



City Council Conference Meeting

June 09, 2025

5:30 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

Agenda

- [1. Emerald Ash Borer Mitigation Plan Update](#)
- [2. Medtronic Tax Court Appeal](#)
- [3. Recodification Update](#)
- [4. Community Garden Program Discussion](#)

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- Yog tias koj xav tau kev pab txhais lus los sis txhais ntaub ntawv dawb, ces thov tiv tauj rau Lub Nroog cov neeg ua hauj lwm.
- Haddii aad u baahan tahay tarjumaad bilaash ah ama kaalmo tarjumaad, fadlan la xiriir shaqaalaha Magaalada.

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AGENDA REPORT

Meeting Date: June 3, 2025

Meeting Type: City Council Conference Meeting

Submitted By: Jim Kosluchar, Director of Public Works
Jeff Jensen, Operations Manager
Rachel Workin, Environmental Planner

Title

Emerald Ash Borer Mitigation Plan Update

Background

In 2018, the Fridley City Council adopted an Emerald Ash Borer (EAB) Mitigation Plan to respond to the anticipated impacts of EAB, an invasive insect pest that quickly infests and kills green ash trees. EAB was confirmed in Fridley in 2019 and has rapidly spread throughout our community forest. The plan estimated that 20.6% of the trees in the City’s right-of-way and maintained parks were green ash and projected removal costs to be approximately \$1.7 million dollars. To defray these costs and preserve the benefits provided by mature shade trees, the plan recommended chemically treating high quality public green ash trees and focusing removal on poor quality public ash trees. Staff will provide an update on the plan’s implementation to date.

Focus on Fridley Strategic Alignment

<input type="checkbox"/> Vibrant Neighborhoods & Places	<input type="checkbox"/> Community Identity & Relationship Building
<input type="checkbox"/> Financial Stability & Commercial Prosperity	<input checked="" type="checkbox"/> Public Safety & Environmental Stewardship
<input type="checkbox"/> Organizational Excellence	

Attachments and Other Resources

- Emerald Ash Borer Mitigation Plan

Vision Statement

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

City of Fridley Public Works

Streets • Parks • Water • Sewer • Stormwater
Fleet • Facilities • Engineering

Emerald Ash Borer Mitigation Plan



Item 1.



City of Fridley, Minnesota
6431 University Avenue N.E.
City of Fridley, Minnesota

January 19, 2018

City of Fridley Emerald Ash Borer Mitigation Plan

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Introduction and Goals

The goal of this plan is to prevent the spread and mitigate the damage of the insect Emerald Ash Borer on trees ash trees on public lands and rights-of-way in the City of Fridley. Emerald ash borer (EAB), *Agrilus planipennis*, is a non-native beetle that feeds on and causes widespread mortality in all native species of ash (genus *Fraxinus*). The insect bores into the tree, eating the phloem tissue, the innermost layer of bark, and disrupts the transportation of nutrients and water. If left alone, EAB can kill an ash tree in 2 to 7 years, depending on age, size, and initial tree vigor. This invasive pest that kills ash trees has been spreading through Minnesota since 2009. General information on EAB and updates have been posted on the City's website at www.fridleyMN.gov/emeraldash.

EAB has not been found in Fridley yet, but the Minnesota Department of Agriculture has confirmed infestations nearby (Shoreview had a confirmed infestation in 2011). Because of a delay from infestation to the appearance of symptoms, it is likely that EAB is present in Fridley's urban forest but has not been identified and confirmed at present. Without treatment, all ash trees will eventually succumb to EAB. Trees considered in this plan have been the subject of a City-wide inventory on public lands and rights-of-way. This inventory includes all public trees in landscaped areas of city parks, as well as trees in the boulevard or right-of-way of streets maintained by the city. This does not include trees on City greenspace properties such as in natural/woodland areas or within the Springbrook Nature Center. The inventory means that the City of Fridley will eventually be responsible for 1,053 ailing ash trees on municipal property described above, and not including green ash trees on private properties.

Because trees have many direct and indirect benefits, the impacts of losing such a large population of trees in an urban area are important to consider when managing the pest. Trees allow for reduced electricity use for air conditioning in summer as they shade homes and businesses. The reduced energy use consequently lowers emissions from power plants. Trees also directly contribute to reductions in atmospheric CO₂, through respiration and sequestration of carbon in their leaves and stems, as well as reductions in airborne particulate pollution. Another benefit of trees in the urban landscape is the reduction of storm water runoff through rainfall interception. Indirect benefits of urban trees to humans include reduced incidence of cardiovascular disease and asthma, faster recovery from surgery, increased physical activity, and increases in property values within communities. Repair of these tree losses helps to mitigate air quality issues, current energy saving benefits for associated properties and stormwater absorption. Additionally, achieving Tree City U.S.A status has been stated as a City goal to be included in the EAB plan to improve the City's ability to capitalize on the aforementioned attributes, which necessitates tree planting and an annual Arbor Day celebration.

EAB populations increase exponentially over time and, accordingly, a proactive plan will ensure selective ash tree protection, preserving the selected surviving trees' economic and environmental benefits as well as supporting public safety through a combination of monitoring, insecticide treatment, structured removals, sanitation, canopy replacement, community outreach and the possible use of biological control agents. Because of the nature of EAB infestations, trees become brittle and could pose safety hazards as branches break off and fall. Maintaining a healthy and diverse population of trees is important to build a strong and resilient urban forest and to mitigate the hazards of dead standing trees in the future.

Figure 1. Green ash provide considerable environmental and aesthetic benefits

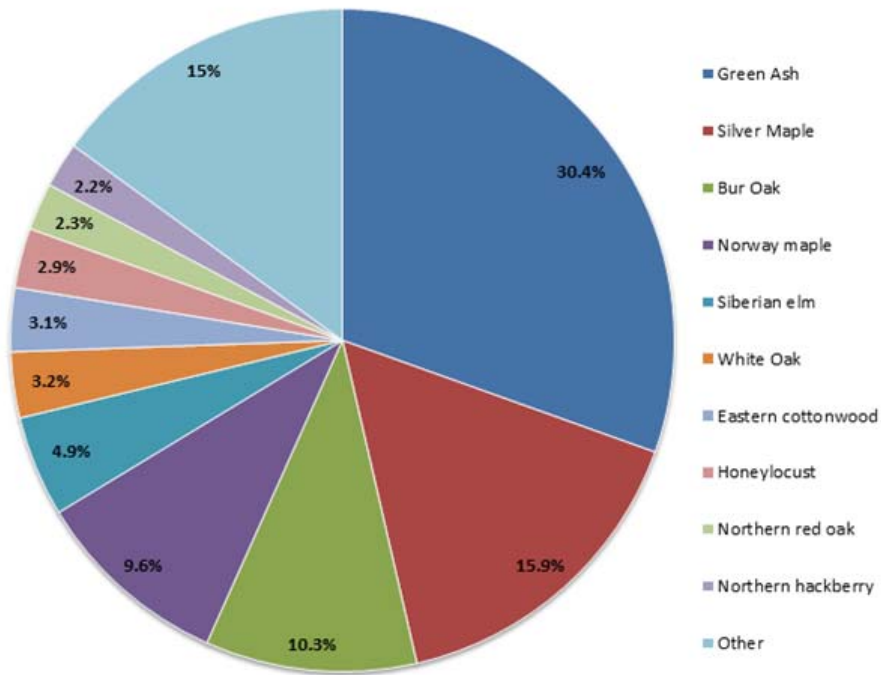


Source: City of Fridley Presentation on Emerald Ash Borer, iTree Calculator

Inventory and Rating

By using GIS software and the citywide database of trees inventory, a rating will be performed semi-annually to determine the number and condition of trees. Ash trees are rated on a condition scale (Appendix A) by City tree inspectors for a diagnosis of health. This provides insight on how best to manage the trees in a specific area.

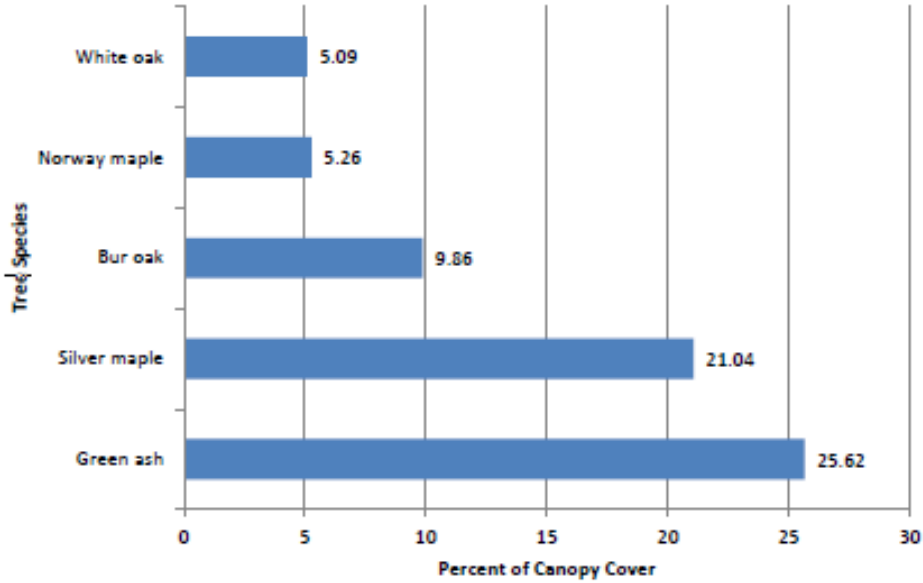
Figure 2. Species Composition of City Trees



City of Fridley Rights-of-Way and Maintained Parks, Source: 2016 City of Fridley Tree Inventory

From the most recent inventory, it was determined that 1,053 of the 5,121 city-owned trees are green ash, or 20.6% of the total. All of these ash trees stand to be affected by the emerald ash borer. Green ash also provide a significant amount of tree canopy in Fridley.

Figure 3. Summary of Tree Canopy for Top 5 City Tree Species



City of Fridley Rights-of-Way and Maintained Parks, Source: 2016 City of Fridley Tree Inventory

Public Ash Trees

Trees in the city’s inventory include all public trees in landscaped areas of city parks, as well as trees in the boulevard or right-of-way of streets maintained by the city. This does not include trees in natural or greenspace areas owned by the City or other public entities. Public and park ash trees will be selectively removed, treated, or managed by the City of Fridley.

Selective Removal Program

A proactive approach to ash tree management will include the preemptive removal of ash, beginning with the lowest-quality trees (trees with critical and poor condition ratings, trees planted under utility lines, small trees, etc.). This will spread costs over a number of years, as opposed to reactive removal where infested trees and those posing public safety hazards will have to be removed in larger numbers in a shorter time period, and are particularly susceptible to severe weather events. Regions of the city, varying in size and shape, will be sectioned off as selective green ash removal zones. Focusing on areas with high concentrations of ash trees first, the City of Fridley will systematically remove ash trees showing signs of decline determined by the condition rating using judgment of the Forestry Division. This program will take place over five years beginning in 2018, and after the initial five-year phase, selective removal will be initiated again within the City based on reinspection. The selective removal program will mimic a pilot program completed in 2017 in the North Park neighborhood in conjunction with a street resurfacing project, that was initiated to evaluate methods and costs of selective ash tree removal was.

Figure 4. Summary of City Green Ash Tree Condition

Condition	Number of Ash Trees
Excellent	0
Very Good	12
Good	509
Fair	355
Poor	161
Critical	7
N/A	9

City of Fridley Rights-of-Way and Maintained Parks, Source: 2016 City of Fridley Tree Inventory

Selective Removal Phase One

This phase will remove all city owned ash trees in declining health and fair, poor, or critical condition. The remaining healthy trees will be systematically assessed and treated as new areas are targeted for ash removal. This will continue until all major regions of Fridley have either had their ash removed and replaced or treated. This phase will include removal of ash trees with critical, poor, and fair condition, which includes a total of 584 trees, or 55% of the City’s green ash trees.

Selective Removal Phase Two

Treatment of healthy trees will cease allowing their condition to slowly decline over time before systematically removing them. During this time replacement trees will have the opportunity establish, grow and to create a new canopy to replace the gaps left by ash trees.

The aims of phase one and two are to spread the costs and labor of ash removal citywide over the course of many years while also providing replacement trees with the opportunity to reestablish an urban canopy. In order to prevent future events of mass tree threat the biodiversity of replacement trees will continue be a long-term goal.

Replanting Program

Tree planting will be performed with the aim of maintaining a diverse and healthy urban forest. Replanting of replacement trees will take place in areas of selective removal the subsequent spring and fall seasons to optimize survival and coincide with available resources. All replantings will be conducted by City employees and subcontractors.

Species selected for replanting will be chosen in an attempt to meet the City’s long term biodiversity goals. The tree species that are currently less common will be prioritized to eventually develop a diverse population consisting of no more than 20% per genus and a goal of 10% per species.

Chemical Treatment

Chemical treatment for specimen ash trees defined as the healthiest and worth preserving, will be performed every two years until reforestation and adequate replacement of alternate species. These trees will be identified and treated as the City Forester deems necessary.

If a resident wishes to treat a boulevard tree that the City has selected to remove, it will become that resident's responsibility to provide for treatment approved by the City, pay all costs of treatment, and provide proof of treatment. These residents must commit to treating the ash tree every two years for the duration of the ash's life and provide evidence of treatment as scheduled.

Chemical treatment will only use pollinator-friendly chemicals; those with neonicotinoids will not be used.

Reinspections of Public Trees

Reinspections of treated trees will be every two years to ensure the treatment continues to be effective and will continue until emerald ash borer is no longer a threat to the health of the urban forest. This may include preservation of a minimal number of specimen trees.

Private Trees

Treatment or removal of trees on private land will be full responsibility of owners. Trees on private property will be expected to be treated or removed at the owner's expense. The City of Fridley is not responsible for any damages or injury caused by trees on private land. Resources are available on the City's webpage on licensed arborists and contractors who can legally remove trees safely.

Education

Disseminating information on EAB to the public is through mailings, newsletters, public presentations, facility/event displays, and online resources available online on the city's webpage regarding the EAB program and ash treatment options. www.fridleyMN.gov/emeraldash Staff has participated in numerous metro, state and national level meetings to discuss approaches, history and the future of EAB. The city council and commissions will continue to be responsible for advocating for the public and monitoring the progress made toward the city with regard to its trees.

Contingencies and Emergency Events

In the event that there are significant hindrances to the continuation of the EAB plan, the program may be delayed or accelerated by the Public Works Director or their designee. Such significant events may be categorized as catastrophic weather events, budgeting constraints, equipment failure, or lack of resources. Other contingencies may increase priority of ash tree removal such as the discovery of EAB in the City may accelerate the rate of removal.

Ash Wood Disposal

Movement of ash wood waste with bark and sapwood intact, green lumber, ash nursery stock, and all hardwood firewood is regulated by the Minnesota Department of Agriculture. Movement from a

quarantined area to a non-quarantined area is prohibited within the State of Minnesota. A secured collection and staging area will be established. This site will be available for City of Fridley staff and tree contractors working on in Fridley to dispose of ash trees, limbs, and wood chips. Disposal is, at this time, free at several facilities, but dependent on hauling to locations in Brooklyn Park or St. Paul.

Budget

The estimated cost of contractor removal and stump grinding per tree is approximately \$950-\$1,150. Using \$1,050 as an average cost of tree and stump removal, the total estimated removal cost of Fridley's City-owned ash trees will be \$1,100,000. Operating under a 10-year removal plan with two phases, approximately 106 green ash will be removed annually, at an estimated cost of \$110,565 per year (2017 dollars). Approximately \$65,000 will be included in the Forestry Division budget as contracted costs for tree removal. Another \$20,000 will be included in the Forestry Division for chemical treatment and replanting. The remainder of the cost of the program will be absorbed under Street and Parks Divisions operating budgets for City tree removal and planting activity. Upon confirmed infestations of EAB, this annual removal number may change and accelerate to reflect current demands.

Benefits of Maintenance

The environmental and aesthetic benefits projected with this Emerald Ash Borer Mitigation Plan have been over 15 years have been estimated at \$1.7 million, which illustrates the cost/benefit of this plan (benefits derived by the iTree calculator – see Figure 1). The overall plan payback happens in year nine of the proposed program, or 2027 if initiated this year.

Figure 5. Cost/Benefit Projections for EAB Plan

City's Total Ash Trees on Municipal Property=1066		Removal Plan Based on Condition: only removing critical, poor and fair Ash Trees			Injection Treatment Plan* for Ash trees only in good + very good condition 40-45% of ash trees = 481			Removal + Treatment Plan Costs		Environ. Services maintained
Year	# of Ash Trees Removed	Condition/rank	Removal by Public Works Staff	Total Removal Cost/Rainbow or \$28.50*/DBH, poor & critical, 3380 DBH " and fair, 7807 DBH"	Year	# of Ash Treated by outside Contractor using emmemectin benzoate	Cost per tree is \$5.00/DBH/annualized (total of 9611 DBH)	Year	Budget	
2016	6	Fair	\$ 5,100.00	\$ -	2016	0	\$ -	2016	\$ 5,100.00	
2017	110	Poor & critical	\$ -	\$ 62,631.83	2017	482	\$ 48,055.00	2017	\$ 110,686.83	\$ 185,375.47
2018	130	68 Poor & critical + 62 fair ash are	\$ -	\$ 73,197.18	2018	0	\$ -	2018	\$ 73,197.18	\$ 160,018.98
2019	200	Fair	\$ -	\$ 111,249.75	2019	482	\$ 48,055.00	2019	\$ 159,304.75	\$ 121,480.53
2020	138	Fair	\$ -	\$ 76,762.33	2020	0	\$ -	2020	\$ 76,762.33	\$ 94,889.00
2021	minimal/storm				2021	482	\$ 48,055.00	2021	\$ 48,055.00	\$ 94,889.00
2022	minimal/storm				2022	0	\$ -	2022	\$ -	\$ 94,889.00
2023	minimal/storm				2023	482	\$ 48,055.00	2023	\$ 48,055.00	\$ 94,889.00
2024	minimal/storm				2024	0	\$ -	2024	\$ -	\$ 94,889.00
2025	minimal/storm				2025	482	\$ 48,055.00	2025	\$ 48,055.00	\$ 94,889.00
2026	minimal/storm				2026	0	\$ -	2026	\$ -	\$ 94,889.00
2027	minimal/storm				2027	482	\$ 48,055.00	2027	\$ 48,055.00	\$ 94,889.00
2028	minimal/storm				2028	0	\$ -	2028	\$ -	\$ 94,889.00
2029	minimal/storm				2029	0	\$ -	2029	\$ -	\$ 94,889.00
2030	minimal/storm				2030	0	\$ -	2030	\$ -	\$ 94,889.00
2031	minimal/storm				2031	0	\$ -	2031	\$ -	\$ 94,889.00
2032	minimal/storm				2032	Decide if treatment continuing	\$ -	2032	\$ -	\$ 94,889.00
TTL	584			\$ 323,841.08	TTL saved	482 ash trees saved	\$ 288,330.00		\$ 617,271.08	\$ 1,700,431.97
				*\$28.50 may need indexing as more trees die, demand for services goes up, + \$5						

City of Fridley Rights-of-Way and Maintained Parks, Source: 2016 City of Fridley Public Works Department

Development Code

Developers will not be permitted to plant ash trees that are subject to Emerald Ash Borer. Developers will not receive credit for existing ash trees towards their minimum tree limit. They will not be required to take down the tree, but it may be in their best interest to do so for safety or space optimization purposes. Finally, developers will be encouraged to align development or redevelopment plans with the goals the city has for diversity aiming towards 20% per genus and 10% per species.

Evaluation of Plan

The degree of success of this plan will be evaluated by city officials and dictated by the overall percent of the City's ash trees that are healthy at the conclusion of the program, by how many new trees are planted, and by the diversity of trees in Fridley having all genus less than or equal to 20%.

Appendix A – Inventory Rating and Methodology

* Condition Rating Criteria Developed for the 2016 GreenCorp/City of Fridley Property Inventory

Excellent (Live crown ratio: 100%):

- tree has no structural problems
- tree has full and balanced canopy

Very Good (Live crown ratio: 90%):

- tree has no major structural problems
- tree has full and balanced canopy

Good (Live crown ratio: 80%):

- tree has no major structural problems
- tree has healthy canopy

Fair (Live crown ratio: 60%):

- Tree may exhibit structural damage such as codominant stems or cracks in trunk
- Tree may have cambium loss
- Tree may exhibit canopy dieback such as crown imbalance or thinning crown
- Tree may have dead or detached branches that require pruning/removal

Poor (Live crown ratio: 40%):

- Tree may have internal decay
- Tree may exhibit multiple structural or canopy problems
- Tree may exhibit other signs of disease

Critical (Live crown ratio: 20%):

- Tree poses a safety hazard. Immediate removal is recommended.

The tree inspector may, at his or her discretion, exempt from removal individual ash trees with DBH between 8" and 12". Exempt trees will require injection treatment with emamectin benzoate or other insecticides as approved by the City. Valid grounds for exemption of a tree include, but are not necessarily limited to:

1. The tree is healthy, well-formed, and vigorous;
2. The tree is located at a site where the pace of tree growth has been and will likely continue to be unusually slow;
3. The tree is in a densely developed, sparsely vegetated urban area where the incremental aesthetic, health, and ecological value of a single mature tree is arguably elevated; and/or
4. The tree is located at a site where the ash tree in the ground is likely to fare better than a newly planted tree of a different species.

Structural Problems (images)

Codominant stems



Dead branches, canopy dieback



Cracks or splits in the trunk



Detached branches



Mechanical damage



Internal decay



Appendix B – City of Fridley Emerald Ash Borer Pilot Program Summary

City of Fridley Public Works

Streets • Parks • Water • Sewer • Stormwater
Fleet • Facilities • Engineering

Emerald Ash Borer Pilot Program Summary



City of Fridley, Minnesota
6431 University Avenue N.E.
City of Fridley, Minnesota

August 11, 2017

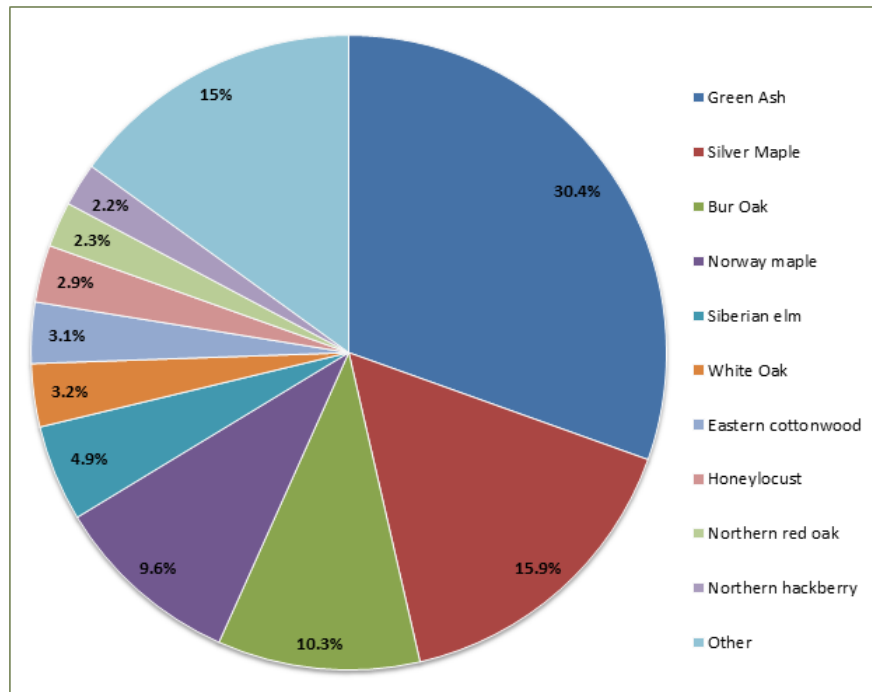
City of Fridley EAB Pilot Program Summary

Introduction to the Emerald Ash Borer Pilot Program

This program was implemented in response to the threat of (EAB), an insect that has moved across the eastern half of the country and is slowly migrating north through Minnesota killing ash trees. Green Ash make up 18.6% of all the trees owned by City of Fridley. There is no cure for green ash trees once the borer has manifested itself, however treatments are available that allow green ash trees to hold off EAB as long as treatments are applied. While not officially confirmed in Fridley, EAB is likely already present in the city as symptoms take 2-5 years to manifest. By pro-actively removing many of the ash trees in poor and fair condition the city aims to reduce the spread of the insect and prevent the risks associated with dead standing trees. A benchmark was set to for remove 80% of ash and treat the remaining 20% with anti-EAB chemicals until the canopy can become reestablished. This avoids an immediate overwhelming demand for removal of dead trees and loss of urban forest canopy as the disease manifests in Fridley. This program is also an opportunity to evaluate the methods to improve the diversity of the urban ecosystem by replacing ash trees with resilient and less common tree species.

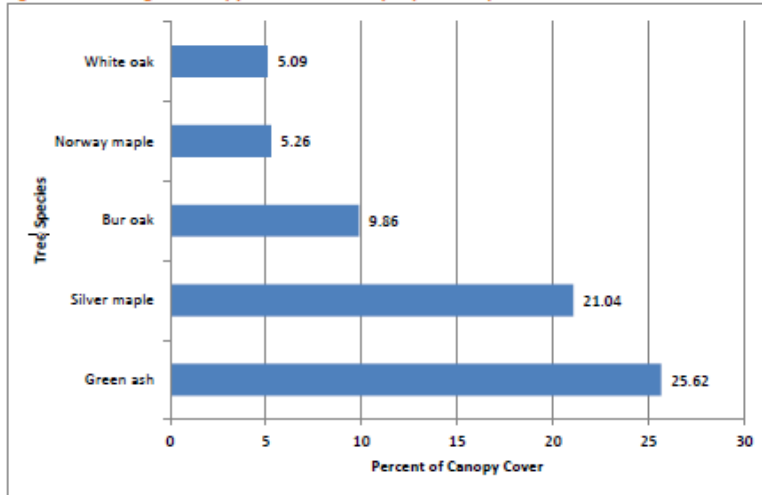
Composition of Public Trees Citywide

Species Composition of Medium and Large Broadleaf Trees



Canopy Provided by Public Trees Citywide

Figure 3. Percentage of Canopy Cover Provided by Top 5 Tree Species



EAB Pilot Program Outline and Goals

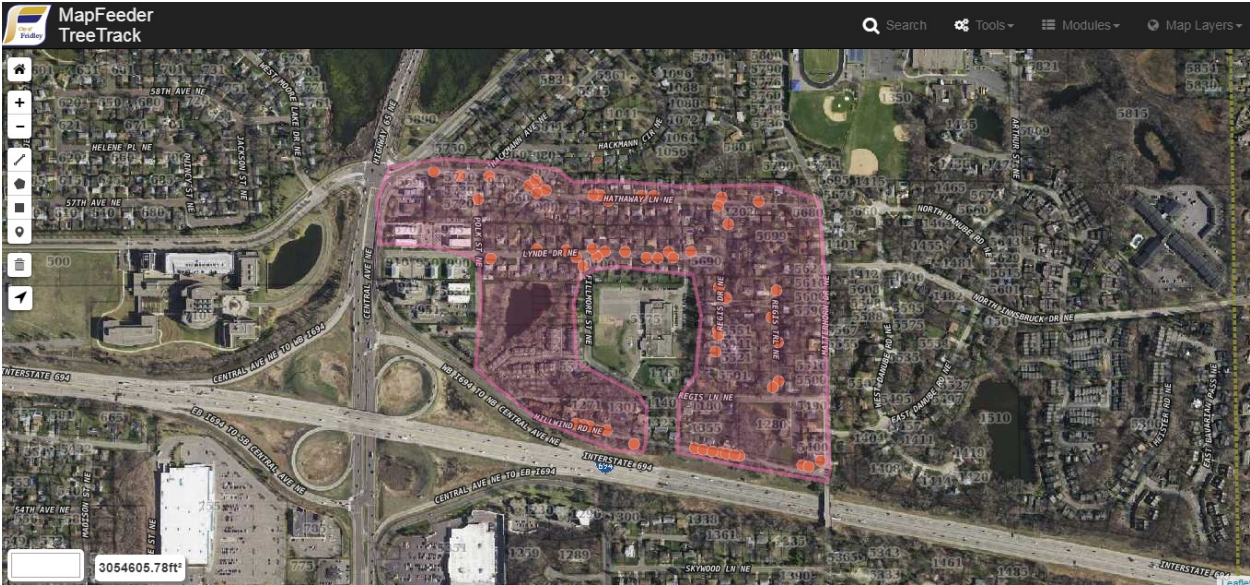
The Emerald Ash Borer (EAB) Pilot Program was an initial attempt to gauge the effectiveness, efficiency, and response of removing boulevard green ash trees in one neighborhood. Due to the tree removals already associated with the 2017 Street Reconstruction project, the North Park neighborhood was selected for the implementation of the pilot. A second objective was to replace these ash with other, less common tree species and improve Fridley’s overall tree diversity which will improve the urban ecosystem’s health and resiliency. Finally, we tested methods to move street trees from public right-of-way to private property, which will avoid conflicts with roadway and utility uses of City rights-of-way and abate future City maintenance.

In alignment with the goals and objectives of Fridley’s draft EAB Plan, a pilot program was created to test the feasibility of the systematic removal of the city’s ash trees and replacing them with a diversity of other tree species. It was decided that for this pilot only boulevard trees in the North Park neighborhood with condition rating of “fair” or “poor” would be cut down and replaced. This area had a favorable ratio of healthy trees and declining trees that worked well with the benchmark of treating approximately 20% of ash while replacing the other 80% (23% were good or better condition in the pilot area).

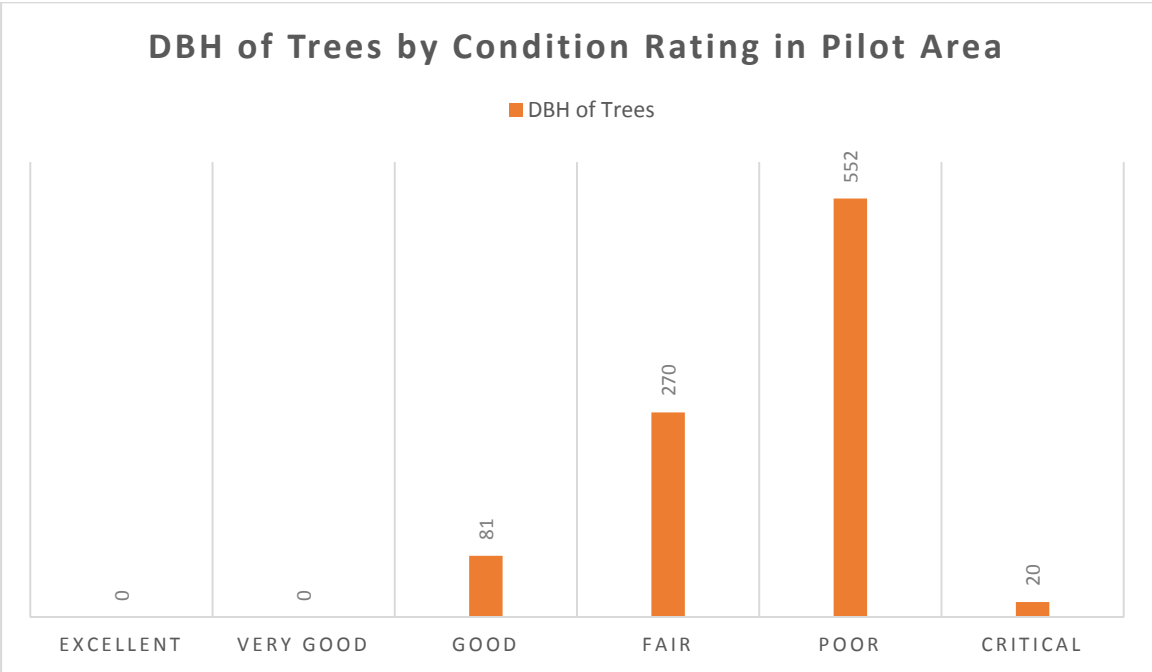
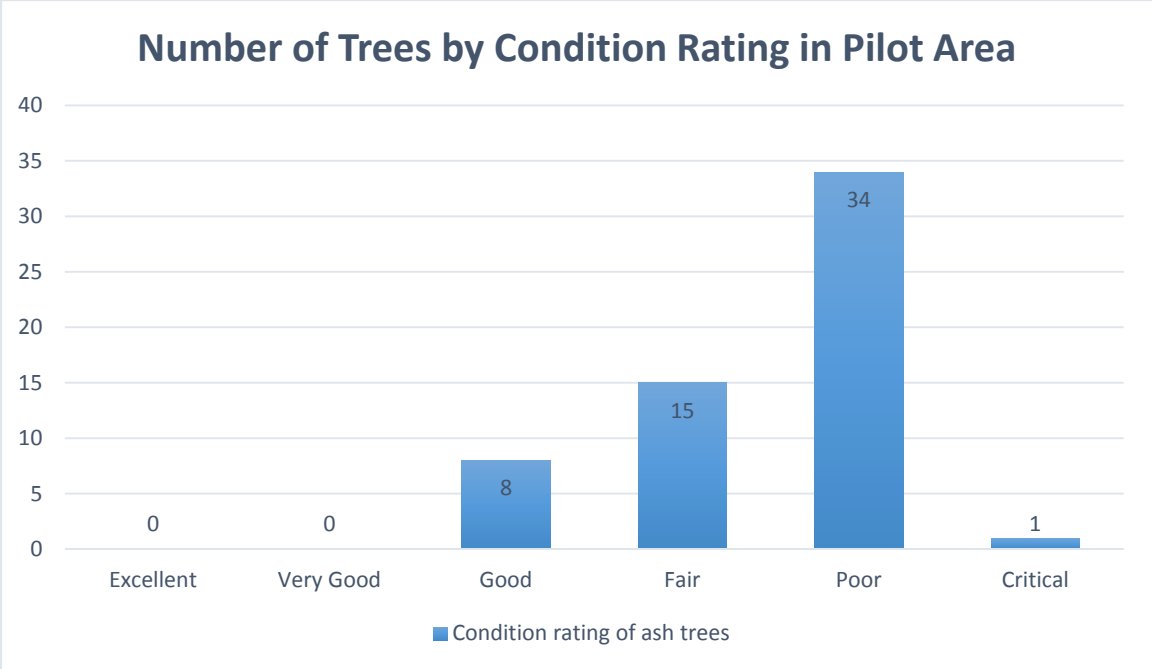
Tree Condition Inspection

From the city of Fridley’s tree inventory, it was determined that 1,053 of the 5,121 city-owned trees are green ash, or 20.6%. They make up 25% of the urban canopy and 30% of all shade trees (according to an assessment done by staff in 2015).

Pilot Area Map of Ash Trees



By using the city’s database of trees and a geographic mapping software public works employees were able to locate all of the ash trees within the North Park neighborhood. From there, the Parks and Streets Department assessed each of the trees individually based on size, shape, and percentage of leaves in the “crown” of the tree to give them a condition ranking. This condition ranking was used to determine which trees to remove and which were healthy enough to be worth treating with anti-EAB chemicals. Ash trees that were in excellent condition were chosen to be treated with a chemical every two years that would protect it from EAB infection. Due to the cost of treatment (\$100 per average ash tree annually) it is planned to consider only treating the very best condition trees. Trees determined to be in decline were marked for removal. A total of 84% of the ash trees in the area were identified for removal while 16% remained to be treated chemically.



Notification Letter

A notification letter was delivered to residents who were having trees removed to inform them of the threat of EAB, the aims of this pilot program, the intended removal of their tree(s), and requesting their preference on what tree(s) they would like to have replanted, if any. Three options were given with the aim being to try and entice residents into planting the tree on their own property to reduce the number of trees the City would be responsible for maintaining in the future, and to reduce right-of-way conflicts. Responses were collected by mailing in an insert or by an online survey. The options were as follows:

Option A: Choose their favorite tree from a list of trees to be planted in their front yard, off of the boulevard. This tree would be potted and would generally look nicer when it arrived. These trees were more varied in size and shape, and had interesting fall colors and flowers.

Tree species included: American Elm, American Linden, Crabapple, Eastern White Pine, Paper Birch, Red Maple, Serviceberry, and White Oak.

Option B: Choose their favorite tree from a list to be planted on the boulevard. This tree would be a bare root tree and would generally take a few seasons to properly establish, but would be as healthy as the potted trees. The list of tree choices for Option B was much shorter and the trees on that list were heartier but therefore had less interesting fall colors and didn't produce flowers.

Tree Species included: Bicolor Oak, Hackberry, Honeylocust, Kentucky Coffeetree

Option C: Decline a replacement tree for the removed ash tree. It was also noted that the city may still decide to plant a tree on the boulevard regardless if it were deemed necessary in order to maintain an urban canopy.

Public Education/Resources

Residents were encouraged to visit the Fridley website under the emerald ash page to learn more about the insect and about the costs of treating their trees (www.fridleymn.gov/1198/Emerald-Ash-Threat).

The website was updated with information on the pilot program, and provided a link to information on tree species that could be selected and response surveys. An article was also published in Fridley's local

newsletter to inform the public more about Emerald Ash Borer and its future impact on Fridley's urban forest.

Tree Removal

A total of 81% of the ash trees (47 of 58 trees) were removed from the North Park Neighborhood within a week and all stumps were ground the following week. Work was done divided between public works staff and private contractors, and there were no injuries or malfunctions or any kind. Chainsaws, front loaders, dump trucks, and wood chippers were used. Wood chips were brought to Springbrook Nature Center for storage for later use.

Response Data

Summary of Public Green Ash in North Park Neighborhood:

- Total trees Identified for removal 47 of 58 (81%)
- Total trees to be evaluated for treatment 11 of 58 (19%)

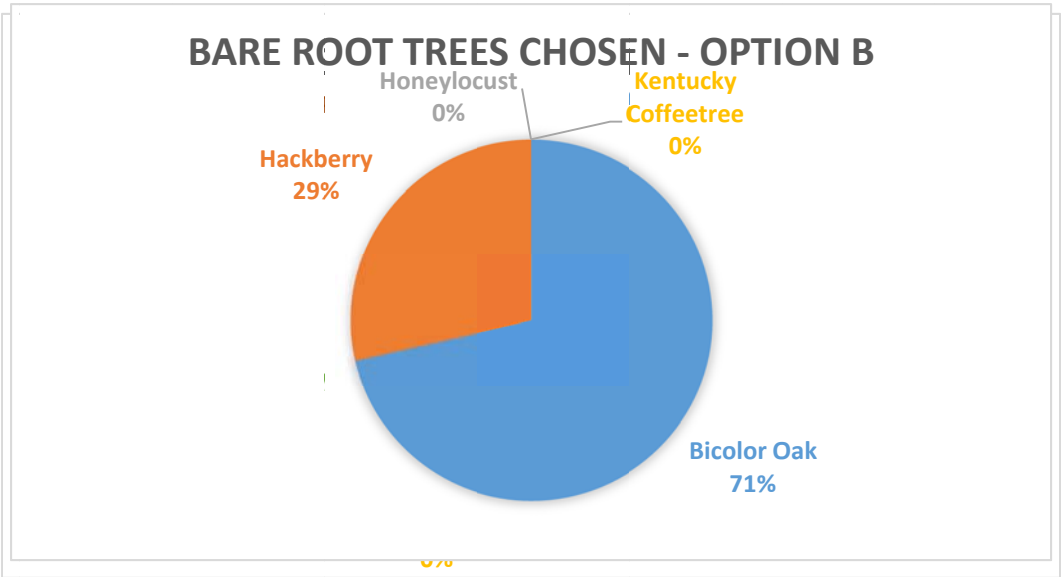
Of the 37 homeowners who had trees identified for removal, 24 of them (or 65%) responded to the online or paper survey.

Response mediums:

- 10 of 37 (27%) were from an online survey
- 14 of 37 (38%) were from mail-in response cards
- 10 of 37 (27%) were from callbacks
- 34 of 37 (11%) were remain unreachable

Response choices:

- Chose Option A (replacement in front yard): 24 of 47 trees (51%)
- Chose Option B (replacement in boulevard): 14 of 47 trees (30%)
- Chose Option C (declined tree): 98 of 4737 tress (22%)



]Replanting Program

Mailings will be sent out in the coming weeks containing information and instructions regarding the replanting portion of the program. Enclosed in the envelope will be a flag that will be used to indicate where the tree will be planted. Homeowners will be instructed to place that flag anywhere they choose within certain parameters designated by the option chosen. Those who chose Option A will be allowed to plant anywhere in the front yard of their property, while those who chose Option B can plant anywhere in the boulevard (provided there are no overhead or underground hazards or obstructions). A few days later, city employees will go and plant the requested trees at no cost to the homeowners. This replanting will happen in either spring or fall when most efficient for use of City resources.

Summary and Recommendations

The EAB Pilot Program was done to estimate the average costs of a similar program repeated annually, and understand the viability of the program as a whole in the long term. The program also aimed to gain insight on the response from the public. The pilot program was a success overall, but there are a few things that should be done to improve it in the future. Another goal was to provide many different tree species for people to choose from for replanting to increase the overall tree biodiversity in the city. This was somewhat successful, but unfortunately many people chose the same species of tree, which didn't provide the diversity that had been hoped for. Including an unlimited number of most desirable species,

such as maple, limited diversity. Next time, the city should select tree species that are more uncommon in Fridley for the EAB plan in hopes of increasing variation in responses or provide other incentives for increasing tree diversity, or possibly limit the number of most-desired species and allow them on a first-come first-served basis (thereby also incentivizing survey responses). One of our goals was to convince homeowners to consider planting their replacement trees on their property instead of on the boulevard, which resulted in 51% of trees relocated to private property in the vicinity of the right-of-way. In the years following the ash removal, annual monitoring of tree condition in sections of the City will be done to ensure a level of urban environmental health is being maintained in this pilot project area. The limitation of the pilot is the degree of variation in tree condition ratios between neighborhoods. Some areas will have higher concentrations of trees with better conditions and will affect how we treat and remove trees in that area. Though the benchmark will continue to be the aim of the program, unique strategies may be implemented including doing multiple waves of tree removals over the duration of the program. This will create diversity in canopy heights and improve overall ecosystem quality in the area.

Based on the work performed under this pilot program, we believe that by using the same process we can confidently remove approximately 100 trees per year at current budget level of \$53,600 for contracting, fuels, materials and equipment. This considers additional operational efficiency using information gained from this pilot program.

Cost Summary

Tree removal:

Cost for tree and stump removal: \$53,987

- \$24,887 from public works staff (743 hours absorbed in operating budget)
- \$29,100 from contractors (capital outlay)
- \$1,250 per tree and stump removed
- \$64.11 per dbh of tree and stump removed

Tree replacement:

Cost of replacement trees: \$4,900 (approx.)

- \$30 average bare root tree cost
- \$100 average potted tree cost
- Cost of labor: \$2700 (approx.)
- \$104 per tree replanted

Grand total: \$58,900 (approx.)*

- \$1,354 per tree removed and replaced

*Exact cost may change due to working constraints such as power lines, proximity to buildings, etc.



Fridley City Hall
 6431 University Ave N.E. Fridley, MN 55432
 (763) 571-3450 • FAX (763) 571-1287 • FridleyMN.gov

Dear valued Fridley resident,

We are facing an imminent threat regarding emerald ash borer and it directly affects you. We are starting an urban renewal program in response to the increase of emerald ash borer (EAB) throughout the state. The ash tree(s) on your boulevard have been examined by our expert tree inspectors for EAB risk and have been flagged for inclusion in this program. Your ash tree(s), and many in your area, will be marked and scheduled for removal beginning July 1st.

Don't worry – there is no cost to you and your tree will be replaced in the fall or spring. There are options below and we want to know your preferences. You will also have input on the location of the tree(s) to be planted at a later time.

Trees work hard for us! They provide shade, improved air quality, CO2 sequestration, watershed value, and they add aesthetic and property value to the streets of the city. We are committed to preserving the quality of our green spaces. Our goal is to improve the overall ecosystem health of the city by increasing tree species diversity.

We offer you the following options: (see reverse side for details)

Option 1: Choose your favorite tree(s) from the Option 1 list and you'll receive an established potted tree which we'll plant on your property in the front yard at no cost.

Option 2: Choose the most desirable tree(s) from the Option 2 list on the back side and you will receive a bare root tree to be planted on the city's boulevard at no cost. The city will try and accommodate your choice of tree, but we cannot guarantee you'll receive one of the trees you selected.

Option 3: Request that the city not replant anything after the ash tree is removed and allow grass to grow in its place. The city may still choose to plant a tree in the boulevard despite your preference if it is deemed necessary in your area.

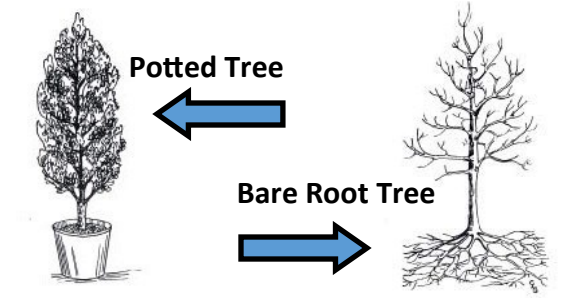
Think carefully about this decision. Trees commonly increase the overall property value of homes, while studies have shown that the presence of large trees around a home is proven to reduce energy costs by providing shade. Even small trees have a positive effect on a home's overall value and create a positive atmosphere throughout a neighborhood. We take pride in our rich environment and community here in Fridley. Your participation alongside the city's commitment to diversity in this reforestation project will help continue to build a legacy of trees for you to enjoy for decades.



Emerald Ash Borer: What makes this bug different?

Insects affecting trees is nothing new. Occurring naturally, insects play key roles in helping to keep forests healthy and aiding in decomposition. In this case, when non-native, invasive species were introduced into the environment, the results became problematic. A healthy tree can tolerate a few insects, but Emerald Ash Borer target ash trees and attack in masses, overpowering the tree's natural defenses. They feed on the living tissue of the tree causing the tree to die in as little as two years.

Option 1: Potted Tree Choice in Front Yard	Height	Shape	Growth Rate	Fall Color	Spring Flowers
American Elm	40+	Oval/Vase	Moderate/Fast	Yellow	No
American Linden	50+	Oval	Moderate	Yellow	Yes
Crabapple	15+	Round	Moderate	Yellow	Yes
Eastern White Pine	50+	Pyramidal	Moderate/Fast	Green	No
Paper Birch	50+	Round	Fast	Yellow	No
Red Maple	40+	Round	Moderate	Red	Yes
Serviceberry	15+	Oval	Moderate	Orange/Red	Yes
White Oak	50+	Oval	Slow/Moderate	Red/Brown	No
Option 2: Bare Root Tree in Boulevard	Height	Shape	Growth Rate	Fall Color	Spring Flowers
Bicolor Oak	40+	Oval	Moderate	Yellow/Brown	No
Hackberry	40+	Oval	Moderate/Fast	Yellow	No
Honeylocust	40+	Round	Fast	Yellow	No
Kentucky Coffeetree	50+	Oval	Slow	Yellow	No



Learn More
 Find sample pictures of these trees, details on the Emerald Ash Borer, tree care tips and additional forestry resources online:
FridleyMN.gov/emeraldash

Questions? We can help! Contact us at (763) 572-3554 or EAB@FridleyMN.gov

Thank you for helping to build our urban forest!

_____ trees removed

Item 1.

For each tree being removed (indicated in the upper right corner), please select one tree to replace it.

Please write a number in the box. Or register your choice(s) online at FridleyMN.gov/emeraldash

Option A: Potted Tree, yard

- American Elm
- American Linden
- Crabapple
- Eastern White Pine
- Paper Birch
- Red Maple
- Serviceberry
- White Oak

Option B: Bare Root Tree, boulevard

- Bicolor Oak
- Hackberry
- Honeylocust
- Kentucky Coffeetree

Option C: Request No Replanting

Your Name: _____

Address: _____

Daytime Phone: _____

Email: _____



Questions? Concerns? We can help! Contact us at (763) 572-3554 or EAB@FridleyMN.gov



Fridley City Hall

6431 University Ave N.E. Fridley, MN 55432

(763) 571-3450 • FAX (763) 571-1287 • FridleyMN.gov

Dear valued Fridley resident,

Thank you for participating in Fridley's Emerald Ash Borer Pilot Program. According to the response you sent us you have chosen **Option 1** (potted tree in front yard) and have selected a tree from that list. We will be planting your new tree this month. We have a simple three step plan to insure your tree will be planted in the best location and will grow to its greatest potential.

- Step 1 -

Please take the flag(s) we have included in this letter and place it in your front yard where you'd like us to plant your new tree(s). Please use the diagram we've included help understand your planting area. Plant the flag(s) anywhere between 15 feet from the curb to 25 feet from the curb.

- Step 2 -

A certified tree inspector from the city will come to look for your flag(s) and determine if it's a safe place to plant. We will do our best to accommodate your wishes, but we may need to adjust your flag(s) a short distance to avoid underground utility lines and/or overhead power lines. If you have questions about the relocation of your flag(s) please contact us at the number listed below.

- Step 3 -

Our employees at the Public Works Department will dig the hole and plant your new tree for you at no cost.

- Step 4 -

Congratulations on your new tree courtesy of the City of Fridley. Please take special care to water the young tree regularly to ensure its survival. The tree will also come with a protective tube which should be left on for 1-2 years after planting. A small amount of extra care for your new tree will go a long way to making it thrive.

Thank you again and we look forward to delivering your tree soon. If you have any further questions please call us at **763-572-3554** or email us at **EAB@fridleyMN.gov**.

Best Regards,

City of Fridley Public Works Department

For additional information about emerald ash borer, our pilot program, or tree care tips visit

FridleyMN.gov/emeraldash



Fridley City Hall

6431 University Ave N.E. Fridley, MN 55432

(763) 571-3450 • FAX (763) 571-1287 • FridleyMN.gov

Dear valued Fridley resident,

Thank you for participating in Fridley's Emerald Ash Borer Pilot Program. According to the response you sent us you have chosen **Option 2** (bare root tree in boulevard) and have selected a tree from that list. We will be planting your new tree this month. We have a simple three step plan to insure your tree will be planted in the best location possible and will grow to its greatest potential.

- Step 1 -

Please take the flag(s) we have included in this letter and place it in your front yard where you'd like us to plant your new tree(s). Please use the diagram we've included help understand your planting area. Plant the flag(s) anywhere between 6 - 15 feet from the curb.

- Step 2 -

A certified tree inspector from the city will come to look for your flag(s) and determine if it's a safe place to plant. We will do our best to accommodate your wishes, but we may need to adjust your flag(s) a short distance to avoid underground utility lines and/or overhead power lines. If you have questions about the relocation of your flag(s) please contact us at the number listed below.

- Step 3 -

Our employees at the Public Works Department will dig the hole and plant your new tree for you at no cost.

- Step 4 -

Congratulations on your new tree courtesy of the City of Fridley. Please take special care to water the young tree regularly to ensure its survival. The tree will also come with a stake and protective tube which should be left on for 1-2 years after planting. A small amount of extra care for your new tree will go a long way to making it thrive.

We'd like to remind residents that they may not receive the tree they selected due to our inventory and our objective to replant for diversity in your neighborhood. Thank you again and we look forward to delivering your tree soon. If you have any further questions please call us at **763-572-3554** or email us at **EAB@fridleyMN.gov**.

Best Regards,

City of Fridley Public Works Department

For additional information about emerald ash borer, our pilot program, or tree care tips visit **FridleyMN.gov/emeraldash**



AGENDA REPORT

Meeting Date: June 9, 2025

Meeting Type: City Council Conference Meeting

Submitted By: Patrick Maghrak, City Assessor
Joe Starks, Finance Director/City Treasurer

Title

Medtronic Tax Court Appeal

Background

Staff and the City Council will discuss the settled Medtronic tax court appeal.

Attachments and Other Resources

- None

Vision Statement

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



AGENDA REPORT

Meeting Date: June 9, 2025

Meeting Type: City Council Conference Meeting

Submitted By: Melissa Moore, Assistant City Manager

Title

Recodification Update

Background

Pursuant to Minnesota Statute § 415.02 and Fridley City Charter (Charter) § 1.02, the 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.

Project update

To date the City has completed work on the first six titles of the Code, reviewing 100 chapters and removing 285 pages of outdated and obsolete Code. Currently staff are working on two titles of the Code: Title No. 7, Licensing and Title No. 8, Franchises, Utilities and Right-of-Way.

Title	Timeline
Title No. 1 – General Provisions	Complete
Title No. 2 – Administration	Complete
Title No. 3 – Health, Safety and Welfare	Complete
Title No. 4 – Public Nuisance	Complete
Title No. 5 – Lands and Buildings	Complete
Title No. 6 – Zoning and Subdivision	Complete
Title No. 7 – Licensing	In progress
Title No. 8 – Franchises, Utilities and Right-Of-Way	In progress
Title No. 9 – Public Ways and Places	2025

Title No. 7, Licensing

Staff from City Clerk, Public Safety, Community Development and Building Inspections are reviewing the chapters that will make up the Licensing title. Staff have reviewed the City’s current Code, researched comparable city codes in the metro area and consulted best practices with a focus on process improvement. The proposed Code changes reflect staff’s recommendations for enhanced transparency and communication with licensees, improved internal business processes and compliance with County and State law.

Vision Statement

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

This evening's update will include proposed changes to the following chapters:

Chapter	What it does	Explanation of proposed changes
Auctions	Establishes consumer protections to regulate auction sales within the City.	The proposed changes: <ol style="list-style-type: none"> 1. Adds a purpose statement to the chapter 2. Removes language surrounding legal measures that may be taken between two private parties 3. Removes language regarding penalties, which are addressed in the Penalties Chapter of the Code.
Gasoline Sales	Establishes operational standards for fuel stations and fuel sales within the City.	The proposed changes: <ol style="list-style-type: none"> 1. Adds a purpose statement 2. Update the chapter's definitions to align with the State Fire Code 3. Removes sections (advertising, sales as advertised and misrepresentation) as these regulations are overseen by the Department of Commerce 4. Clarifies that each fuel station requires a City license and be inspected by the Fire Marshal 5. Establishes minimum standards of operation as they relate to zoning, litter clean-up, noise and exterior lighting.
Lawful Gambling	Establishes oversight of lawful gambling activities within the City.	The proposed changes: <ol style="list-style-type: none"> 1. Updates the purpose statement 2. Simplifies the definitions section 3. Updates the regulations section to align the Code with State law in regards to eligibility and gambling endorsements for establishments with an On-Sale Liquor License 4. Removes language regarding penalties and severability, which are addressed in Title Nos. 1 and 2 of the Code.
Pawn Shops	Establishes regulatory oversight of pawn businesses within the City.	The proposed changes: <ol style="list-style-type: none"> 1. Updates the purpose statement to align with State law and current practice 2. Updates and adds new definitions to align with State law 3. Consolidates all licensing rules and regulations
Tobacco Products	Establishes regulations for the sale and distribution of tobacco products within the City.	The proposed changes: <ol style="list-style-type: none"> 1. Adds a purpose statement 2. Consolidates all licensing rules and regulations 3. Consolidates sections together that address minimum standards of operation 4. Consolidates sections together that address violations and appeals

Vision Statement

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

Water Softeners	Required a permit for installation of water softeners.	At the recommendation of the Building Official, this chapter may be repealed because such permits are required by the State Building Code, which the City has already adopted in the Building Code Chapter of the Code.
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Staff request feedback and questions from the Council on these six chapters. Staff anticipate presenting the remaining chapters of Title No. 7 this summer. The remaining chapters include: Entertainment License, Food Establishments, Hotels and Motels, Liquor, Massage and Peddlers.

Attachments and Other Resources

- Auctions
- Gasoline Sales
- Lawful Gambling
- Pawn Shops
- Tobacco
- Water Softeners

Vision Statement

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

Fridley City Code
Chapter ~~17.XX~~ Auctions

XX.01 Purpose

The purpose of this Chapter is to protect consumers and regulate auction sales within the City of Fridley (City) by establishing standards for auctioneers, requiring proper documentation of sales, preventing fraudulent practices, and ensuring adequate facilities for auction events.

~~17.01.XX.02~~ Definitions

Auctioneer: a person who holds an auctioneering license issued by Anoka County, and who also holds a City auction license.

XX.03 Scope

This Chapter applies to licensed auctioneers who sell goods, wares or merchandise of any kind at public auction for anyone or for themselves; and any person who sells their own goods or property at public auction or private auction is an auctioneer within the meaning of this Chapter.

~~For the purpose of this Chapter, auctioneers are persons who sell goods, wares or merchandise of any kind at public auction for anyone or for themselves; and any person who sells their own goods or property at public auction or private auction is an auctioneer within the meaning of this Chapter.~~

The provisions of this Chapter ~~shall-do~~ not apply to judicial or sheriff's sales, sales made by executors or administrators, or to mortgage or lien foreclosure sales.

~~17.02.XX.04~~ Written Invoice

Every person whose property is being sold at auction ~~shall-must~~ give to each and every purchaser of any article or articles of property sold at auction a written invoice or statement containing a full description of the article or articles so sold at auction, ~~and~~ the selling price ~~thereof~~, and each and every warranty under which the article or articles are sold. This section is not applicable ~~to~~ items valued under \$100.00.

~~17.03.XX.05~~ False Statements

No auctioneer ~~shall-may~~ make or cause to be made any false or fraudulent representations or statements in respect to the character, kind, quality, condition, ownership, situation or value of any property exposed, put up or offered for sale at public auction, and no auctioneer ~~shall-may~~ put up or offer for sale at public auction any article or property in respect to which any false or fraudulent statement or representation ~~shall-may~~ have been made with the knowledge of said auctioneer as to the character, kind, quality, condition, ownership, situation or value of any such property.

~~17.04.XX.06~~ Booster

At any auction sale no person ~~shall~~may act or employ another to act as a buy-bidder, or what is commonly known as a capper or booster, or make or accept any false or misleading bid or falsely pretend to buy or sell any article sold or offered for sale at any such auction.

~~17.05. Remedy for Fraud~~

~~Any person who shall purchase any property at public auction in respect to which any false or fraudulent representation or statement as to the character, kind, quality, condition, ownership, situation or value of such property has been made by or to the knowledge of the auctioneer, may sue and recover from the auctioneer conducting such sale, or in whose name it shall have been conducted, such penalties and damages as are provided by law.~~

~~17.06.XX.07~~ Automobiles

No person ~~shall~~may sell or cause to be sold any motor vehicles in excess of two ~~(2)~~ vehicles at any auction unless the sale and auction bidding is conducted within a building. The building must have available to it sufficient off-street parking to accommodate the vehicles of the patrons, customers and other persons invited to said premises.

~~17.07. XX.08~~ Notification Required

No property or premises in ~~Fridley the City~~shall~~may~~ be used for the purpose of a public auction without having provided proof of state or county licensure and bond to the ~~city clerk~~City Clerk at least ~~fourteen (14)~~ days in advance of an auction. The notification to the City Clerk shall~~must~~ be made in writing indicating the following information: ~~(Ref 1324)~~

1. Address of property where sales are to be conducted;~~;~~
2. Nature of articles to be sold;~~;~~
3. Owners of property where sale is to be conducted;~~;~~~~—~~
4. Owners of articles to be sold;~~;~~
5. Hours of sale;~~;~~
6. Proposed dates of sale;~~;~~
7. Names, addresses and license numbers of auctioneers;~~;~~
8. If motor vehicle sales, the size and floor area of proposed sale building; and~~;~~
9. Plan for off~~;~~-street parking.

~~17.08. 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.~~

Fridley City Code
Chapter ~~13.XX~~ Gasoline Sales ~~Automotive Fuel Stations~~

XX.01 Purpose

The purpose of this Chapter is to establish specific operational standards for automotive fuel stations and fuel sales in the City of Fridley (City).

~~13.01.~~XX.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. Premium gasoline. When not otherwise determined by federal or state authority, shall mean any gasoline having not less than a research octane value of 97.0 as determined by test procedure D90856 of the American Society for Testing Materials. (Ref. 111).~~
- ~~2. Regular gasoline. Any gasoline having not less than a research octane of 88.0 as determined by test procedure D98056 of the American Society for Testing Materials.~~
- ~~3. Advertise. The offering for sale or selling to the general public, by advertisement, whether oral, written, printed or visual, or in any manner whatsoever of gasoline as herein defined.~~

Automotive fuel station: any property or any portion of property on which container(s) or tank(s), either portable or stationary, equipment, wells or terminals, or fuel dispensing devices are located and fuel is, or intended to be, transported, stored or dispensed on the property. Any facility that is either open to the public for sale of fuel or for private operations of or use in connection with any commercial, industrial, business, or governmental establishment, or for both. The provisions of this chapter shall not apply to any place where such flammable liquids are kept or sold for medicinal purposes only or for personal residential use with containers of not more than five gallons capacity.

Fuel: any flammable or combustible liquid(s), including but not limited to carbon bisulphide, gasoline, acetone, naphtha, benzole, hydrocarbon (gas drips), liquefied petroleum gas (propane), kerosene, turpentine, or other flammable liquids having a flash point below 165° F.

Fuel dispensing station: the designated area where hoses and nozzles are provided for the purpose of transferring and dispensing any fuel from a container or tank or similar vessel to any motorized vehicle or portable container.

Fuel dispensing device: any container, pump or other device for supplying any fuel to vehicles or container; and every hose or pipe for transmitting fuel passing over or under the ground.

~~13.02. Advertising of gasoline~~

~~No person shall advertise for sale to the public, or sell to the public, any gasoline as premium or high grade or high test or described by any similar term intended to convey the impression that such gasoline is premium quality or use the term ethyl in any gasoline advertisement in such a~~

~~manner as to indicate that the gasoline is of premium quality unless such gasoline has the octane value set forth above for premium gasoline.~~

~~13.03. Sales as advertised~~

~~No person shall advertise for sale to the public, or sell to the public, gasoline as regular or high test regular or high octane or high grade regular or under any other similar name unless such gasoline shall conform to the standards set forth in Section 13.01.~~

~~13.04. Misrepresentation~~

~~Each sale and each misrepresentation as to octane specification as herein defined shall constitute a separate offense.~~

~~13.05.XX.03 License required, fee~~

~~1. No gasoline pump shall automotive fuel station or fuel dispensing device may be erected, placed, kept or maintained in any location ~~whatsoever~~ within the City of Fridley unless it meets all applicable requirements of any zoning and or fire code prevention requirements of the Code and the owner or proprietor has obtained a license.~~

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

~~2. Each automotive fuel station must be maintained in accordance with the provisions of the Code and the Minnesota State Fire Code. Each automotive fuel station will be subject to one inspection per year by the Fire Marshal or a designee.~~

~~3. A license issued pursuant to this Chapter may be suspended or revoked for any violation of the Code or the Minnesota State Fire Code.~~

~~XX.04 Minimum Standards of Operation~~

~~To maintain the license to operate issued by the City, the operator must comply with the following minimum standards of operation:~~

~~1. Zoning. Automobile fuel stations are allowed pursuant to the zoning chapters of the Code. The standards and requirements for automotive fuel stations are in addition to those which are imposed for other uses and activities occurring on the property.~~

~~2. Litter. The licensee is responsible for litter control on the subject property, which is to occur on a daily basis. Waste receptacles must be provided at a convenient location on site to facilitate litter control.~~

~~3. Noise. The licensee is responsible for noise control on the subject property pursuant to the Noise Chapter of the Code. A public address system may not be audible past the subject property line.~~

4. Exterior Lighting. Sources of exterior illumination must be in compliance with the Lighting Chapter of the Code.

~~13.06.XX.05~~ Public nuisance

~~Whenever the Council shall find that a gasoline pump has previously been erected, placed, kept or maintained in any location, and that such erection, placement, keeping or maintaining has caused, or tends to cause a public nuisance, whether the same be by reason of danger of fire, traffic safety wise, unsanitary conditions on the premises, or other factors injurious to public health, safety and the general welfare, that then the Council may withhold the granting of a further license or permit required therefore, with respect to any premises upon which the same are located until such nuisance or threatened nuisance be corrected or abated, as the case may be, or the Council may issue the same upon condition that any such nuisance be corrected and abated and cease to exist within such a reasonable period of time as the Council shall state.~~

If an automotive fuel station or a fuel dispensing device is found to create a public nuisance, the City may delay or add conditions to the required license. A public nuisance could include fire hazards, traffic safety problems, unsanitary conditions, or anything else that could harm public health, safety and welfare. The City will withhold licenses until the nuisance are repaired and have been inspected.

~~13.07. ——— 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.~~

Fridley City Code
Chapter ~~30:XX~~ Lawful Gambling

~~30.01:XX.01~~ Statement of Policy Purpose

~~The City of Fridley deems it desirable to regulate lawful gambling within its jurisdiction as authorized by Minnesota Statutes, Section 349.213. The City finds that, for the purposes of greater supervision and access of information, a more restrictive requirement for the location of licensed organizations to those located within the City is in the interest of the health and safety of the citizens of the City of Fridley. The City of Fridley (City) deems it necessary to establish regulatory oversight of lawful gambling activities through enhanced supervision to promote the health, safety and welfare of the public, as authorized by Minnesota Statute (M.S.) § 349.213.~~

~~30.02:XX.02~~ Definitions

~~The definitions in Minnesota State Statutes Chapter 349 are adopted by reference in this chapter. Licensed organizations in the City of Fridley may be permitted to conduct lawful gambling or use any gambling device allowable by Chapter 349.~~

~~Licensed Organizations: In order to be eligible for a premises permit, an organization must meet the following requirements:~~

~~The activities of the organization directly or primarily benefit the citizens of Fridley.~~

- ~~A. One-third of the organization's members reside in the City of Fridley. The organization must file a list containing the names and addresses of all current members with each new application for a premises permit; and annually thereafter with the city clerk; or the organization must have had a principal business or operations location in the City of Fridley for a continuous period of at least one year immediately preceding the permit request and must maintain such a location to conduct business as long as the organization operates lawful gambling activities in the city. Organizations that meet one of these conditions shall be considered a qualifying organization.~~

~~30.03:XX.03~~ Regulations

- ~~1. Licensed organizations in the City may be permitted to conduct lawful gambling or use any gambling device allowed by M.S. Chapter 349.~~
- ~~2. A licensed organization may not conduct lawful gambling at any site until it has first obtained from the Gambling Control Board a premises permit for the site. The Board will not issue a premises permit unless the organization submits with its application a resolution from the City Council approving the permit.~~
- ~~3. To be eligible for a permit, an organization must directly or primarily benefit the citizens of the City.~~

~~1.4.~~ Licensed organizations conducting lawful gambling within the City ~~of Fridley shall~~ must expend ~~fifty percent (50%)~~ of its expenditures for lawful purposes conducted or located within the City's ~~of Fridley~~ trade area. The ~~Fridley City's~~ trade area is limited to the City ~~of Fridley~~ and each city contiguous to the City ~~of Fridley~~.

~~2.5.~~ Licensed organizations conducting lawful gambling within the City ~~of Fridley~~ must file a copy of monthly gambling board financial reports to the ~~Fridley~~ City Clerk.

~~3.6.~~ Licensed organizations conducting lawful gambling within the City ~~of Fridley~~ in an establishment licensed under ~~Chapter 603 Entitled "Intoxicating Liquor" or Chapter 606 Entitled "Intoxicating Liquor On-Sale Club"~~ the Liquor Chapter of the Fridley City Code may sell pull-tabs from a booth used solely by the licensed lawful gambling organization, or conduct such other forms of lawful gambling with lawful gambling devices as may be permitted by ~~state~~ State law and authorized by the City. Lawful gambling ~~shall~~ may neither be conducted by employees of the liquor establishment or conducted from the bar area.

~~4.7.~~ Licensed organizations conducting lawful gambling in the City ~~of Fridley shall~~ bear responsible for booths and other equipment used in lawful gambling.

~~5. No bingo hall license holder or lawful gambling license holder shall permit bingo to be conducted on the premises more than 4 days in any week, or permit more than 12 bingo occasions in any week.~~

~~8. Gambling endorsements for on-sale liquor licenses issued pursuant to the Liquor Chapter of the Code are subject to the following regulations, which are be deemed as a part of the license, and failure of compliance may constitute grounds for adverse action as prescribed in the Code:~~

~~(a) Use of the licensed premises must be by means of a State approved lease agreement between the licensee and the licensed organization. A copy of the lease must be filed with the City Clerk, and also a copy must be kept on the premises and available for public inspection upon request. Leases are be governed by the following:~~

~~(1) Any form of lawful gambling permitted by the State as defined by M.S. Chapter 349 and otherwise approved or licensed by the City may be conducted on the licensed premises.~~

~~(2) Pulltabs may only be conducted from a booth used solely by the licensed lawful gambling organization. Lawful gambling may neither be conducted by employees of the licensee or conducted from the bar service area.~~

~~(3) The construction and maintenance of the booth used by the licensed lawful gambling organization is the sole responsibility of the licensed lawful gambling organization.~~

~~(b) Only one licensed lawful gambling organization is permitted to conduct lawful gambling on the licensed premises.~~

(c) The licensee may not be reimbursed by the licensed lawful gambling organization for any license or permit fees, and the only compensation which the licensee may obtain from the licensed lawful gambling organization is the rent fixed in the lease agreement.

(d) The licensee is responsible for the licensed lawful gambling organization's conduct. The City Council may suspend the licensee's permission to allow lawful gambling on the premises for a period up to 60 days for any violation of State or local gambling laws or regulations that occur on the premises by anyone, including the licensee or the licensed lawful gambling organization. A second violation within a 12-month suspension period, and any additional violations within a 12-month period will may result in the revocation of the lawful gambling permission and may also be considered by the Council as grounds for suspension or revocation of the on-sale liquor license.

(e) Establishments licensed by the City for the sale of alcoholic beverages must seek qualifying organizations as defined in the Intoxicating Liquor Chapter of the Code whenever they contract with organizations to conduct lawful gambling on their premises. If the owner of the establishment is unsuccessful at locating a qualifying organization, they may attest to that fact on their liquor license application. The Council may waive this requirement for a non-qualifying organization.

~~30.04.XX.04~~ Local Gambling Tax

A local gambling tax of ~~three percent (2%)~~ of the gross receipts from lawful gambling, lawful gambling, less prizes actually paid by the organization, ~~shall will~~ be paid to the City for the purpose of regulating said gambling. Any tax not utilized in conjunction with regulating said gambling ~~shall will~~ be returned to the contributing organizations annually. Organizations operating under a State and City approved lawful gambling exemption certificate are exempt from the local gambling tax.

~~30.05.XX.05~~ State License Exemptions—and Exclusions, City Permit Required

1. Lawful gambling that is exempt or excluded from a license under ~~Minnesota Statute, section M.S. § 349.166214~~, ~~shall requires~~ a City permit. Application for a permit ~~shall must~~ be made to the City Clerk with payment of the specified fee ~~in Chapter 11 of the City as established in the Fees Chapter of the~~ Code.
2. To qualify for a City permit, an organization must be in existence for at least three years and have at least 15 active members.

~~30.06. SEVERABILITY~~

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

~~30.07. 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.~~

Fridley City Code
Chapter ~~31.XX~~ Pawn Shops

~~31.01XX.01~~ Purpose

The ~~Fridley City Council~~ Council (Council) finds that the use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The ~~City~~ Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The ~~City~~ Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. ~~The City Council further finds that the pawn industry has outgrown the City's current ability to effectively or efficiently identify criminal activity related to pawn shops.~~ The purpose of this ~~chapter~~ Chapter is to prevent pawn businesses from being used as facilities for the commission of crimes and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the City of Fridley (City).

~~To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the Automated Pawn System (APS).~~

~~31.02XX.02~~ Definitions

The following words and terms when used in this Chapter shall have the following meanings:

1. ~~Licensee.~~

~~The person, corporation, company, partnership, or association to whom a license is issued under this Chapter including any agents or employees of the person, corporation, company, partnership, or association.~~

2. ~~Minor.~~

~~Any natural person under the age of eighteen (18) years.~~

3. ~~Pawnbroker.~~

~~A person, corporation, partnership, or association who loans money on deposit or pledge of personal property or other valuable things or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price or who loans money secured by security interest on personal property or any part thereof. This Chapter does not apply to a person, corporation, partnership, or association doing business under and as permitted by any law of this State or of the United States relating to banks, building and loan associations, savings and loan associations, trust companies or credit unions.~~

~~4. Public Safety Director.~~

~~The Public Safety Director of the City of Fridley or the Director's designee.~~

~~5. City.~~

~~The City of Fridley, Minnesota, a municipal corporation.~~

~~6. Reportable Transaction.~~

~~Every transaction conducted by a pawnbroker in which merchandise is received through a pawn purchase, consignment or trade, or in which a pawn is renewed, extended, redeemed or voided, is a reportable transaction except:~~

~~A. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a number which relates it to that transaction record.~~

~~B. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.~~

~~7. Billable Transactions.~~

~~Every reportable transaction conducted by a pawnbroker except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession is a billable transaction.~~

~~8. Acceptable Identification.~~

~~Acceptable forms of identification are a current valid Minnesota driver's license, a current valid Minnesota identification card, or a current valid photo identification card issued by another state or a province of Canada.~~

Acceptable Identification: a current valid Minnesota driver's license, a current valid Minnesota identification card, or a current valid photo identification card issued by another state or a province of Canada.

Billable Transactions: every reportable transaction conducted by a pawnbroker except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations is a billable transaction.

Licensee: the person, corporation, company, partnership, or association to whom a license is issued under this Chapter including any agents or employees of the person, corporation, company, partnership or association.

Minor: any person under the age of 18 years.

Operating officer: the person responsible for the day-to-day operating decisions of the licensed premises.

Pawnbroker: a person, corporation, partnership, or association who loans money on deposit or pledge of personal property or other valuable thing or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price or who loans money secured by security interest on personal property, taking possession of the property or any part thereof. This Chapter does not apply to a person, corporation, partnership, or association doing business under and as permitted by any law of this State or of the United States relating to banks, building and loan associations, savings and loan associations, trust companies or credit unions.

Reportable Transaction: every transaction conducted by a pawnbroker in which merchandise is received through a pawn purchase, consignment or trade, or in which a pawn is renewed, extended, redeemed or voided, or for which a unique transaction number or identifier is generated by a point-of-sale software or system, or an item is confiscated by law enforcement is a reportable transaction except:

1. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a number which relates it to that transaction record.
2. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold or redemption periods have expired.

~~31.03. License Required~~

~~No person, corporation, partnership, or association shall exercise, carry on or be engaged in the trade or business of pawnbroker without first obtaining a license from the City as provided in this Chapter.~~

~~31.04. Initial License Application~~

~~1. General.~~

~~Applications for pawnbrokers' licenses to be issued under this Chapter shall contain information as required on forms prescribed by the City.~~

~~2. Nature of Application.~~

~~The application shall state whether the applicant is a natural person, corporation, partnership or other form of organization.~~

~~3. Natural Person,~~

~~If applicant is a natural person, the following information shall be furnished~~

~~A True name, place and date of birth and street residence address and length of time at that address, of applicant.~~

~~B. Whether applicant has ever used or been known by a name other than his true name and, if so, what was such name or names, and information concerning dates and places where used.~~

~~C. The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant~~

~~D. Kind, name and location of every business or occupation applicant has been engaged in during the preceding five (5) years.~~

~~E. Names and addresses of applicant's employers and partners, if any, for the preceding five (5) years.~~

~~F. Whether applicant has ever been convicted of a felony, gross misdemeanor or misdemeanor, excluding traffic violations, and if so, the date and place of conviction and the nature of the offense.~~

~~G. If applicant has not resided in the City for three (3) years last preceding the date of application, at least four (4) character references from residents of the State of Minnesota.~~

~~4 Partnership.~~

~~If applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant. A managing partner, or partners, shall be designated. The interest of each partner in the business shall be disclosed.~~

~~5. Corporation.~~

~~If applicant is a corporation or other association, the following information shall be required,~~

~~A. Name and, if incorporated, the state of incorporation.~~

~~B. A true copy of the certificate of incorporation, articles of incorporation or association agreement and by-laws and, if a foreign corporation, a certificate of authority as described in Minnesota Statutes~~

~~C. The name, of the operating officer or proprietor or other agent in charge of the promises to be licensed, giving all the information about said person as is required of a~~

single applicant. As used in this Chapter, the term "operating officer" shall mean the person responsible for the day-to-day operating decisions of the licensed premises.

~~D. — A list of all persons who, singly or together with their spouse, or a parent, brother, sister or child or either of them, own or control an interest in said corporation or association in excess of five percent (5%) or who are officers or directors of said corporation or association; together with their addresses and all information as is required of a single applicant.~~

~~6. — New Manager.~~

~~When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within fourteen (14) days. The applicant must include all appropriate information required in section 31.04.~~

~~7. — Description of premises.~~

~~A. — Legal Description.~~

~~The exact legal description of the premises to be licensed, together with a siteplot plan of the area for which the license is sought showing dimensions, location of buildings, street access, and parking facilities.~~

~~B. — Street Address.~~

~~The street address of the premises for which application is made.~~

~~8. — Taxes.~~

~~Whether or not all real estate taxes, assessments, or other financial claims of the City, State or Federal government for the business and premises to be licensed have been paid, and if not paid, the years for which delinquent.~~

~~9. — Other Information Required.~~

~~Such other information as the City Council shall require.~~

31.05. Renewal Applications

~~1. — License Period, Expiration.~~

~~Each renewal license shall be issued for a maximum period of one year.~~

31.06. Execution of Application

~~If application is by a natural person, it shall be signed and sworn to by such person; if by a corporation or company, by an officer thereof; if by a partnership, by one of the general partners; if by an incorporated association, by the operating officer or managing officer thereof. If the applicant is a partnership, the application, license and bond shall be made and issued in the name of all partners. Any false statement in an application shall result in denial of the application.~~

~~31.07. Granting Licenses~~

~~1. At the time of making an initial or renewal application, the applicant shall, in writing, authorize the Police Department to investigate all facts set out in the application and do a personal background and criminal record check on the applicant. The applicant shall further authorize the Police Department to release information received from such investigation to the City Council.~~

~~2. Each license shall be issued to the applicant only and shall not be transferable.~~

~~3. Each license shall be issued only for the premises described in the application and shall not be transferable to a different location.~~

~~4. No change in ownership, control or location of a license shall be permitted except by amendment to the license which amendment must be approved by the City Council.~~

~~5. No more than two (2) licenses shall be issued by the City at any time and priority shall be given to qualified applicants for renewal of existing license.~~

~~31.08. License Fees Established~~

~~1. Billable Transaction Fees~~

~~Licenses shall pay a monthly transaction fee on all billable transactions as specified in Chapter 11, General Provisions and fees, of the Fridley City Code. Such fee shall be due and payable within 30 days. Failure to timely pay the billable transaction fee shall constitute a violation of this section.~~

~~2. Annual Fees.~~

~~The annual license fee for licenses required by this article shall be in the amounts as specified in Chapter 11, General Provisions and Fees, of the Fridley City Code.~~

~~3. Investigation Fees.~~

~~At the time, of each original application for a license, the applicant shall pay, in full, an investigation fee. The investigation fee shall be as specified in Chapter 11, Provisions and Fees, of the Fridley City Code.~~

~~31.09. Payment of Fees~~

~~1. Initial Fees.~~

~~The annual license and investigation fees for a new license shall be paid in full before the application for the license is accepted. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the Council, the license fee only shall be refunded to the applicant except where rejection is for a willful misstatement in the license application. If any investigation outside the State of Minnesota is required, the applicant shall be charged the cost which shall be paid by the applicant, prior to issuance of a license, after deducting the initial investigation fee, whether or not the license is granted.~~

~~2. Pro Rated Fee for New Licenses.~~

~~If the application for a new license under this Chapter is made during a license year, a license may be issued for the remainder of the license year for a fee assessed proportionately by the number of months remaining in the license year. Any fraction of a month will be counted as a complete month.~~

~~No refund, reduction, or adjustment of a license fee shall be made to any licensee that ceases operation during the term of the license.~~

~~3. Renewal Fees.~~

~~The annual license fee for renewal of a license, shall be paid in full at the time the renewal application is filed with the City.~~

~~31.10. Bond Required~~

~~At the time of filing, in application for a license, the applicant shall file a bond in the amount of Five Thousand Dollars (\$5,000) with the City. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the City Attorney. Said bond must be conditioned that the licensee shall observe the ordinances of the City, in relation to the business of pawnbroker, and that the licensee, will account for and deliver to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker or in lieu thereof such licensee shall pay the person or persons the reasonable value thereof.~~

~~31.11. Persons and Places Ineligible for License~~

~~1. No license shall be granted to or held by any person who:~~

~~A. Is a minor at the time the application is filed.~~

~~B. Has been convicted of any crime directly related to the occupation licensed, as prescribed by Minnesota Statutes, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a pawnbroker.~~

XX.03 License Required

1. No person, corporation, partnership, or association may exercise, carry on or be engaged in the trade or business of pawnbroker without first obtaining a license from the City as provided in this Chapter.

2. No more than two licenses will be issued by the City at any time and priority will be given to qualified applicants for renewal of existing license.

3. Applications must be made with the City in the format prescribed by the City.

4. License application. The following information must be furnished:

(a) True name, place and date of birth and street residence address and length of time at that address, of applicant.

(b) Whether applicant has ever used or been known by a name other than his true name and, if so, what was such name or names, and information concerning dates and places where used.

(c) The name of the business if it is to be conducted under a designation, name or style other than the full individual name of the applicant

(d) Kind, name and location of every business or occupation applicant has been engaged in during the preceding five years.

(e) Names and addresses of applicant's employers and partners, if any, for the preceding five years.

(f) Whether applicant has ever been convicted of a felony, gross misdemeanor or misdemeanor, excluding traffic violations, and if so, the date and place of conviction and the nature of the offense.

(g) If applicant has not resided in the City for three years last preceding the date of application, at least four character references from residents of the State of Minnesota.

(h) Description of premises. Licenses are required to provide the exact legal description of the premises to be licensed, together with a site plan of the area for which the license is sought showing dimensions, location of buildings, street access, and parking facilities.

(i) Whether or not all real estate taxes, assessments, or other financial claims of the City, State or Federal government for the business and premises to be licensed have been paid. If not paid, the years for which delinquent.

(j) Partnership. If applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant. A managing partner, or partners, must be designated. The interest of each partner in the business must be disclosed.

(k) Corporations and companies. If applicant is a corporation, company or other association, the following information is required:

(1) Name and, if incorporated, the state of incorporation.

(2) A true copy of the certificate of incorporation, articles of incorporation or association agreement and by-laws and, if a foreign corporation or company, a certificate of authority as described in Minnesota Statutes.

(3) The name, of the operating officer or proprietor or other agent in charge of the premises to be licensed, giving all the information about said person as is required of a single applicant.

(4) A list of all persons who, singly or together with their spouse, or a parent, sibling or child or either of them, own or control an interest in said corporation or association in excess of 5% or who are officers or directors of said corporation or association; together with their addresses and all information as is required of a single applicant.

(l) Execution of application. If application is by a natural person, it must be signed and sworn to by such person; if by a corporation or company, by an officer thereof; if by a partnership, by one of the general partners; if by an incorporated association, by the operating officer or managing officer thereof. If the applicant is a partnership, the application, license and bond must be made and issued in the name of all partners. Any false statement in an application will result in denial of the application.

(m) Such other information as the City Council, City Manager or the Public Safety Director require.

5. New manager. When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the licensee must complete and submit the appropriate application within 14 days.

6. Granting licenses.

(a) At the time of making an initial or renewal application, the applicant must, in writing, authorize the Police Division to investigate all facts set out in the application and do a personal background and criminal record check on the applicant. The applicant must further authorize the Police Division to release information received from such investigation to the City Council.

(b) Each license will be issued to the applicant only and is not transferable.

(c) Each license will be issued only for the premises described in the application and is not transferable to a different location.

(d) No change in ownership, control or location of a license will be permitted except by amendment to the license which amendment must be approved by the Council.

7. Fees. Fees for this license are set in the Fees Chapter of the Code.

(a) Licensees must pay a monthly transaction fee on all billable transactions. Such fee is due and payable within 30 days. Failure to pay the billable transaction fee will constitute a violation of this Chapter and license conditions.

(b) Initial license fees. The annual license and investigation fees for a new license must be paid in full before the application for the license is accepted. Upon rejection of any application for a license or upon withdrawal of an application before approval of the issuance by the Council, the license fee only will be refunded to the applicant except where rejection is for a willful misstatement in the license application. If any investigation outside the State of Minnesota is required, the applicant will be charged the cost of the out of state investigation, prior to issuance of a license, after deducting the initial investigation fee, whether or not the license is granted.

(c) Pro Rated Fee for New Licenses. If the application for a new license under this Chapter is made during a license year, a license may be issued for the remainder of the license year for a fee assessed proportionately by the number of months remaining in the license year. Any fraction of a month will be counted as a complete month. No refund, reduction, or adjustment of a license fee will be made to any licensee that ceases operation during the term of the license.

(d) The annual license fee for renewal of a license, must be paid in full at the time the renewal application is filed with the City. The license renewal fee is set in the Fees Chapter of the Code.

8. Bond required. At the time of filing an application for a license, the applicant must file a bond in the amount set forth in the Fees Chapter of the Code. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the City Attorney. Said bond must be conditioned that the licensee will observe the Code of the City, in relation to the business of pawnbroker, and that the licensee, will account for and deliver to any person legally entitled thereto any articles which may have come into the possession of the licensee as pawnbroker or in lieu thereof such licensee must pay the person or persons the reasonable value thereof. The bond must also contain a provision that no bond may be canceled except upon 30 days' written notice to the City.

9. To help the Police Division regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, licensed pawn businesses in the City must participate the pawn transaction database specified by the City.

XX.04 Persons and Places Ineligible for License

No license will be granted to or held by any person who:

1. Is a minor at the time the application is filed.
2. Has been convicted of any crime directly related to the occupation licensed, as prescribed by Minnesota Statutes § 364.03, subd. 1, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this Chapter as prescribed by Minnesota Statutes § 364.03, subd. 3.
3. Is not of good character and repute, as determined by the Council.

31.12-XX.05 Conditions of License

1. Records. Every license, at the time of receipt of an article deposited, left, sold, purchased, pledged or pawned, ~~shall~~must immediately record, in English, on forms or in an electronic ~~date~~data storage and retrieval system approved by the Public Safety Director or a designee, the following information:

~~A.~~ (a) A complete and accurate description of the article, including but not limited to, any manufacture name, brand name, model number, serial number, identification number, or other identifying mark.

~~B.~~ (b) The amount of money received by the person pawning, pledging, or selling the article, together with the annual rate of interest and the amount required to redeem the article if it was pawned or pledged.

~~C.~~ (c) The date, time and place of receipt of the article, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records. Transaction identifiers must be consecutively numbered.

~~D.~~ (d) The full name, date of birth, current residence, current telephone number if possessed, and a reasonably accurate description of the person from whom the article was received including at a minimum sex, height, weight, and race, color of eyes and color of hair.

~~E.~~ (e) The identification number and state of issue from any one of the following forms of identification:

(1) Current valid driver's license;

(2) Current valid photo identification card issued by the State of Minnesota, another state or a province of Canada;

(3) Current valid military identification card; or

(4) Current valid passport.

~~F.~~ (f) The name or unique identifier of the licensee or employee that conducted the transaction.

~~G.~~ ~~(g)~~ The signature of the person identified in the transaction.

~~H.~~ ~~(h)~~ The licensee must also take a color photograph or color video recording of:

(1) Each customer involved in a billable transaction.

(2) Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed to the item.

(3) If a photograph is taken, it must be at least two ~~(2)~~ inches in length by two ~~(2)~~ inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which it relates. Such photographs must be available to the Public Safety Director or his designee upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three ~~(3)~~ months and surrendering it to the police department upon request.

~~I.~~ ~~(i)~~ Effective ~~sixty (60)~~ days from notification by the police department, licensees must fulfill the color photograph requirements ~~in section 31.12.1.H~~ by submitting them as digital images in a format specified by the ~~issuing authority~~ Police Division, electronically, cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements ~~in subdivision H~~.

~~J.~~ ~~(j)~~ For renewals, extensions and redemptions, the licensee ~~shall~~ must provide the original transaction identifier, the date of the current transaction, the type of transaction.

2. Disposition Of Articles

~~A.~~ ~~(a)~~ When any article of pawned or pledged property is redeemed from a licensee, the records ~~shall~~ must contain an account: of such redemption with the date, interest charges accrued, and the total amount for which the article was redeemed.

~~B.~~ ~~(b)~~ When an article of purchased or forfeited property is sold or disposed of by a licensee and the licensee receives ~~one-hundred dollars (\$100.00)~~ or more in payment thereof, the records ~~shall~~ must contain an account of such sale with the date, and telephone number of the person to whom sold.

3. Inspection of Records. The records referred to in this section ~~shall~~must be open to the inspection of the Public Safety Director or a designee at all reasonable times and ~~shall~~must be retained by the licensee for at least three ~~(3)~~ years. Entries of required digital images ~~shall~~must be retained a minimum of ~~ninety (90)~~ days.

4. Label Required. Licensees must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the pawn shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels ~~shall~~may not be reused.

5. Receipt. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three ~~(3)~~ years. The receipt must include at least the following information:

A. ~~_____~~(a) The name, address and telephone number of the licensed business.

B. ~~_____~~(b) The date and time the item was received by the licensee.

C. ~~_____~~(c) Whether the item was pawned or sold, or the nature of the transaction.

D. ~~_____~~(d) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such ~~an~~ item.

E. ~~_____~~(e) The signature of unique identifier or the licensee or employee that conducted the transaction.

F. ~~_____~~(f) The amount advanced or paid.

G. ~~_____~~(g) The monthly and annual interest rates, including all pawn fees and charges.

H. ~~_____~~(h) The last regular day of business by which the item must be redeemed by the pledgee without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

I. ~~_____~~(i) The full name, current residence address, current residence telephone number, and date of birth of the pledgor or seller.

J. ~~_____~~(j) The identification number and state of issue of any of the following forms of identification of the seller:~~from an acceptable form of identification.~~

(1) Current valid Minnesota driver's license;

(2) Current valid Minnesota identification card;

(3) Current valid photo driver's license or identification card issued by another state or Canadian province;

(4) Current valid military identification card; or

(5) Current valid passport.

~~K.~~ (k) Description of the pledgor or seller, including sex, height, weight, race, color of eyes and color of hair.

~~L.~~ (l) The signature of the pledgor or seller.

~~M.~~ (m) All printed statements as required by Minnesota ~~State~~ Statute § 325J.04, subdivision-subd. 2, or any other applicable statutes or rules.

6. Daily Reports to Police

~~A.~~ (a) Unless otherwise authorized by the Police ~~Department~~Division, licensees must provide to the Police ~~Department—Division~~ the information required in ~~Section 31.12.1~~Section XX.05 (1) by transferring that information from their computer to the Police ~~department—Division via modem to the pawn reporting software via modem using the current version of the pawn reporting software.~~ All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the City ~~of Fridley~~ using a dial callback protocol or other procedures that address security concerns of the licensees and the City ~~of Fridley~~. The licensee must display a sign of sufficient size, in a conspicuous place on the premises, which informs all patrons that all transactions are reported to the Police ~~Department~~Division daily.

~~B.~~ (b) Licensees will be charged monthly for billable transactions at the current rate established by the ~~City~~ Council.

~~C.~~ (c) If a licensee is unable to successfully transfer the required reports to the pawn reporting software by modem, the licensee must provide the Police ~~Department—Division~~ printed copies of all reportable transactions along with the video tape(s) for that date by ~~12:00 o'clock~~ noon the next business day. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports as provided for herein, but may be charged a reporting failure penalty, established by the ~~City~~ Council, each day until the error is corrected. If the problem is determined to be outside the licensee's system, the licensee must continue to provide the information as provided herein, and resubmit all such transactions via the pawn reporting software—modem when the error is corrected. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee ~~shall—must~~ upload every reportable transaction from every business day the problem existed.

~~D.~~ (d) If a licensee is unable to capture, digitize or transmit the photographs required in Section ~~31.12.1-XX.05 (1)~~, the licensee must immediately take all required photographs with a still-camera, ~~immediately develop the pictures,~~ cross reference the photographs to the correct transaction, and deliver them to the Police ~~Department-Division~~ by ~~12:00 o'clock~~ noon the next business day. Licensees may be subject to an additional charge for each photograph submitted in this manner after the close of the first business day following failure.

~~E.~~ (e) Notwithstanding any other provisions herein, the Public Safety Director or a designee, ~~or his designee,~~ upon presentation of extenuating circumstances, may extend the period before any additional charges are imposed for the manual reporting of billable transactions.

7. Redemption Period

Any person pledging, pawning or depositing an article for security ~~shall~~ must have a minimum of ~~ninety (90)~~ days from the date of that transaction to redeem the article before it may be forfeited and sold. During the ~~ninety (90)~~ day holding period articles ~~shall~~ may not be removed from the licensed premises.

Licensees are prohibited from redeeming any article of property to anyone other than the person to whom the receipt was issued; or to any person identified in a written and notarized authorization to redeem the article(s) of property identified in the receipt; or to a person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor; or with the approval of the Public Safety Director or a designee. Written authorization for release of articles of property to persons other than the original pledgor must be maintained along with the original transaction record.

8. Holding Period

No article of property pledged, pawned or on deposit for security with any licensee ~~shall~~ may be permitted to be redeemed for a period of ~~seventy-two (72)~~ hours from the date of transaction, excluding Sundays and holidays, except upon written authorization of the Public Safety Director or a designee.

No article of property purchased by a licensee may be sold or otherwise disposed of for ~~thirty (30)~~ days from the date of the transaction except that articles of property for which there exists a valid certificate of title issued by the State of Minnesota, showing ownership and registration by the person from whom the article was received, may be sold or otherwise disposed of ~~ten (10)~~ days from the date of transaction.

9. Police Restrictions on Sale or Redemption

~~A.~~ (a) Investigative Hold. Whenever a law enforcement official from any agency, acting in the course and scope of ~~his or her~~ their duties, notifies a licensee not to sell or permit to be redeemed an article of property in the licensee's possession, the article may not be

sold, redeemed or removed from the premises by the licensee. The Investigative Hold ~~shall must~~ be confirmed in writing by the originating agency within ~~seventy-two (72)~~ hours and will remain in effect for ~~fifteen (15)~~ days from the date of notification, or until the hold is cancelled, or until a Police Hold is issued pursuant to ~~section 31.12.9.BXX.05 (9) (b)~~, or until the article is confiscated, whichever comes first.

~~B.~~ ~~(b)~~ Police Hold. Whenever the Public Safety Director ~~or a designee~~ notifies a licensee not to sell or permit to be redeemed an article of property in the licensee's possession, the article may not be sold, redeemed or removed from the premises by the licensee. The Police Hold ~~shall must~~ be confirmed in writing within ~~seventy-two (72)~~ hours and will remain in effect for ~~ninety (90)~~ days from the date of notification unless the Public Safety Director ~~or a designee~~ determines the hold is still necessary and notifies the licensee in writing. When a Police Hold is no longer needed the Public Safety Director ~~or a designee~~ ~~shall will~~ so notify the licensee.

~~C.~~ ~~(c)~~ Confiscation. If an article of property in the licensee's possession is determined to be stolen, it may be confiscated and seized as evidence by any police officer. A request for restitution from any person charged in regards to the stolen property confiscated ~~shall will~~ be made on behalf of the licensee. When an article of property is confiscated, the person doing so ~~shall must~~ provide identification upon request of the licensee, and ~~shall must~~ complete a confiscation report providing at a minimum the name and telephone number of the confiscating agency and investigator, and the case number of the police report related to the confiscation. The confiscation report ~~shall must~~ be included with the daily reports to police, submitted by the licensee, for review by the Public Safety Director ~~or a designee~~.

10. Payment by Check. Payment of more than ~~five hundred dollars (\$500.00)~~ by any licensee for any article deposited, left, purchased, pledged or pawned ~~shall may~~ be made only by a check, draft or other negotiable or nonnegotiable instrument or order of withdrawal which is drawn against funds held by a financial institution.

11. Posting License. All licensees ~~shall must~~ post their licenses, in a conspicuous place, in the licensed premises under the licensed activity.

12. Responsibility of Licensee. The conduct of agents or employees of a licensee, while engaged in performance of their duties for their principal or employer under such license, ~~shall will~~ be deemed the conduct of the licensee.

13. Penalty for Property Owner. It is unlawful for any person who owns or controls any real property to knowingly permit it to be used for pawnbroking without a license required by this Chapter.

14. Business at Only One Place. A license under this Chapter authorizes the licensee to carry on its business only at the permanent place of business designed in the license. However, upon written request, the Public Safety Director ~~or a designee~~ may approve an off-site locked and secure storage facility. The licensee ~~shall must~~ permit inspection of the facility in accordance with Section ~~31.14XX.07~~. All provisions of this Chapter regarding record keeping and reporting apply to the

facility and its contents. Articles of property ~~shall~~must be stored in compliance with all provisions of the City Code.

~~31.13.XX.06~~ Restricted Transactions

1. No licensee ~~shall~~may be open for the transaction of business on any day of the week before 7:00 a.m. or after 10:00 p.m.
2. No licensee ~~shall~~may purchase, accept, or receive any article of property from any minor or from any person of unsound mind or from an intoxicated person.
3. No licensee ~~shall~~may purchase, accept, or receive any article of property which contains an altered or obliterated serial number or an article of property whose serial number has been removed.
4. No licensee may purchase, accept, or receive any article of property knowing, or having reason to know, that the article of property is encumbered by a security interest. For the purpose of this section "security interest" means an interest in property which secures payment or other performance of an obligation.
5. No licensee ~~no~~nor any agent or employee of a licensee ~~shall~~may purchase, accept, or receive any article of property from any person knowing, or having reason to know, that said person is not the true and correct owner of the property.
6. No licensee nor any agent or employee of a licensee ~~shall~~may purchase, accept, or receive any article of property, from any person, without first having examined an acceptable form of identification.

~~31.14.XX.07~~ Inspection

1. Premises. Any licensee ~~shall~~must, at all times during the term of the license, allow Public Safety Director or a designee to enter the premises, where the licensee is carrying on business, including all off-site storage facilities ~~as authorized in Section 31.12.14~~, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the articles and records therein to locate goods suspected or alleged to have been stolen and to verify compliance with this Chapter or other applicable laws. No licensee ~~shall~~may conceal any article in the licensee's possession from the Public Safety Director or a designee.
2. Inspection by Police or Claimed Owner. All articles of property coming into the possession of any licensee, under the terms hereof, ~~shall~~must be open to inspection and right of examination of any police officer or any person claiming to have been the owner thereof or claiming to have had an interest therein when such person is accompanied by a police officer.

~~31.15.XX.08~~ Conduct of Persons on Licensed Premises

1. No person may pawn, pledge, sell, leave, or deposit any article of property not their own; nor ~~shall~~may any person offer or attempt to pawn, pledge, sell, leave, or deposit the property

of another, whether with permission or without, nor ~~shall~~may any person pawn, pledge, sell, leave or deposit any article of property in which another has a security interest; with any licensee.

2. No minor may pawn, pledge, sell, leave, or deposit any article of property with any licensee.

3. No person may pawn, pledge, sell, leave, or deposit any article of property with any licensee without first having presented an acceptable form of identification.

4. All licensees ~~shall~~must by adequate signage and separate written notice inform persons seeking to pawn, pledge, sell, leave, or deposit articles of property with the licensee of the foregoing requirements.

5. For the purpose of this section "adequate signage" ~~shall be~~is deemed to mean at least one sign, of not less than four ~~(4)~~-square feet in surface area, comprised of lettering of not less than ~~three-quarters (3/4)~~ of an of one inch in height, posted in a conspicuous place on the licensed premises and stating substantially the following:

TO PAWN OR SELL PROPERTY:

YOU MUST BE AT LEAST 18 YEARS OF AGE.

YOU MUST BE THE TRUE OWNER OF THE PROPERTY.

THE PROPERTY MUST BE FREE OF ALL CLAIMS AND LIENS.

YOU MUST PRESENT VALID PHOTO IDENTIFICATION.

VIOLATION OF ANY OF THESE REQUIREMENTS IS A CRIME.

6. For the purpose of this section "separate written notice" ~~shall be~~is deemed to mean either the receipt, ~~as required in Section 31.12.5,~~ or a printed form, incorporating a statement to the effect that the person pawning, pledging, selling, leaving, or depositing the article is at least ~~eighteen (18)~~ years of age; is the true owner of the article; and that the article is free of all claims and liens; which is acknowledged by way of signature of the person pawning, pledging, selling, leaving, or depositing the article.

7. No person seeking to pawn, pledge, sell, leave, or deposit any article of property with any licensee ~~shall~~may give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; ~~nor~~present a false driver's license or identification card; to any licensee.

31.16. Corporations, Companies, Partnerships or Associations

1. Licenses issued to ~~corporations~~corporations and companies ~~shall be~~are valid only as long as there is no change in the officers or ownership interest of the corporation or company unless such change is approved by the Council, in which event said license ~~shall~~will continue

in force until the end of the then current license year. Failure to report any change in stockholders, officers, or managers ~~shall beare~~ grounds for the revocation of all licenses held by the corporation or company. Every corporation or company licensed under the provisions of this ~~section-Chapter shall-must~~ adopt and maintain in its bylaws a provision that no transfer of stock is valid or effective unless approved by the City Council and ~~shall require-requires~~ that all of its certificates of stock ~~shall-must~~ have printed on the face thereof: "the transfer of this stock certificate is invalid unless approved by the City Council of Fridley, Minnesota," and failure to comply with this provision ~~shall-beis~~ grounds for the revocation of all licenses held by the corporation or the company. The provisions of this ~~section-Chapter shall-do~~ not apply to the issuance of any license to a corporation or company whose stock is traded on a public stock exchange.

2. Licenses issued to associations or partnerships ~~shall beare~~ valid only as long as there is no change in the partnership or association agreement or in the ownership of said partnership or association unless such change is approved by the Council, in which event said license ~~shall will~~ continue in forced until the end of the then current license year.

3. Corporations, companies, partnerships or associations ~~shall-must~~ submit written notice to the City of any such changes described herein on or before ~~thirty (30)~~ days prior to the effective date of any such change. In case of a corporation or company, the licensee ~~shall must~~ submit written notice to the City when a person not listed in the initial application will be acquiring an interest and ~~shall-be~~ given all information about said person as is required of a person pursuant to the provisions of this Chapter.

31.18. Refusal, Suspension or Revocation

1. It is unlawful for any applicant to make a false statement or omission upon any application form. Any false statement in such application, or any omission to state any information called for on such application form, ~~shall-will~~ upon discovery of such falsehood, work an automatic ~~denial/refusal~~ of the license by the City, or if already issued, ~~shall-will~~ render any license issued pursuant thereto, ~~revoked/void~~. Prior issuance is no ~~defense/effect~~ to protect the applicant from prosecution for violation of this section or any part hereof.

2. The City Council may suspend or revoke a license issued under this Chapter for operation on any premises on which real estate taxes, assessments or other financial claims of the City or of the State are delinquent, or unpaid.

3. The City Council may suspend or revoke a license issued under this Chapter upon a finding of a violation of any of the provisions of this Chapter or any State Statute regulating pawnbrokers. Any conviction by the pawnbroker for theft, receiving stolen property or any other crime or violation involving stolen property ~~shall-will~~ result in the immediate suspension of the license pending a hearing before the Council on revocation of the any license-issued hereunder.

4. Except in the case of a license suspension pending a hearing on revocation, a revocation or suspension of a license by the Council ~~shall-must~~ be preceded by a public hearing. The hearing notice ~~shall-must~~ be given to the licensee and published in the Official Publication at least ~~ten~~

{10} days prior to the hearing, include notice of the time and place of the hearing, and ~~shall~~ must state the nature of the charges against the licensee.

~~31.19. PENALTY.~~

~~Violation of any provision of this article shall be a misdemeanor.~~

Fridley City Code
Chapter ~~12~~. XX Tobacco Products

XX.01 Purpose

The purpose of this Chapter of the Fridley City Code (Code) is to regulate the sale and distribution of tobacco products, tobacco-related devices and electronic delivery devices within the City of Fridley (City) to protect public health, safety and welfare. This Chapter establishes licensing requirements, enables sales restrictions and creates enforcement measures to prevent youth access to tobacco products to mitigate the harmful effects of tobacco use in the community.

~~12.01.~~XX.02 Definition of TermsDefinitions

~~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. "Self Service Merchandising": This is~~ an open display of tobacco products where the public has access without the intervention of an employee.

~~2. "Tobacco Product": Any any~~ substance or item containing tobacco leaf, including but not limited to, cigarettes; cigars; little cigars; pipe tobacco; snuff; snuff flour; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, Cavendish; shorts; plug and twist tobacco; dipping tobacco; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking. "Tobacco product" includes any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, drug and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.

~~3. "Tobacco-Related Devices": "Tobacco-Related Devices" shall mean rolling cigarette papers, or pipes, or other device for smoking or other devices~~ intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products, including electronic delivery devices. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

~~4. "Electronic Delivery Devices": "Electronic Delivery Devices" shall mean~~ any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic delivery devices include but are not limited to devices manufactured, marketed, or sold as electronic cigarettes (e-cigarettes), electronic cigars (e-cigars), electronic pipes (e-pipes), vape pens, modes, tank systems, or under any other product name or descriptor. Electronic delivery devices include any component part of a product, whether or not marketed or sold separately. Electronic delivery devices exclude drugs, devices, or combination products, as those terms are defined in the Federal Food,

Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration as a nicotine cessation product.

~~5. "Tobacco Products Shop": "Tobacco Products Shop" shall mean~~ a retail establishment that cannot be entered at any time by persons younger than 21 years of age, has an entrance door opening directly to the outside, and that derives more than 90% ~~percent~~ of its gross revenue from the sale of tobacco, tobacco-related devices, and electronic delivery devices, and in which the sale of other products is merely incidental. Tobacco Products Shop does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

~~6. — "Flavored Tobacco": "Flavored Tobacco" shall mean~~ any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or aroma, other than the taste or aroma of tobacco, that is distinguishable by any ordinary consumer either prior to or during consumption of a tobacco product, including, but not limited to, tastes or aromas of menthol, mint, wintergreen, chocolate, vanilla, honey, cocoa, or any candy, dessert, alcoholic beverage, fruit, herb or any spice. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate such statements or claims, that a tobacco product has or produces a taste or aroma other than tobacco may be the one of the methods used to determine that the product is a flavored tobacco product, and shall, to the extent permitted by law, create a rebuttable presumption that the product is a flavored tobacco product.

~~12.02. XX.03~~ License Required

~~1. No person shall may~~ directly, by ~~self-service merchandising coin machine~~, or otherwise, keep for retail sale, sell at retail, or otherwise dispose of, any tobacco product, tobacco-related devices or electronic delivery device at any place in the City unless they have obtained a license therefor as provided herein.

~~2. Tobacco License. It is unlawful for any person or entity to sell or offer for sale any tobacco products without first having obtained a Tobacco License from the City. This license permits the sale of non-flavored tobacco products only.~~

~~3. Tobacco Product Shop License. It is unlawful for any person or entity to sell or offer for sale any tobacco product, including flavored tobacco products, tobacco-related devices or electronic delivery devices without first obtaining a Tobacco Product Shop License from the City.~~

~~4. License Application. Application for such license shall be made to the City Clerk's Office and shall state the full name and address of the applicant, the location of the building to be occupied by the applicant in the conduct of his business, the kind of business to be conducted, and such other information as the City Manager or a designee may require. The license shall be granted by the City Council and issued by the City Clerk or a designee upon payment of the required fee.~~

~~5. License Review. New licenses and license renewals will be approved or denied by the Council with an initial review period of up to 30 business days.~~

6. Term. Licenses are issued for a term of one year. All tobacco-related licenses expire on April 30 of each year.

7. License Transfer. Licenses are non-transferable.

8. Fees. The annual license fee is established in the Fees Chapter of the Code.

9. Number of Tobacco Product Shop Licenses Issued. The total number of Tobacco Product Shop licenses is limited to five.

~~12.03. Application for License: Granting of License by the Council; Issuance of License by City Manager or Their Designee~~

~~Application for such license shall be made to the City Clerk's Office and shall state the full name and address of the applicant, the location of the building to be occupied by the applicant in the conduct of his business, the kind of business to be conducted, and such other information as the City Manager or their designee may require. The license shall be granted by the City Council and issued by the City Manager or their designee upon payment of the required fee.~~

~~New licenses and license renewals shall be issued or denied by the City Manager or their designee with an initial review period of up to 30 business days in which to issue or deny a license.~~

~~Administrative offenses are outlined in Section 12.08.~~

~~12.04. License Fee; Term; Date; Restriction on Number of Licenses Issued~~

~~The annual license fee and expiration date shall be as provided in Chapter 11 of this Code. Licenses are not transferable.~~

~~The total number of Tobacco Product Shop licenses shall be limited to five.~~

XX.04 Minimum Standards of Operation

1. Posting of License. Every tobacco-related license issued by the City must be openly displayed at all times in the place of business to which it has been issued.

2. Every retailer requesting a license under this Chapter must implement a training program for employees regarding laws relating to the sale of tobacco products. Every licensee must certify on its annual tobacco license application that all employees have been trained to comply with State laws regarding the sale of tobacco products.

~~12.05. Display of License on Premises~~

~~Every such license shall be openly displayed at all times in the place of business to which it has been issued.~~

~~12.06. Training~~

~~Every retailer requesting a license under this chapter shall implement a training program for employees regarding laws relating to the sale of tobacco products. Every licensee shall certify on its annual tobacco license application that all employees have been trained to comply with state laws regarding the sale of tobacco products.~~

~~12.07.XX.07~~ Prohibited Acts

~~A.1.~~ No person ~~shall~~may sell, give away, or otherwise furnish any tobacco product, tobacco-related devices or electronic delivery device to any person under the age of 21 years.

~~B.2.~~ No person ~~shall~~may keep for sale, sell, or dispose of any tobacco product, tobacco-related devices or electronic delivery device containing opium, morphine, jimson weed, bella donna, strychnia, cocaine, marijuana, or any other deleterious, hallucinogenic, toxic, or controlled substances or poisonous drug, except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.

~~C.3.~~ Self-service and vending machine sales are prohibited within the City except in licensed Tobacco Product Shops.

~~E.4.~~ Every licensee ~~shall be~~is responsible for the conduct of its employees while on the licensed premises. Any sale or other disposition of tobacco products, tobacco-related devices or electronic delivery device by an employee, or any other violation of any applicable ~~statute~~, law, rule, or ~~ordinance~~Code shall also will be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation.

~~F.5.~~ Smoking and sampling indoors are prohibited. No person ~~shall~~may smoke in a public place, at a public meeting, or in a place of employment. This subdivision also prohibits the sampling of tobacco, tobacco products, electronic delivery devices, nicotine or lobelia delivery products and products used in electronic delivery devices and nicotine or lobelia delivery products.

~~G.6.~~ No person or retailer ~~shall~~may sell or offer for sale any flavored tobacco products unless the person or retailer holds a Tobacco Product Shop License from the City beginning May 1, 2021. This restriction does not apply to Tobacco Product Shops.

XX.08 Violations

1. Individuals. Any person who sells any tobacco product, tobacco-related device or an electronic delivery device to a person under the age of 21 years or who otherwise violates any applicable law, rule, or Code related to the sale of the products licensed in this Chapter will be subject to an administrative penalty as established in the Fees Chapter of the Code.

2. Licensees. If a licensee or an employee of a licensee is found to have sold tobacco, tobacco-related products or electronic delivery devices to a person under the age of 21 years or who otherwise violates any applicable statute, law, rule, or Code related to the sale of the products licensed in this Chapter, the licensee is subject to an administrative penalty as established in the Fees Chapter of the Code.

(a) First violation. If fines are not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed ten days.

(b) Second violation within 36 months. If fine are not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed 30 days.

(c) Third violation within 36 months. The City may permanently revoke the tobacco license.

3. Defense. It is a defense to the charge of selling tobacco to a person under the age of 21 years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in Minnesota Statute § 609.685.

4. Compliance Checks; Exemption. The City will conduct compliance checks as required by State law and may conduct compliance checks at any time it is deemed necessary as determined by the Public Safety Director or City Manager. A person, at least 17 years of age, but under the age of 21, may be enlisted to assist in the tests of compliance, provided that written consent from the person's parent or guardian has been obtained if the person is a minor and that the person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Department of Public Safety.

5. Exemptions. A person who purchases or attempts to purchase tobacco product, tobacco-related devices or an electronic delivery device while in this capacity is exempt from the penalties imposed by this Chapter.

6. Revocation. The City Council has the authority to revoke any license as noted in the Fees Chapter of the Code.

7. Nothing in this Chapter prevents the provision of tobacco or tobacco-related devices to any person, including a minor, as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.

12.08.XX.08 Administrative Offenses Appeals

A. Administrative Civil Penalties. Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of this chapter. The procedures

~~are intended to be voluntary on the part of those who have been charged with administrative offenses.~~

~~1. 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.~~

~~2. Within 14 business 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.~~

~~1.3.~~ Individual. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with State or federal law. Likewise, the City, at its discretion, may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

~~2.4.~~ Licensee. At any time prior to the payment of the administrative penalty as is provided for hereafter, the licensee may withdraw from participation in the procedures in which event the City may permanently revoke the licensee's tobacco license in accordance with State or federal law. Likewise, the City, in its discretion, may revoke the licensee's tobacco license in the first instance. In the event a licensee participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will suspend the licensee's tobacco license in accordance with ~~section 12.08 subdivision B of this chapter~~this Chapter.

~~B.5.~~ Notice. The City Manager or ~~their a~~ designee ~~shall~~must, upon determining there has been a violation, notify the violator of the violation. Said notice ~~shall~~must set forth the nature, date and time of violation, the name of the officer issuing the notice and the amount of the scheduled penalty.

~~C.6.~~ Payment. Once such notice is given, the alleged violator may, within 20 days of the time of issuance of the notice pay the penalty as set forth on the notice, or may request a hearing in writing, as provided for hereafter. The penalty may be paid in person or by mail, and payment ~~shall~~will be deemed to be an admission of the violation.

~~D. Hearing. Any person contesting an administrative offense pursuant to this chapter may request a hearing before the Hearing Examiner. Such request shall be filed in writing with the office of the City Manager or their designee within 20 calendar days of the offense. The City Manager or their designee must shall notify the Hearing Examiner, who will notify the licensee of the date, time, and place of hearing. The hearing shall be conducted no more than 20 calendar days after the Hearing Examiner receives notice of the request, unless a later date is mutually agreed to by the Hearing Examiner, the licensee, individual and the City. Within ten calendar days after such hearing, the Hearing Examiner shall affirm, repeal, or modify the charge against the licensee or individual.~~

~~E. Appeal. Any person aggrieved by the decision of the Hearing Examiner may appeal with the City Manager or their designee within 20 calendar days of receiving notice of the Hearing Examiner's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Examiner and shall affirm, repeal or modify that decision.~~

~~F. 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.~~

~~G. 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.~~

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

- ~~1. Set dates and hear all contested cases;~~
- ~~2. Take testimony from all interested parties;~~
- ~~3. Examine all facts, evidence and testimony presented;~~
- ~~4. Make a complete record of all proceedings including findings of fact and conclusions of law;~~
- ~~5. Affirm, repeal or modify the penalty assessed.~~

~~I.7. Failure to Pay. In the event a party charged with an administrative penalty is an individual who fails to pay the penalty, the party may be charged with a criminal offense. In the event a party charged with an administrative penalty is a licensee who fails to pay the penalty, the Council may suspend or revoke the licensee's tobacco license.~~

~~J.8. Disposition of Penalties. All penalties collected pursuant to this Chapter shall must be paid to the City's ~~treasurer~~ Treasurer and will be deposited in the City's ~~general fund~~ General Fund.~~

~~12.09. Violations~~

~~A. Administrative Civil Penalties: Individuals. Any person who sells any tobacco product, tobacco-related devices or an electronic delivery device to a person under the age of 21 years or who otherwise violates any applicable statute, law, rule, or ordinance related to the sale of the products licensed in this chapter shall be subject to an administrative penalty. The administrative penalties are as follows:~~

- ~~1. First violation. The penalty for the first violation is \$250.00.~~

~~2. Second violation within 12 months. The penalty for the second violation is \$500.00.~~

~~3. Third violation within 12 months. The penalty for the third violation is \$750.00.~~

~~B. Administrative Civil Penalties: Licensee. If a licensee or an employee of a licensee is found to have sold tobacco, tobacco-related products or electronic delivery devices to a person under the age of 21 years or who otherwise violates any applicable statute, law, rule, or ordinance related to the sale of the products licensed in this chapter, the licensee shall be subject to an administrative penalty as follows:~~

~~1. First violation. The penalty for the first violation is \$500.00. If the fine is not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed ten days.~~

~~2. Second violation within 36 months. The penalty for the second violation is \$1000.00. If the fine is not paid within 20 days the City may suspend the license to sell tobacco products for a period not to exceed 30 days.~~

~~3. Third violation within 36 months. The City may permanently revoke the tobacco license.~~

~~C. Defense. It is a defense to the charge of selling tobacco to a person under the age of 21 years, that the licensee or individual, in making the sale, reasonably and in good faith relied upon representation of proof of age described in State Statute Section 340A.503 subdivision six, paragraph (a).~~

~~D. Compliance Checks; Exemption. The City shall conduct compliance checks as required by law, and may conduct compliance checks at any time it is deemed necessary as determined by the Public Safety Director or City Manager. A person, at least 17 years of age, but under the age of 21, may be enlisted to assist in the tests of compliance, provided that written consent from the person's parent or guardian has been obtained if the person is a minor and that the person shall at all times act only under the direct supervision of a law enforcement officer or an employee of the licensing department, or in conjunction with a compliance check effort that has been pre-approved by the Fridley Department of Public Safety.~~

~~A person who purchases or attempts to purchase tobacco product, tobacco-related devices or an electronic delivery device while in this capacity is exempt from the penalties imposed by subdivision (A) above.~~

~~E. Revocation. The City Council has the authority to revoke any license as noted in Fridley City Code Chapter 11.~~

FRIDLEY CITY CODE
CHAPTER 20. WATER SOFTENERS

~~20.01. PERMIT REQUIRED~~

~~Any person who installs water softeners and filtering equipment must secure a permit for each installation from the Building Department of the City of Fridley. Such a permit shall be granted if openings have been left so that the water softening or water filtering equipment may be connected to the water distribution system through openings left for that purpose; or provided such connection may be made by use of a cold water connection to a domestic water heater. A permit shall not be granted if it is necessary to make any extension or alteration of any pipe or fixture in the water system. (Ref. 342)~~

~~20.02. EXCHANGE UNITS~~

~~This Chapter shall not be construed to require a permit or inspection for service of the water softener commonly known as an "exchange unit" where such exchange is designed to be made at regular intervals but it does require that a permit be obtained for the initial installation of such exchange devices.~~

~~20.03. FEE~~

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

~~20.04. PENALTIES~~

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



AGENDA REPORT

Meeting Date: June 9, 2025

Meeting Type: City Council Conference

Submitted By: Mike Maher, Parks and Recreation Director
Rachel Workin, Environmental Planner

Title:

Community Garden Program Discussion

Background

Community Gardens have been identified as an integral component of the 2022 Park System Improvement Plan (PSIP) in several key areas.

Chapter 2, Community Feedback and Recreation Trends, identifies community gardens as a priority in the “Active Living and Healthy Communities” and “Building Community and Shared Experiences” categories.

Chapter 3, Needs Assessment, calls for the installation of amenities that enhance community connection and gathering including park buildings, picnic areas and shelters, community gardens and public art.

Due to the City’s commitment to resident engagement, community gardens were not included as a definite component of any one park design but were rather identified as optional components of several park development plans.

Options for site development of a community garden program that have been identified in the PSIP include Edgewater Gardens Park, Madsen Park, Flanery Park and Locke Park.

The City of Fridley did operate a community garden program at Locke Park for many years prior to the development of the Fridley Civic Campus and adjacent neighborhoods.

At the May 5th, 2025 meeting of the Parks and Recreation Commission, a presentation and discussion led to a recommendation from the commission to continue to explore the establishment of a community garden program with Locke Park being the preferred location and to focus on a community-driven development process.

Demand for community gardens is strong across the Twin Cities metro area with nearly all community garden programs being full with a wait-list. Staff regularly receive inquiries each spring from residents who are interested in participating in a community garden program.

Vision Statement

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

Financial Impact

At this time, staff are exploring funding options through private and government grant programs and have identified application opportunities if the establishment of a community garden pilot program is supported by Council, and an appropriate location can be identified. Estimates based on utility work and comparable communities indicate that a community garden area could be established within a range of \$20,000 to \$75,000 depending upon size, available grant funding, fencing, accessibility and utility needs.

Recommendation

Staff recommends that Council consider future endorsement of grant applications to fund the establishment of a community garden program.

Vision Statement

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