rooms.~~

~~Public portable rest rooms shall be maintained in good repair and shall be cleaned as necessary and in a manner which will eliminate spillage, leakage, and noxious, offensive, and annoying odors. Doors shall be self-closing.~~

~~116.09. PORTABLE REST ROOMS REQUIRED~~

~~The Health Authority may require public portable rest rooms, when it deems necessary; including, but not limited to, public gatherings, construction sites, recreational areas, fairs, and carnivals. The considerations to be used by the Health Authority in determining the necessity of public portable rest rooms shall include the type of activity or gathering, the number of persons attending, the duration of the event, and the availability of other public rest rooms.~~

~~116.10. APPROVAL~~

~~No person shall construct, enlarge, repair, move, convert or alter any public sanitation facility without first obtaining appropriate permits from the Building Inspector. No permits for such work shall be issued unless prior approval of the Health Authority has been obtained.~~

~~116.11. INSPECTION~~

~~The Health Authority shall inspect all public facilities as often as deemed necessary to enforce the provisions of this Chapter.~~

~~116.12. TEMPORARY CLOSING~~

~~The Health Authority may temporarily close a public sanitation facility if a serious public health hazard exists. A sign shall be posted on any such public facility which is temporarily closed indicating its closure. Such sign may be removed only upon authorization of the Health Authority.~~

~~116.13. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violation under the provisions of Chapter 901 of this Code. Each day that a violation occurs or continues shall be deemed a separate offense.~~



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: Snowmobile Regulations

Recodification Liaisons: Melissa Moore, City Clerk/Communications Manager; Ryan George, Deputy Director of Public Safety; Maddison Zikmund, Fire Chief

Current Chapter Number: 703

New Chapter Number: 318

Substantive Changes

Section Number	Current Code	Proposed Changes
318.01		Adds a purpose statement to the chapter.
318.02	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 ~~703.318~~ Snowmobile Regulations

318.01 Purpose

The purpose of this chapter is to regulate the use of snowmobiles in the City of Fridley (City) to protect the health, safety, and welfare of the public, and promote public enjoyment of the City's roads, trails, parks and other public spaces. Minnesota Statutes (M.S.) 84.81 and Minnesota Rules Chapter 6100 are adopted by reference.

~~703.01.~~318.02 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:~~

~~1.~~ Snowmobile: A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

~~2.~~ Person: An individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

~~3.~~ Owner: A person, other than a lien holder, having the title to a snowmobile and lawfully entitled to the use or possession thereof.

~~4.~~ Operate: To ride in, or on, and control the operation of a snowmobile.

~~5.~~ Street or Highway: The entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

~~703.02.~~318.03 Operation Prohibited

It is unlawful for any person to operate a snowmobile, nor any owner allow to be operated a snowmobile:

1. On any street, highway or public right-of-way within the city limits of Fridley.

2. On any public lands, waters and property under the jurisdiction of the City of Fridley unless specifically authorized by the Fridley City Council.

3. On land of another person, without lawful authority or consent of the owner, occupant or lessee.

703.03. ~~Exemptions~~Exceptions

The provisions of this Chapter ~~shall do not~~ apply to emergency vehicles, non-government vehicles operated under the direction of the Public Safety Director during emergencies, or

vehicles operated by other governmental bodies within the course and scope of their official duties.

703.04. 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, except that an owner of a snowmobile bearing his registration number that is operated upon the roadway of any trunk, county state aid, or county highway may be fined not to exceed \$300.00.~~



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

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| ☐ Title 1 – General Provisions | ☐ Title 6 – Zoning |
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| ☐ Title 4 – Public Nuisance | ☐ Title 9 – Public Ways and Places |
| ☐ Title 5 – Lands and Buildings | ☐ Appendices |

Chapter Information

Chapter Title: Solid Waste, Organics, Yard Waste, and Recycling Collection

Recodification Liaisons: Beth Kondrick, Deputy City Clerk; Stacy Stromberg, Planning Manager; Rachel Workin, Environmental Planner; Melissa Moore, City Clerk/Communications Manager

Current Chapter Number: 113

New Chapter Number: 319

Substantive Changes

Section Number	Current Code	Proposed Changes
319.01	None	Language was added to provide a purpose statement for the chapter.
319.02	Various definitions important to the regulations of the chapter.	Updates of note include: • A definition for “bulk container” was added to clarify the use of the term. • A definition for “construction debris” was added using language from Minnesota Statute (M.S.) § 115A.03. Throughout the chapter, the phrase “construction and demolition waste” was replaced with “construction debris” for consistency with state statute. • A definition of “containers” was added to avoid listing out all receptacle types.



RECODIFICATION REPORT

		- Recycling, yard waste, and organics were added to the material streams collected by "licensed haulers" since licensed haulers collect these materials. - A definition for "public nuisance" was removed since it is defined in the Definitions chapter of the Fridley City Code (Code). - Textiles were deleted from the definition of "recyclable materials" since they are not commonly recycled. - A definition for "recycling collector" was deleted since the phrase "licensed hauler" is now being used for all material streams.
319.03	Describes the process for solid waste, yard waste, organics, and recycling disposal.	An exception to the prohibition of burning waste was added to allow for the burning of yard waste in a manner consistent with the Fire Prevention chapter of the Code.
310.05	Describes the process for containment of solid waste.	The phrase "solid waste" was replaced with "mixed municipal solid waste" to clarify that the requirements do not apply to containers to store construction debris. Construction debris containers (i.e. roll offs) do not contain organic material and do not typically have close-fitting, fly tight lids.
310.07	Describes the process for containment of organics waste.	An exception to the requirement to bag organic material was added when specified by the City, since the curbside organics recycling program directs people to put large compostable items like pizza boxes loose in the cart.
319.08	Describes the requirements for container screening and placement.	The proposed change include: - Clarifications that mixed municipal solid waste containers of any size must be screened on multi-family/commercial property, but that yard waste, recycling, and organics containers less than one cubic yard do not need to be screened. - The setback from the property line was reduced from fifteen feet to three feet for consistency with other setback requirements - Labeling requirements for multi-family/commercial buildings establishments were moved from the Recycling Collection section and extended to all waste streams, not just recycling. - Accessibility requirements for multi-family or commercial buildings were moved from the Recycling Collection section for clarity.



RECODIFICATION REPORT

		- The snow removal requirement for multi-family/commercial buildings establishments was extended to all containers, not just recycling. - A requirement was added that all new multi-family buildings must have space for recycling and organics within any internal mixed municipal solid waste collection area. While this doesn't require organics collection, it anticipates future changes in regulations. - The requirement that haulers return containers to the driveway was moved from the licensing section. - A section was added requiring haulers to remove containers within seven days following cancellation of service or abandoned within the right of way. If containers are not removed, the City may abate the containers. This is to address ongoing issues of abandoned carts by licensed haulers.
113.11	Describes the Solid Waste Abatement Program and Fee.	This provision was moved to section 319.14 for structural consistency with other sections of the Code.
319.11	Describes the requirements for recycling collection.	The proposed change include: - A minimum amount of recycling capacity that must be provided at multi-unit apartment buildings to ensure that all residents have access to recycling. - Labeling requirements were moved to section 319.08. - Accessibility requirements were moved to 310.08. - Educational requirements were added for multiple dwelling units if residents do not receive information from the City's residential recycling hauler. Education is crucial to reducing contamination.
319.14	Describes the Solid Waste Abatement Program and Fee.	Adds language clarifying that all units will be charged the SWAP Fee regardless of whether they use the recycling service. State law requires the City to provide all residents curbside recycling. Residents who do not use the curbside recycling service may take advantage of other SWAP programs like the recycling drop-off events.
319.15	Describes the City's hauler licensing program.	The proposed change includes: Updates license classifications to distinguish between commercial and residential accounts to simplify reporting and to ensure that only one hauler is awarded residential organics and recycling classifications.



RECODIFICATION REPORT

		• Removes the requirement for residential mixed municipal solid waste haulers to provide a route, because the City provides them a route they must follow. • Sets a policy of attrition for Residential Mixed Municipal Solid Waste licenses in which only current license holders can maintain their licenses. Three of the current license holders must forfeit their license before a new company can obtain a license. This is to reduce the number of haulers over time, thereby reducing truck traffic on residential streets. This number was recommended by the Environmental Quality and Energy Commission to see the benefits of reduced truck traffic while maintain the spirit of an open hauling system. • Explicitly limits the number of Class C Residential Recycling licenses to the current contract holder for the same reasons listed above. • Explicitly limits the number of Class G Residential Organics licenses to the current contract holder for the same reasons listed above. • Explicitly requires Residential Trash, Recycling, and Yard Waste licensees to follow the City's residential hauling zone map. • Removes requirement to place a City decal since the City does not provide decals. • Added reporting requirements for all material streams so that staff can have a better understanding of the City's waste stream and how much is being diverted to recycling/organics. • Language was added to describe appeal procedures.
113.17	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the 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 ~~113-319~~ Solid Waste Disposal, Organics, Yard Waste and Recycling Collection
Waste Management

319.01 Purpose

This chapter promotes the health, safety, and general welfare of the City of Fridley (City) through the proper management of solid waste, organics, yard waste, and recycling. The chapter encourages opportunities for waste reduction and recycling, addresses proper storage, collection, and disposal of waste and recyclable materials and ensures consistency with the requirements of state statutes, state rules, and Anoka County ordinances.

~~113.01-319.02~~ Definitions

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

1.—Approved: Accepted by the City following its determination as to compliance with established public health practices and standards.

Bulk Container: Any container larger than one cubic yard.

2.—Commercial Establishment: Any premises where a commercial or industrial enterprise of any kind is carried on and ~~shall~~ will include, but is not limited to, clubs, churches and establishments of nonprofit organizations where food is prepared or served or goods are sold.

3.—Compost: A mixture of decaying organic matter in a contained area.

4.—Composting: Any above ground microbial process that converts yard waste and other allowable materials to organic soil additive or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.

Construction Debris: All waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

5.—Containers: All carts, dumpsters, and other bulk receptacles used for the collection of mixed municipal solid waste, recycling, organics, construction debris, or yard waste.

Dwelling Unit: A single unit providing complete independent living facilities for one ~~(1)~~ or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Front Yard Setback: The minimum distance between the front line of a lot and a structure located on that lot.

~~7.—Licensed Solid Waste Hauler: Any person or entity engaged in the collection and transportation of mixed municipal solid waste, recycling, yard waste, or organics in the City of Fridley and holding a valid solid waste-hauling license from the City.~~

~~8.—Mixed Municipal Solid Waste: Garbage, refuse, and other solid waste, except construction and demolition waste debris, from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, as defined in Minnesota State Statutes (M.S.) Chapter 115A.~~

~~9.—Multiple Dwelling Unit: A residential structure with five or more dwelling units.~~

~~10.—Person: Any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~11.—Public Nuisance: A condition which unreasonably annoys, injures or endangers the safety, health, comfort, or repose of a considerable number of members of the public.~~

~~12.—Recyclable Materials or Recyclables: Materials that are separated from mixed municipal solid waste for the purpose of reprocessing, including, but not limited to, metal, paper, glass, and plastics, and textiles. This does not include material used to create refuse-derived fuel or material that is destroyed by incineration. Referred to as "recyclables."~~

~~13.—Recycling: The process of collecting and preparing marketable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of materials in a manner that precludes further use.~~

~~14.—Recycling Collector: Any person or entity engaged in collecting, transporting, and processing of recycled materials from residential or commercial sites in the City and holding a valid recycling collection license issued from the City.~~

~~15.—Residential Properties: Attached and detached single, double, triple and quadruple dwelling units and manufactured homes.~~

~~16.—Solid Waste: Garbage, refuse, construction and demolition debris and other discarded matter in solid form, but not including hazardous waste.~~

~~17.—Source-Separated Compostable Materials or Organics: Food wastes, plant materials, and paper that is not otherwise recyclable as defined in Minnesota Statutes M.S. Chapter 115A that are:~~

- ~~a1. Separated at the source by the waste generator for the purpose of transporting them to a commercial compost manufacturing facility;~~

~~b.2.~~ Collected separately from mixed municipal solid waste and are governed by the licensing provisions of ~~Section M.S. § 115.93;~~

~~c.3.~~ Delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the Minnesota Pollution Control Agency's Class I or Class II, or equivalent, compost manufacturing standards and where process rejects do not exceed ~~fifteen (15) percent~~ 15 percent% by weight of the total material delivered to the facility; and

~~d.4.~~ May be transferred to a licensed compost manufacturing facility, unless the Commissioner of the Minnesota Pollution Control Agency determines that no other person is willing to accept the materials.

~~18.~~ Yard Waste: Garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.

~~113.02-319.03~~ Solid Waste, Yard Waste, ~~Tree Waste~~, Organics or Recyclables Disposal

It is unlawful for any person to throw or deposit solid waste, yard waste, ~~tree waste~~, organics or recyclables on any property within the City, except that the owner may maintain ~~receptacles~~ containers for collection of such items, provided such ~~receptacles~~ containers meet the requirements of Sections ~~113.04, 113.05, and 113.07~~ 319.05-319.07. The owner of any private property, whether occupied or vacant, ~~shall~~ must at all times maintain the ~~premises~~ property free of litter. No person ~~shall~~ may dispose of solid waste upon any lands in the City ~~of Fridley~~. Composting of organics ~~may~~ must be conducted if in full accordance with the terms of Section ~~113.10~~ 319.10. No person ~~shall~~ may burn ~~mixed municipal~~ solid waste, yard waste, organics or recyclables within the City except as allowed in the Fire Prevention Chapter of the Fridley City Code (Code).

~~113.03-319.04~~ Frequency of Collection

Mixed municipal solid waste and organics must be collected a minimum of once a week, or more frequently if necessary, by a licensed ~~solid waste~~ hauler from all property within the City.

~~113.04-319.05~~ Containment of Mixed Municipal Solid Waste

The owner of any dwelling unit or commercial establishment must provide and maintain on premises sufficient containers for the storage of all mixed municipal solid waste accumulated on the premises between collections. Each such container ~~shall~~ must be durable, watertight, impervious to insects and rodents, and ~~shall~~ must have a close-fitting, fly-tight lid.

~~113.05-319.06~~ Containment of Yard Waste

Yard waste may be stored in containers provided by a licensed yard waste hauler, compostable bags, contained in a trailer, or bundles for no more than one week.

113.06.319.07 Containment of Organics

Organics ~~shall~~ may only be stored by residents in special organics bags designed to breakdown during composting ~~unless otherwise specified by the City~~. They ~~shall~~ must be stored for collection in containers provided by the licensed ~~organics~~ hauler for no more than one week in a container with a close-fitting, fly-tight lid equipped with odor-limiting features.

113.07. 319.08 Container Screening/Placement Container Screening and Placement

1. Commercial Establishments and Multiple Dwelling Units

~~(a) Commercial Establishments and Multiple Dwelling Units. Except as otherwise specified in this paragraph, Any bulk container or dumpster used for the storage of mixed municipal solid waste, recyclables, yard waste, or organics must be screened from view of the public right-of-way, public park, or residential area. Any bulk container or dumpster located inside a building for collection of mixed municipal solid waste must be made out of metal for fire safety. Laundry rooms must have metal cans with metal lids for collection of mixed municipal solid waste. Recycling, yard waste, and organics containers less than one (1) cubic yard in capacity do not need to be screened from view of the public right-of-way, provided there are less than six (6) containers at a given location, but containers must be placed on a paved surface. Baled recyclables must be stored out of view from the public right-of-way other than a 24-hour time period before a scheduled collection.~~

~~With the exception of plantings meeting the requirements of this chapter, Sscreening shall must consist of a solid fence or wall not less than six (6) feet high in the side and rear yards and shall must not extend to within fifteen (15) feet three feet of any "street right-of-way" property line. Mixed municipal solid waste, organics and recyclables container enclosures must be constructed in a manner that does not prevent residents or haulers from accessibility to other containers placed therein. Plantings may be used in addition to, or in lieu of, fencing. If plantings are used to meet screening requirements, the type, size and location of such plantings must be approved by the Community Development Director or their designee.~~

~~(b) The screening requirements shall must be satisfied by the use of a screening fence, wall, or planting screen according to the following standards:~~

~~a.(1) Plantings shall must not be placed so as to obstruct lines of sight at street corners and driveways.~~

~~b.(2) A screening fence shall must be attractive durable, in a state of good repair, and compatible with the principal building and the surrounding land use.~~

~~c.~~(3) A planting screen ~~shall~~may consist of a closely grown hedge, shrubs, evergreens or other vegetation approved by the Community Development Director or their designee and ~~shall~~must be kept weeded, watered and maintained in good health.

~~d.~~(4) If the topography, natural growth of vegetation, permanent buildings or other barriers meet the standards for screening as approved by the City, they may be substituted for all or part of the screening fence or planting screen.

~~e.~~(5) If a four-sided enclosure is necessary to screen a ~~solid waste~~ container from the public right-of way, doors, allowing for removal of the container, must be constructed of durable material in a location that allows for safe material pickup, and ~~shall~~must be maintained in an attractive, well-kept condition. The doors must be constructed so that residents or commercial establishments may easily access ~~solid waste, recycling, yard waste and organics dumpsters and~~ containers within.

2. Labeling. Containers must be clearly labeled to discern what materials may be placed in it.

3. Accessibility

(a) Recycling containers must be placed in a location that is as convenient to use as the mixed municipal solid waste container on site.

(b) Containers must be kept accessible year-round, including the removal of snow within 24 hours after a snowfall of more than three inches.

(c) Any internal mixed municipal solid waste collection area in a multiple dwelling unit constructed after April 10, 2023, must ensure that the area contains comparable space for the collection of organics and recycling immediately adjacent to the collection point for mixed municipal solid waste.

2.4. Residential Properties

(a) Wheeled containers used for the storage of mixed municipal solid waste, recyclables, yard waste and organics may be placed at the curb, but not in the public drive area of the right-of-way, for collection from 5:00 p.m. the day prior to collection until 9:00 p.m. the day of collection. Containers must not be stored between weekly collections in the front yard setback.

(b) Containers used for the storage and collection of mixed municipal solid waste, recyclables, organics, or yard wastes must be returned to the private driveway of the customer upon collection of the container contents by the licensed hauler.

113.08. Construction Waste Bins Construction Waste Bins-5. Construction Debris Containers

An uncovered bulk ~~waste container or dumpster shall~~ may not be located on any premises for the purpose of collecting construction ~~debris waste~~ from the premises on which such containers is placed for more than three ~~(3)~~ consecutive months. Construction ~~debris containers dumpsters or bulk waste bins shall~~ must not be placed on the street, ~~but~~. They must be located on the driveway or yard of the property generating the construction ~~waste~~ debris.

6. Container Removal

(a) Haulers must collect containers from any customers that cancel service within seven days of cancellation.

(b) Any containers abandoned on public right-of-way or on City-owned property must be collected by the hauler named on the container within seven days following notification by the City.

(c) Carts not collected within that time frame will be abated by the City according to the procedures established in the Abatement of Exterior Public Nuisances chapter of the Code.

113.09.319.09 Yard Waste Sorting and Disposal

A person may not place yard waste in mixed municipal solid waste containers, in a disposal facility, or in a resource recovery facility except for the purpose of reuse or composting, in accordance with ~~Minnesota Statutes M.S. Chapter §~~ 115A.931. Yard waste is not collected by the City and must be disposed of through collection by a City-licensed yard waste hauler or disposed of through backyard composting or by the property owner self-hauling it to a commercial composting facility.

113.10.319.10 Composting

1. Composting is permitted on residential ~~or City-approved properties in designated areas and~~ in designated areas of other types of properties pre-approved by the City, provided the following conditions are met:

2. Only the following materials may be placed in a compost area: grass clippings, leaves, herbaceous garden wastes, raw fruit and vegetable food scraps, chipped tree waste, sawdust, evergreen cones and needles, or additional materials that are approved by the City. Under no circumstances may any of the following items be placed in a residential or public compost area: meat, bones, grease, eggs, dairy products, or human or pet feces.

3. A compost area must be fully confined within a fenced area or enclosed structure.

4. A compost area must be located and designed so that seepage from the compost will not funnel off into public or private streets, storm sewers, drainage ditches, water retention basins, wetlands, streams, lakes, or ponds. No compost area may be placed within ~~twenty-five (25)~~

feet of any body of water or area designated as flood plain, shore land or state protected wetlands.

5. A compost area may not be located in any front yard and must be at least five (5)-feet from any side or rear lot line and be no closer than 20 feet from any dwelling unit located on adjacent property.

6. A residential compost area may not exceed 5-five cubic yards in volume and may not exceed five (5)-feet in height.

7. The compost must be managed according to standard compost practices, which includes providing air circulation within the compost structure to prevent combustion and aeration often enough to prevent the generation of odors and the generation of a public nuisance.

8. Yard waste for the purposes of composting may not be stored in the yard in plastic or other types of bags.

~~113.11. Solid Waste Abatement Program and Fee~~

~~In order to meet the requirements of State Waste Abatement Laws, the City of Fridley has established a Solid Waste Abatement Program (SWAP). This program includes residential curbside recycling collection services and other programs approved by the City that provide means for Fridley residents to reduce their amount of waste. In order to fund these waste abatement programs, the City of Fridley charges a solid waste abatement fee on the utility bills of each single through 12-unit dwelling unit provided recycling service by the City. The amount of the fee is set by resolution by the Fridley City Council (Council). Solid Waste Abatement Fee revenues shall be placed in the Solid Waste Abatement Fund and shall only be expended on solid waste abatement program activities.~~

~~113.12~~19.11 Recycling Collection

~~1. Residential Properties and Multiple Dwelling Units.~~

~~a. Residential Properties.~~ The City of Fridley will provide for the collection of recyclables from all residential properties, single unit through 12-unit multiple dwellings as required in M.S. Chapter 115A of Minnesota State Statutes.

~~2. b. Multiple Dwelling Units.~~ Owners of multiple dwelling structures of 13 or more units ~~shall~~ must provide at least ~~monthly biweekly~~ collection of at least four (4) broad categories of recyclables by a City-licensed ~~recycling collector~~ hauler with a minimum service capacity of 10 gallons per dwelling unit per week. Recycling categories include, but are not limited to, paper, glass, plastic, and metal. ~~Containers designated for the collection of recyclables at a multiple dwelling unit must be clearly labeled as to what materials may be placed in it and the containers must be placed in a location that is as convenient to use as the mixed municipal~~

~~solid waste collection dumpster or container on site. Recycling containers must also be kept accessible year-round, including the removal of snow within 24 hours after a snowfall of more than three (3) inches. Owners must also keep recycling carts or dumpsters clean and free from contamination, such as mixed municipal solid waste or organics.~~

(a) Owners must provide information to new tenants by the time of move-in and all tenants at least annually on the availability of recycling collection services, designated recyclable materials, and the procedures required to prepare the designated recyclables for collection. Educational material may be provided in print or electronic form. Informational content must be provided to the owner by the City upon request. The owner must report dates and methods of outreach to the City upon request.

23. Commercial Establishments. Pursuant to ~~Minnesota Statute Section~~ M.S. 115A.151, owners of commercial establishments ~~shall~~ must ensure that at least three ~~(3)~~ recyclable materials such as, but not limited to, paper, glass, plastic, and metal are collected from ~~its~~ their facilities and that those collected materials are transferred to a City-licensed ~~recycler~~ hauler to be recycled. ~~Recyclables in carts, containers and dumpsters must be placed in close proximity to mixed municipal solid waste carts, containers and dumpsters to make recycling equally accessible to persons who are disposing materials. If dumpsters are used to collect recyclables, they must be located in proximity to dumpsters for mixed municipal solid waste and both clearly labeled to make recycling equally accessible to persons who are disposing of materials.~~

~~113.13.319.12~~ Organics Collection

The City of ~~Fridley~~ will provide for the collection of organics from all residential properties ~~with 1-4~~ one to four dwelling units who voluntarily opt to participate in the fee-based collection program. Organics containers must be kept on a hard surface so that they may remain accessible to residents and the haulers year-round, including the removal of snow within 24 hours after a snowfall or more than three ~~(3)~~ inches and observe set-back rules as for solid waste and recycling containers.

Residents from residential properties who do not opt-in to the organics program, along with residents in multiple dwelling units may take their organics to State authorized drop sites, including those located and available in Anoka County.

~~113.14.319.13~~ Scavenging

It ~~shall be~~ is unlawful for unauthorized persons to collect, remove or dispose of recyclable materials after said materials have been placed or deposited for collection without a license from the City and an account relationship with the owner or occupant of the premises to collect, remove, or dispose of recyclable materials after said materials have been placed or deposited in a container for collection. Responsibility for and ownership of recyclable materials remains with the person who placed the materials out for collection until collected by a licensed ~~recycling collector-hauler~~, at which time, the ownership and responsibility passes to the licensed recycling collector-hauler.

319.14 Solid Waste Abatement Program and Fee

In order to meet the requirements of State Waste Abatement Laws, the City has established a Solid Waste Abatement Program (SWAP). This program includes residential curbside recycling collection services and other programs approved by the City that provide means for Fridley residents to reduce their amount of waste. In order to fund these waste abatement programs, the City charges a solid waste abatement fee on the utility bills of each single through 12-unit dwelling unit provided recycling service by the City. Each dwelling unit will be charged the fee regardless of whether or not they actively use the curbside recycling service. The amount of the fee is set by resolution by the Fridley City Council (Council). Solid Waste Abatement Fee revenues must be placed in the Solid Waste Abatement Fund and may only be expended on solid waste abatement program activities.

113.15319.15 Recycling, Yard Waste and Organics Collectors, and Solid Waste-Licensed Hauler Regulations

1. License Requirement. No person ~~shall~~may engage in weekly containerized collection or conveyance of said containers of mixed municipal solid waste, yard waste, organics, or recyclable material from any premises, other than their own property, in the City unless that person holds a valid license hereunder.

2. License Classifications. Applicants for licenses issued hereunder ~~shall~~will be issued to ~~collectors~~haulers for the following classes of operations:

~~Class I: Residential Solid Waste Collection~~

~~Class II: Commercial Solid Waste Collection~~

~~Class III: Recycling Collection~~

~~Class IV: Construction and Demolition Waste Collection~~

~~Class V: Yard Waste Collection~~

~~Class VI: Organics Collection~~

Class A: Residential Mixed Municipal Solid Waste

Class B: Commercial Mixed Municipal Solid Waste

Class C: Residential Recycling

Class D: Commercial Recycling

Class E: Residential Yard Waste

Class F: Commercial Yard Waste

Class G: Residential Organics

Class H: Commercial Organics

Class I: Construction and Demolition Waste

3. License Application Procedures

a. ~~Class I Through Class V License Procedures.~~

(a) (1) The provisions of Chapter 11, License and Permit, of the City Code, including the license fee shall apply to all licenses required by this Chapter and to the holders of such license. The term of each license hereunder shall will be for not more than one year and shall will expire on April 30 each year. The hauler license fee is set forth in the Fees chapter of this Code. The application for license or renewal of license shall must contain a description of the types and makes of the motor vehicles used for collection by the hauler, a description of what types of collection services will be provided, the approximate number of customers served, schedule of charges which will be made by the hauler for hauling, a schedule of residential solid waste collection routes, location of where the material collected will be disposed of, detailed description of any containers the hauler plans to provide their customers, and any other information the City of Fridley shall may require.

(b) (2) Applicants for all license classifications shall must file with each application a certificate of insurance for general liability coverage for the licensee of at minimum \$1,000,000-\$1 million per occurrence and automobile liability coverage for each vehicle to be used in the amount of \$1,000,000-\$1 million or more per accident. Every licensee shall must also carry Workers' Compensation Insurance for all of its employees. Each policy of insurance held by the hauler shall must provide that it shall may not be cancelled or terminated for any reason without at least ten (10) days written notice thereof first being given to the City.

(c) (3) Applications for license hereunder shall must be submitted to the City for review and recommendation. If the City Council City Manager or their designee is satisfied that the health, safety and welfare of the public will be served, it they may grant a license to any such application applicant whose application meeting meets the requirements of this Chapter.

4. Limitations on Number of Licenses

(a) Class A: Residential Mixed Municipal Solid Waste License. No more than three Class A licenses may be active at any time, except that all entities holding with a Residential Solid Waste Collection license from the City as of April 10, 2023 may be relicensed according to the following conditions:

(1) The licensee has conformed to all City, county, state and federal laws related to mixed municipal solid waste collection;

(2) There is no lapse in the license period;

(3) The licensee submits a fully completed annual renewal form, payment and all required documentation by the due date for renewals. Incomplete applications will be returned to the licensee and must be resubmitted by the original due date. Failure to

submit a renewal, payment and all required documentation by the original due date may be cause for the City to deny the renewal of the license;

((a)) The licensee has conformed to all City, county, state and federal laws related to mixed municipal solid waste collection;

((b)) License must not have been suspended more than one time in a 12-month period, or revoked.

((c)) There is no lapse in the license period;

((d)) The licensee submits a fully completed annual renewal form, payment and all required documentation by the due date for renewals. Incomplete applications will be returned to the licensee and must be resubmitted by the original due date. Failure to submit a renewal, payment and all required documentation by the original due date may be cause for the City to deny the renewal of the license; and

(f) Licenses are non-transferable;

(b) Class C: Residential Recycling License.

Only a hauler who has a current contract with the City for residential recycling collection is eligible a Class C license classification. There shall be issued by the City only one Class C license.

(c) Class G: Residential Organics License.

Only a hauler who has a current contract with the City for residential organics collection is eligible for a Class G license classification. There shall be issued by the City only one Class G license.

5. Route Conformance. All haulers with a Class A, Class C, or Class E License classification must follow the Residential Hauling Zone map.

4.6. Hours of Collection. No person engaged in collecting and hauling mixed municipal solid waste, yard waste, organics, or recyclable materials from residential areas within the City of Fridley shall may do so before 6:30 A.M. a.m. or after 8:30 P.M. p.m. Monday through Saturday. No collection shall occur on Sunday. Furthermore, collecting and hauling solid waste, yard, organics, or recyclable materials from commercial, business, industrial, or other such establishments shall may happen at any time but must not create a nuisance for, adjacent residential areas.

5.7. Vehicles

~~a.~~ (a) Any hauler vehicle, while it is used by the licensee in the City of Fridley, ~~shall~~ must have the name of the licensee clearly printed on both sides. Said lettering ~~shall~~ must be at least three ~~(3)~~ inches in height and the color of the lettering and of the background ~~shall~~ must be contrasting.

~~b.~~ (b) Each vehicle used to haul mixed municipal solid waste in the City of Fridley ~~shall~~ must be licensed by the regional waste authority and such license ~~shall~~ must be maintained for the entire term of the City license. ~~Each licensed vehicle shall have attached a decal issued by the base County, showing the current regional registration. Each vehicle used to haul recyclables, yard waste, organics, or construction/demolition waste in the City of Fridley must display the decal issued by the City of Fridley. Expired or otherwise invalid decals shall be removed from the vehicle.~~

~~c.~~ (c) Each vehicle licensed for hauling mixed municipal solid waste, yard waste, organics, or recycling must have a tight cover that is operated and maintained as to prevent offensive odors or spillage. The loading space of every vehicle licensed ~~hereunder by the City~~ shall must be leak proof. Every vehicle ~~shall~~ must be equipped with the necessary hand tools for cleaning up spills. Every vehicle licensed ~~hereunder by the City~~ shall must be kept well painted, clean and in good repair. Every such vehicle used for collecting mixed municipal solid waste, yard waste, organics, or recyclables ~~shall~~ must be cleaned every week, or more often if necessary, to prevent persistent odors.

~~d.~~ (d) Recyclables, yard waste, organics and mixed municipal solid waste ~~shall~~ must be loaded in the vehicle so that no materials can jar loose and fall to the ground or street when the vehicle is in motion. Loose paper, trash, and similar materials ~~shall~~ must be so secured that they cannot be displaced by the wind or fall out of the vehicle.

~~e.~~ (e) All licensed vehicles ~~shall~~ must be equipped with a back-up warning device that complies with all applicable Occupational Safety and Health Administration (OSHA), Minnesota Statutes, ~~and~~ Minnesota Department of Transportation regulations.

~~f.~~ (f) No person ~~shall~~ may at any time park or store any recycling, yard waste, organics, or mixed municipal solid waste collection vehicle on any premises zoned for use as a single or multiple residence dwelling, within ~~one hundred (100)~~ feet of any aforementioned premises, or within ~~two hundred (200)~~ feet of any food establishment, for purpose other than, or for periods inconsistent with, providing recycling, yard waste, organics, or mixed municipal solid waste collection at said premises. No person ~~shall~~ may at any time park or store any loaded or partially loaded recycling, yard waste, organics, or mixed municipal solid waste collection vehicle on any premises within the City, except for the purpose of and for periods consistent with, providing recycling, yard waste, organics, or mixed municipal solid waste collection at that parcel of property.

~~6. Container Placement. Containers used for the storage and collection of mixed municipal solid waste, recyclables, organics or yard wastes must be returned to the private driveway of the customer upon collection of the container contents.~~

~~7.8. Volume Based Fees. As required by Minnesota Statutes M.S. Chapter § 115A.93, subd. 3, the City requires all licensed mixed municipal solid waste collectors and haulers to establish a volume-based or weight-based fee system for all customers. This means a licensee has established a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit amount are priced higher than the base unit price. In addition, any licensee offering use of mixed municipal solid waste storage carts to their customers must also give customers a choice of a cart size that is less than 60 gallons in size upon request.~~

~~8.9. Disclosure of Waste Destination. As required in Minnesota State Statutes 115A.9302, any Any person licensed to transport mixed municipal solid waste, organics, yard waste or recyclables All licensed haulers in the City of Fridley must disclose the final destination(s) of what the waste that is collected, by category to their customers on an annual basis.~~

~~9. Enforcement. A violation of this section of Code is a misdemeanor. The owner of a building or premises in or upon which a violation of any provisions of this Chapter has been committed, or shall exist; or the lessee of the entire building or entire premises in or upon which a violation has been committed or shall exist; or the owner or lessee of any part of the building, or premises in or upon which such violation has been committed or shall exist, shall be guilty of a misdemeanor, and subject to all penalties for such violations under this provision of Chapter 901 of this Code each and every day that such violation continues. Any such person, who having been served with an order to remove any such violation, shall fail to comply with said order to remove any such violation, within ten (10) days after such service, or shall continue to violate any provisions of the regulations made under authority of Chapter 901 in the respect named in such order shall be guilty of a misdemeanor and subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code. Each day that such violation continues shall be a separate violation.~~

~~10. Reports. All applicants for licenses hereunder licensed haulers who provide recycling, yard waste and organics collection services to single through multiple dwelling units in the City shall must submit semi-annual reports to the City detailing the weight by material collected by type. A report for January through June collections shall must be submitted by the following July 15. A report for collections from July through December shall must be submitted by the following January 15. Reports shall must be submitted to the Community Development Director or their designee in the format specified by for each type of license.~~

~~11. Revocation of License. Any license issued hereunder by the City may be revoked or suspended by the City Council City Manager or their designee for any of the following causes following a hearing before the City Council upon due notice to the licensee, stating the time and place of such hearing, together with a statement of the violation alleged to be the cause for the revocation or suspension of the license. Notice to the licensee will include a statement~~

of the violation(s), notice of revocation or suspension of the license, and notice of appeal procedures. Grounds for revocation include, but are not limited to:

~~a. (a)~~ Fraud, misrepresentation, or incorrect statement contained in the application for license, or made in carrying on the licensed activity.

~~b. (b)~~ Conviction of any crime or misdemeanor pertaining to license held.

~~c. (c)~~ Conducting such licensed activity in such manner as to constitute a breach of the peace, or a menace to the health, safety and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the appropriate City official.

~~d. (d)~~ Expiration or cancellation of any required bond or insurance, or failure to notify the City within a reasonable time of changes in the terms of the insurance or the carriers.

~~e. (e)~~ Actions unauthorized or beyond the scope of the license granted.

~~f. (f)~~ Violation of any regulation or provision of this code applicable to the activity for which the license has been granted, or any regulation or law of the State so applicable.

~~g. (g)~~ Failure to continuously comply with all conditions contained in this Code.

12. Appeals.

(a) Any person contesting a citation or decision associated with violations of this Chapter may file an appeal pursuant to the Appeals and Administrative Citations chapter of the Code.

(b) Within 14 calendar days of a determination by the Hearing Examiner, any person contesting that decision may appeal to the Council by submitting a written appeal to the City Clerk. At its next regular meeting following the Hearing Examiner's decision, the Council will affirm, repeal, or modify that decision.

~~113.16. FEES~~

~~The license fee and expiration date shall be provided in Chapter 11 of Fridley City Code.~~

~~113.17. Penalties~~

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

Fridley City Code
Chapter 203 Appeals and Administrative Citations ~~Administrative Enforcement of Ordinance~~
~~Violations~~

203.01 Purpose

This Chapter collates various procedures found throughout the Fridley City Code (Code) regarding citations associated with violations of the Code and appeals of City decisions.

~~The~~ With respect to Code violations, the Fridley City Council (Council) seeks to offer an alternative method of enforcement for City Code (Code) violations rather than relying solely on the judiciary for such relief. The formal judicial process does not provide an environment to adequately address the unique and sensitive issues that are involved in Code violations, including, but not limited to: neighborhood concerns, livability issues, economic impact, public safety, physical limitations of the offenders, and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the methodical process of the court system process may not be conducive to dealing with the violations in a prompt and timely manner. To provide more flexibility in addressing Code violations on an individual basis that will be more efficient and effective and to ensure a process for administrative relief before engaging the judicial system, the Council finds that an alternative enforcement process is necessary.

~~In order to provide more flexibility in addressing Code violations on an individual basis that will be more efficient and effective and to ensure a process for administrative relief before engaging the judicial system, the Council finds that an alternative enforcement process is necessary. Therefore, to protect the health, safety and welfare of the citizens of Fridley, the Council intends to create a process for the use and imposition of administrative civil penalties that will provide the public and the City with an effective, alternative method for addressing Code violations.~~

With respect to appeals of City decisions, the Council seeks to streamline the appeals process so that appeals may be heard on an administrative level by a hearing examiner before the appeal needs to be brought to the Council level.

203.02 Definitions

Administrative Citation or Administrative Penalty: A civil fine that is issued in response to a violation of this Code.

Administrative Hearing: A scheduled opportunity for parties to present testimony and question witnesses related to a specific Administrative Citation or appeal.

Administrative Offense: A violation of a provision of this Code.

Hearing Examiner: Any person as defined by Minnesota Statute (M.S.) § 609.415, as may be amended from time to time, and selected by the City Manager or their designee to hear and determine a matter for which an Administrative Hearing is requested.

203.03 Appeal Procedures

1. Appeals. The appeal procedures set forth in this Chapter must be followed as specified by reference in the Code and are available to any person directly and adversely affected by the order or decision of, or the imposition of conditions by a City commission, department, officer, or employee when a right of appeal and the appeal procedure set forth in this Chapter is specified in the Code.

(a) A person wishing to appeal must file with the City Clerk a written request for a hearing within 10 days after the date of notification of the activity on which the appeal is based. The request must specify the order, decision, or condition being appealed, the date of the notification, and the Code provision under which the appeal is authorized.

(b) The appeal will be heard by the Hearing Examiner following the Administrative Hearing procedures set forth in this Chapter.

203.04 Administrative Hearings

1. Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager, or their designee, may, at their discretion, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this Chapter and set the rate of compensation therefor.

2. Qualifications. The Hearing Examiner will be an individual trained in law; however, it will not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.

3. Duties. The Hearing Examiner will have the following duties:

(a) Schedule hearing dates and hear all appeals;

(b) Take testimony from all interested parties;

(c) Examine all facts, evidence and testimony presented at the hearing;

(d) Make a complete record of all proceedings including findings of fact and conclusions of law; and

(e) Affirm, dismiss, or modify the Administrative Citation and/or the Administrative Penalty assessed or in the case of an appeal of a City decision, order such action as may be deemed appropriate.

4. Hearing Procedure.

(a) All Administrative Hearings will take place at the Fridley Civic Campus (7071 University Avenue N.E., Fridley, MN 55432) between 8:00 a.m. and 8:00 p.m. Monday through Friday. The Hearing Examiner may schedule an alternative date and time upon the written consent of all parties subject to the Administrative Hearing.

(b) The Hearing Examiner must provide all parties involved with a written Notice of Hearing at least seven business days prior to the Administrative Hearing.

(c) All Administrative Hearings will be recorded with an audio recording device. A transcript of the Administrative Hearing will be transcribed and retained pursuant to the Minnesota Government Data Practices Act.

(d) The Hearing Examiner will take testimony from the petitioner and any corroborating witnesses who wish to testify. The Hearing Examiner will then take testimony from the City. Both the petitioner and the City may appear with legal counsel.

(e) The Rules of Evidence do not apply. The Hearing Examiner will determine the admissibility of any evidence or testimony.

(f) The Hearing Examiner will render a written decision to affirm, dismiss or modify the City's order or decision of, or the imposition of conditions by a City commission, department, officer, or employee when a right of appeal and the appeal procedure set forth in this Chapter is specified in the Code. Within 15 business days after the Administrative Hearing, the Hearing Examiner must provide written findings of fact, conclusions of law and if applicable, issue a timeline to pay any applicable penalties and fees. The decision of the Hearing Examiner will be final unless otherwise stated in an applicable section of the Code.

(g) Judicial review. If authorized by law, an aggrieved party may obtain judicial review of a final decision of the Hearing Examiner in a court of competent jurisdiction within the time limit prescribed by law.

5. Failure to Appear. The failure to attend the Administrative Hearing constitutes a waiver of the petitioner's rights to an Administrative Hearing and an admission of the violation or dismissal of the appeal, whichever may be applicable. The Hearing Examiner may waive this result upon good cause shown. "Good cause" may be determined by the Hearing Examiner and may include: death in the immediate family or documented incapacitating illness of the petitioner, a court order requiring the petitioner to appear for another hearing at the same

time, or lack of proper service of the administration citation or notice of the Administrative Citation or Notice of Hearing.

6. Failure to Pay Is Separate Violation. The following are separate violations of the Code, punishable as misdemeanors in accordance with State law:

(a) Unless a notice of appeal has been timely filed, failure to pay the Administrative Penalty within the time required after issuance of an Administrative Citation.

(b) Failure to pay the Administrative Penalty or fine imposed by a Hearing Examiner within 30 days after it was imposed, or such other time as may be established by the Hearing Examiner, unless judicial review has been sought for the matter in accordance with State law.

~~203.02 Application~~ 203.05 Administrative Citations

1. The administrative procedures and penalties in this ~~section~~ Section may, in the discretion of the City, be used for any violation of the Code or any violation of the terms and conditions of a City approval, including permits and licenses, required and granted under the Code, and traffic offenses designated in Minnesota Statute (M.S.) § 169.999, in the amount designated in M.S. § 169.999, as it may be amended from time to time.

2. Except as expressly provided in this section, the provisions of this ~~section~~ Section may be used concurrently with or in addition to any other procedure or remedy, criminal or civil, the City may pursue under the Code, State law, or Federal law. Nothing herein restricts the right of the City to enter property immediately or to seek other remedies in emergency or other situations as authorized by the Code, State law, or Federal law. Where differences occur between provisions of this ~~section~~ Section and other applicable Code sections, this ~~section~~ Section controls to the extent of such differences. No provision of the Code that provides a criminal procedure or penalty, or an administrative or civil procedure or penalty, for a violation of the Code ~~shall~~ will preclude the application of this section in its entirety to such violation.

3. The penalties and procedures provided in this ~~section~~ Section ~~shall~~ are be applicable to every section and chapter of the Code. The penalties and procedures provided by this ~~section~~ Section ~~shall~~ will apply to any amendment of the Code, whether or not such penalty is reenacted in the amendment, unless otherwise provided in such amendment.

~~203.034.~~ Enforcement and Administrative Citation Issuance

1. ~~—~~(a) Authority to Enforce. Only peace officers may issue Administrative Citations pursuant to M.S. § 169.999 related to traffic violations. The City ~~shall~~ may not issue an Administrative Citation as authorized by M.S. § 169.999 to the holder of a commercial driver's license or the driver of a commercial vehicle in which the administrative violation was committed.

(b) Any other violation of the Code may also result in an Administrative Citation. Any persons employed by the City and designated by the City Manager to enforce the Code are authorized to issue such citations. The City may only issue an ~~administrative citation~~ Administrative Citation upon a determination of a violation of any regulation identified in ~~Section 203.02~~ this section. The City Manager, or their designee, is authorized to promulgate rules and forms to implement these procedures.

~~2. (c)~~ Administrative Citation. Any person with authority to enforce the Code may, upon a reasonable belief that there has been a violation thereof, issue an Administrative Citation to the violator or party responsible for the violation in one of the following ways:

~~(a) Any person with authority to enforce the Code may, upon a reasonable belief that there has been a violation thereof, issue an Administrative Citation to the violator or party responsible for the violation in one of the following ways:~~

(1) By personal ~~service-delivery~~ upon the owner of the property or an occupant of suitable age residing at the property where the violation occurred, or in the case of a business or corporation, the citation may be ~~served upon~~ delivered to a manager on the premises or to a corporate officer;

(2) By first class mail to a person identified in Subsection ~~(2)(a)1(4)(c)(1)~~ (1)(c)(1) of this section;

(3) By posting the ~~citation~~ Administrative Citation in a conspicuous place on or near the main entrance when it reasonably appears the property is occupied but the occupants are not available or willing to accept personal service, and where the property is not a licensed rental dwelling;

(4) By posting the ~~citation~~ Administrative Citation in a conspicuous place on or near the main entrance and mailing by first class mail a notice of the citation to the owner of record where it reasonably appears the property is vacant or abandoned;

(5) By posting the ~~citation~~ Administrative Citation in a conspicuous place on or near the main entrance and mailing by first class mail, notice of the citation to the licensee when the property is a rental dwelling licensed by the City; or

(6) By posting the ~~citation~~ Administrative Citation in a conspicuous place on a motor vehicle when the vehicle is vacant.

~~(b)(d)~~ The City shall must notify a recipient of an Administrative Citation of their right to contest the citation as outlined in Section ~~203.04~~ 203.04. ~~The City shall also appoint a neutral third party to hear and rule on challenges to administrative citations authorized by the Code.~~

~~(e)~~(e) The failure to pay an Administrative ~~Penalty Citation~~ or petition for an Administrative Hearing within 14 business days after the citation is issued, or failure to attend a scheduled Administrative Hearing, constitutes a waiver of the violator's right to a future Administrative Hearing and is an admission of the violation.

~~(d)~~(f) Any ~~administrative fines~~Administrative Penalties assessed pursuant to M.S. § 169.999 shall ~~must~~ be disbursed in accordance with M.S. § 169.999, subd. 5.

~~203.045~~ Administrative Hearings

1. ~~1.~~~~(a)~~ Request for Hearing. Anyone in violation of any section of the Code may either pay the Administrative Penalty, ~~as defined by Section 203.05~~, or petition the City for an Administrative Hearing ~~pursuant to Section 203.04(5)~~.

~~(b)~~ All such petitions must identify with specificity the basis for the objection to the Administrative Citation and the interpretation of the Code, as well as summarizing any evidence the petitioner intends to present. Such requests must be filed in writing to the City Manager, or their designee, within 14 business days after the date the Administrative Citation is issued.

~~2. Hearing Examiner. The position of Hearing Examiner is hereby created. The City Manager, or their designee, may, at their discretion, contract with third parties for the furnishing of all services of the Hearing Examiner as contained in this chapter and set the rate of compensation therefor.~~

~~3. Qualifications. The Hearing Examiner shall be an individual trained in law; however, it shall not be required that the Hearing Examiner be currently licensed to practice law in the State of Minnesota.~~

~~4. Duties. The Hearing Examiner shall have the following duties:~~

~~(a) Set dates and hear all contested cases;~~

~~(b) Take testimony from all interested parties;~~

~~(c) Examine all facts, evidence and testimony presented;~~

~~(d) Make a complete record of all proceedings including findings of fact and conclusions of law; and~~

~~(e) Affirm, dismiss, or modify the Administrative Citation and/or the Administrative Penalty assessed.~~

5. Hearing Procedure. Any person issued an Administrative Citation within the City may petition the City, in writing, for an Administrative Hearing before a Hearing Examiner.

~~(a) All such petitions shall identify with specificity the basis for the objection to the Administrative Citation and the interpretation of the Code, as well as summarizing any evidence the petitioner intends to present. Such requests shall be filed in writing to the City Manager, or their designee, within 14 business days after the ordinance violation citation is issued.~~

~~(b) The City will confirm request of an Administrative Hearing and include information on the Administrative Citation Hearing Fee as outlined in this ordinance. This fee will be refunded if the Administrative Citation is dismissed, but not if affirmed or modified.~~

(a) The City will confirm the petitioner's request of an Administrative Hearing and include information regarding payment of the Administrative Hearing Fee as set forth in the Fees chapter of the Code. This fee will be refunded if the Administrative Citation is dismissed, but not if it is affirmed or modified.

~~(c) All Administrative Hearings will take place at the Fridley Civic Campus (7071 University Avenue N.E., Fridley, MN 55432) between 8:00 a.m. and 8:00 p.m. Monday through Friday. The Hearing Examiner may schedule an alternative date and time upon the written consent of all parties subject to the Administrative Hearing.~~

~~(d) The Hearing Officer shall provide all parties involved with a Notice of Hearing at least seven business days prior to the Administrative Hearing.~~

~~(e) All Administrative Hearings will be recorded with an audio recording device. A transcript of the Administrative Hearing will be transcribed and retained pursuant to the Minnesota Government Data Practices Act.~~

~~(f) The Hearing Examiner will take testimony from the petitioner and any corroborating witnesses who wish to testify. The Hearing Examiner will then take testimony from the City. Both the petitioner and the City may appear with legal counsel.~~

~~(g) The Rules of Evidence do not apply. The Hearing Examiner will determine the admissibility of any evidence and/or testimony.~~

~~(h) The Hearing Examiner shall render a written decision to affirm, dismiss or modify the City's Administrative Citation. Within 15 business days after the Administrative Hearing, the Hearing Examiner shall provide written findings of fact, conclusions of law and if applicable, issue a timeline to pay any penalties and fees. The decision of the Hearing Examiner shall be final.~~

~~(i) Judicial review. An aggrieved party may obtain judicial review of a final decision of the Hearing Examiner in a court of competent jurisdiction within the time limit prescribed by law.~~

~~6. Failure to Appear. The failure to attend the hearing constitutes a waiver of the petitioner's rights to an Administrative Hearing and an admission of the violation. The Hearing Examiner may waive this result upon good cause shown. "Good cause" may be determined by the Hearing Examiner and may include: death in the immediate family or documented incapacitating illness of the accused, a court order requiring the petitioner to appear for another hearing at the same time, or lack of proper service of the administration citation or notice of the hearing.~~

~~7. Failure to Pay Is Separate Violation. The following are separate violations of the Code, punishable as misdemeanors in accordance with State law:~~

~~(a) Unless a notice of appeal has been timely filed, failure to pay the fine within the time required after issuance of an Administrative Citation.~~

~~(b) Failure to pay a fine imposed by a Hearing Examiner within 30 days after it was imposed, or such other time as may be established by the Hearing Examiner, unless judicial review has been sought for the matter in accordance with State law.~~

~~203.056.~~ Penalties and Payment

~~1. (a) Application. An Administrative Citation may be issued in conjunction with, or in lieu of, any other remedy available to the City.~~

~~2. (b) Administrative Penalties and Fees. The Council shall may adopt by ordinance a schedule of penalties and fees for violations of the Code and the enforcement of this chapterChapter.~~

~~(a)(1) Any penalties and fees for those Administrative Citations issued pursuant to M.S. § 169.999, subd. 1, shall be may not exceed the limits described in M.S. § 169.99, subd. 5.~~

~~(b)(2) Unless expressly provided otherwise in the Code, each day a violation exists constitutes a separate administrative offense.~~

~~(c)(3) When an Administrative Citation is issued and served as described in Section 203.03(2) of this Chapter, the party receiving service has up to 14 business days to pay the Administrative Citation fee as outlined in Chapter 209the Fees chapter of the Code. If payment is not received, or an Administrative Hearing is not requested within 14 business days of the citation being issued, a late fee will be incurred. The Administrative Penalty Late Fee is outlined in Chapter 209the Fees chapter of the Code.~~

3. ~~_____~~ (c) Payment Process.

~~(a)(1)~~ A party who has received an Administrative Citation must, within 14 business days ~~after of the date that~~ the Administrative Citation is issued, pay the amount of any ~~fine Administrative Penalty~~ set forth therein, unless that party has requested an Administrative Hearing as authorized by this Chapter. If the Administrative Citation penalty is upheld in full or in part by the Hearing Examiner, the petitioner must make payment to the City within 14 business days of the date of issuance of the Hearing Examiner's decision, unless another term is prescribed therein.

~~(b)(2)~~ Any ~~fine Administrative Penalty~~ may be paid in person at City Hall, by mail or by other method set forth by the City.

~~(c)(3)~~ Payment of any ~~fine Administrative Penalty~~ ~~shall will~~ be deemed a final admission of the violation, and thereafter the City ~~shall may~~ not bring a criminal charge for the same violation. Ongoing or continuing violations ~~shall will~~ constitute a new violation for each day that it is occurring.

~~(d)(4)~~ Payment of a ~~finean~~ Administrative Penalty ~~shall will~~ not excuse the failure to satisfy compliance orders referenced in the Administrative Citation and such payment ~~shall will~~ not bar further enforcement activity by the City for a continuing violation, including without limitation, the issuance of additional Administrative Citations.

4. ~~_____~~ (d) Lien. If an Administrative Penalty imposed by an Administrative Citation is not paid within the time specified, it constitutes a personal obligation of the violator and a lien upon the real property upon which the violation occurred, if the property or improvements on the property were the subject of the violation and the property owner was responsible for that violation.

5. ~~_____~~ (e) Assessment. Any persons employed by the City and designated by the City Manager to enforce the Code ~~shall must~~ keep a record of the costs of ~~ordinance violations~~ the Code violation and ~~shall must~~ provide detailed reports to the City Manager or their designee regarding all matters related to each violation. In the event the Administrative Penalty is unpaid and it is not possible for the City to place a lien on any real property, the City may list the total unpaid charges for each assessment against each separate lot or parcel to which they are attributable. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under other pertinent statutes, for certification to the County Auditor and collection the following year along with current taxes. Such assessment ~~shall may~~ be payable in a single installment or by up to ten equal annual installments as the City Council may provide, pursuant to M.S. § 429.101.

6. ~~6.~~ (f) License and Permit Issuance. Failure to pay an Administrative Penalty ~~shall be~~ is grounds for suspending, revoking or not renewing a license or permit related to the violation. During the time that an Administrative Penalty remains unpaid, no City approval will be granted for a license, permit, or other City approval sought by the violator or for property under the violator's ownership or control. For purposes of this restriction, any ~~company entity~~ that is owned in whole or in part by the violator ~~shall will~~ also be considered to be subject to these restrictions, regardless of corporate structure.

7. (g) Disposition of Penalties. All penalties collected pursuant to this Chapter ~~shall must~~ be paid to the City Treasurer and deposited in the appropriate fund and with the appropriate parties.

8. (h) Maximum Penalty. ~~As noted in Section 203.05(2)(b), each~~ Each day a violation exists is a separate offense. The maximum amount of an Administrative Penalty charged for a single offense, as determined by the City, may not exceed twice the maximum fine authorized by State law for misdemeanor offenses, or the maximum fine authorized by State law for an administrative process.

203.06 Exemption

This ~~section chapter~~ of the Code ~~shall apply~~ applies to all violations of the Code, except for those situations where applicable sections of the Code ~~and/or~~ State law prescribe other procedures or rules.



AGENDA REPORT

Meeting Date: February 27, 2023

Meeting Type: City Council Conference Meeting

Submitted By: Mike Maher, Director of Parks and Recreation
James Kosluchar, Public Works Director

Title

Review Moore Lake Park Site Improvements Project and Additional Elements

Background

Staff will be requesting authorization for the advertisement for bids for the Moore Lake Park site improvements. As with prior progress designs, staff will be sharing with the Council the proposed final design of the park site for their comments and suggestions and highlighting elements that have been discussed previously or modified substantially.

The City of Fridley's Moore Lake Park is in a highly visible location off Central Avenue and Highway 65 and is scheduled for reconstruction in 2023. Council approved the Parks System Improvement Plan in April 2022 which included a transformative reconfiguration of the park.

The park plans will include renovation of the park and the addition of a new, year-round use park building. Attached is a set of site plans. Note the site has been updated to address Council comments that were provided during prior workshop sessions. As shown, the improvements will include the following: playground equipment, basketball and pickleball courts, trail network, flexible lawn spaces, paddle sport water access, lakeside play area, parking areas and stormwater infrastructure.

Oertel Architects designed the building, WSB & Associates has prepared site plans and Kraus-Anderson is providing construction management services for the project. The City anticipates recommending award of bids to the City Council in March 2023. Project construction would begin Spring 2023.

We also would like to begin the discussion about additional elements that we need to plan for in a meaningful way, including security cameras and systems.

We welcome the City Council's comments and suggestions.

Financial Impact

Funding is provided by bond proceeds through the Capital Investment Program.

Vision Statement

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

Recommendation

Review and provide feedback on the building plans and elements presented.

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

- Plans and Renderings of the Moore Lake Site Improvements Project

Vision Statement

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



