



City Council Meeting

March 27, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue N.E.

Agenda

Call to Order

Pledge of Allegiance

Proclamations/Presentations

1. Acknowledging the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended December 31, 2021

Approval of Proposed Consent Agenda

Approval/Receipt of Minutes

2. Approve the Minutes from the City Council Meeting of March 13, 2023
3. Receive the Minutes from the City Council Conference Meeting of March 13, 2023
4. Receive the Minutes from the Environmental Quality and Energy Commission (EQEC) Meeting of February 7, 2023

New Business

5. Resolution No. 2023-27, Establishing a Local Organization for Emergency Management, Designating the Public Safety Director, and Creates Organizational Structure of the Public Safety Department
6. Resolution No. 2023-28, Approving and Authorizing the Signing of an Agreement with the City of Coon Rapids for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2022 Local Solicitation
7. Resolution No. 2023-30, Approving Gifts, Donations and Sponsorships Received Between February 20, 2023, and March 20, 2023
8. Resolution No. 2023-31, Approving and Authorizing the Signing of an Agreement with Independent School District #14

Claims

9. Resolution No. 2023-32, Approving Claims for the Period Ending March 22, 2023

Adoption of Regular Agenda

Open Forum/Visitors (Consideration of Items not on Agenda – 15 minutes)

Regular Agenda

New Business

- [10.](#) Resolution No. 2023-29, Approving Right-of-Way Easement and Temporary Construction Easement for the 53rd Avenue Roundabout Safety Project with Target Corporation
- [11.](#) Resolution No. 2023-33, Approving Minnesota Department of Natural Resources Outdoor Recreation Grant Application For Springbrook Nature Center Play Area Improvements

Public Hearing(s)

- [12.](#) Ordinance No. 1406, Public Hearing and First Reading to Create Title No. 3 (Health, Safety, and Welfare) of the Fridley City Code and the Chapters Contained Therein, Amending the Fridley City Code Chapter 209, Fees, and Amending the Fridley City Code Chapter 203, Administrative Citations

Informal Status Reports

Adjourn

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 571-3450.



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

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

Title

Acknowledging the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended December 31, 2021

Background

The Certificate of Achievement for Excellence in Financial Reporting is an award program offered by the Government Finance Officers Association of the United States and Canada (GFOA). It is the highest form of recognition in the area of governmental accounting and financial reporting, and the attainment of it represents a significant accomplishment by a government and its management. The Annual Comprehensive Financial Report (ACFR) was judged by an impartial panel to meet the high standards of the program which include demonstrating a "constructive spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report. The City of Fridley has been awarded the Certificate of Achievement for Excellence in Financial Reporting every year since 2011.

Please extend a big thank you to the entire accounting staff for their hard work, with a special thanks to Korrie Johnson, Assistant Finance Director.

Financial Impact

There is no direct financial impact, but the award assures that the City has a clean financial record, helps sustain a high bond rating and is highly regarded within governmental finance.

Recommendation

Staff recommend the Fridley City Council formally accept the award.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Certificate of Achievement for Excellence in Financial Reporting

Vision Statement

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



Government Finance Officers Association

Certificate of
Achievement
for Excellence
in Financial
Reporting

Presented to

**City of Fridley
Minnesota**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

December 31, 2021

Christopher P. Morill

Executive Director/CEO



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Approve the Minutes from the City Council Meeting of March 13, 2023

Background

Attached are the minutes from the City Council meeting of March 13, 2023.

Financial Impact

None.

Recommendation

Staff recommend the approval of the minutes from the City Council meeting of March 13, 2023.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Minutes from the City Council Meeting of March 13, 2023

Vision Statement

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



City Council Meeting

March 13, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Lund called the City Council Meeting of March 13, 2023, to order at 7:00 p.m.

Present

Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Tom Tillberry
Councilmember Ann Bolkcom
Walter Wysopal, City Manager
Kim Tillberry, Springbrook Nature Center Foundation
Julie Houle, Columbia Heights School Board

Absent

Ryan Evanson

Pledge Of Allegiance

Proclamations/Presentations

1. Presentation: Springbrook Spree by Kim Tillberry

Kim Tillberry, Chair of the Springbrook Nature Center Foundation, invited Council and residents to attend the Springbrook Spree on April 15 beginning at 5 p.m. She highlighted the different activities that will occur during the event. She stated that the goal for the event is to raise \$150,000 to revamp the Nature Center play area. Tickets are available online. She invited the Councilmembers in attendance at the event to assist with the games.

The Council provided additional information on the Springbrook Foundation, which began in 1974, and the great work that organization has done. Thanks was provided to Mrs. Tillberry and the other members of the Foundation.

Mrs. Tillberry noted that interested volunteers for the event can reach out. She noted that they also need assistance with the website.

The Council invited the other guest present tonight to address the group.

Julie Houle introduced herself noting that she is a newly elected School Board member for Columbia Heights Schools, noting that she is also the Treasurer and liaison to the City of Fridley. She mentioned

the one school located in Fridley, North Park Elementary School, has been retooled as a STEM school focusing on science, technology, engineering, and math.

The Council requested a tour of the campus, noting the recent renovations. They thanked Ms. Houle for her willingness to serve.

Approval of Proposed Consent Agenda

Motion made by Councilmember Bolkcom to adopt the proposed Consent Agenda. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Approval/Receipt of Minutes

2. Approve the Minutes from the City Council Meeting of February 27, 2023.
3. Receive the Minutes from the City Council Conference Meeting of February 27, 2023.
4. Receive the Minutes from the Housing and Redevelopment Authority Meeting of February 2, 2023.
5. Receive the Minutes from the Housing and Redevelopment Authority Conference Meeting of January 5, 2023.

New Business

6. Resolution No. 2023-25, Supporting the Submission of a Grant Application to the Department of Employment and Economic Development (DEED) for the Redevelopment of 5400 Main Street N.E.
7. Resolution No 2023-26, Scheduling a Public Hearing on March 27, 2023, to Consider Ordinance No. 1406, Creating Title No. 3 (Health, Safety, and Welfare) of the Fridley City Code and the Chapters Contained Therein, Amending the Fridley City Code Chapter 209, Fees, and Amending the Fridley City Code Chapter 203, Administrative Citations.

Claims

8. Resolution No. 2023-24 Approving Claims for the Period Ending March 8, 2023.

Adoption of Regular Agenda

Motion made by Councilmember Tillberry to adopt the regular agenda. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Open Forum, Visitors: (Consideration of Items not on Agenda – 15 minutes.)

No one from the audience spoke.

Informal Status Reports

The Council asked residents to clear snow near mailboxes and fire hydrants and avoid parking on the streets during snow events.

Wally Wysopal, City Manager, stated that potholes cannot yet be filled, as dryer conditions and warmer weather are needed. He stated that residents can reach out to the City with their concerns and those locations can be added to the list. For locations on County/State roads, staff will pass those comments on to the proper entity.

The Council noted an upcoming coffee and donuts event with Public Safety on March 18, 2023, at 11 a.m. at the Civic Campus. Springbrook Spree will be held on April 15, at the Springbrook Nature Center.

Adjourn

Motion made by Councilmember Ostwald to adjourn. Seconded by Councilmember Bolkom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously and the meeting adjourned at 7:21 p.m.

Respectfully Submitted,

Melissa Moore
City Clerk

Scott J. Lund
Mayor



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

Submitted By: Roberta S. Collins, Assistant to the City Manager

Title

Receive the Minutes from the City Council Conference Meeting of March 13, 2023

Background

Attached are the minutes from the City Council Conference Meeting of March 13, 2023.

Financial Impact

Recommendation

Receive the minutes from the City Council Conference Meeting of March 13, 2023.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Minutes from the City Council Conference Meeting of March 13, 2023

Vision Statement

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



Council Conference Meeting

March 13, 2023

5:30 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Present

Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Tom Tillberry
Councilmember Ryan Evanson
Councilmember Ann Bolkcom
Walter Wysopal, City Manager
Brian Weierke, Public Safety Director
Scott Hickok, Community Development Director

Items for Discussion

1. Public Safety Department Update.

Brian Weierke, Public Safety Director, provided an update on the Public Safety Department and service issues at the Walmart store located in Fridley.

2. Community Development Department Update.

Scott Hickok, Community Development Director, provided a review of activities from Planning, Rental, Code Enforcement and the Housing and Redevelopment Authority.



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: EQE Commission

Submitted By: Julianne Beberg, Office Coordinator

Title

Receive the Minutes from the Environmental Quality and Energy Commission (EQEC) Meeting of February 7, 2023

Background

Attached are the minutes from the EQEC meeting of February 7, 2023.

Financial Impact

None

Recommendation

Receive the minutes of the EQEC meeting of February 7, 2023.

Attachments and Other Resources

- Minutes from the EQEC Commission Meeting of February 7, 2023

Vision Statement

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



ENVIRONMENTAL QUALITY & ENERGY COMMISSION MEETING

February 7, 2023

7:00 PM

Fireside Room, Fridley Civic Campus

MINUTES

Call to Order

CHAIR Dritz called the commission to order at 7:01 PM

Present

Amy Dritz
Sam Stoxen
Nick Olberding
Mark Hansen
Justin Foell
Heidi Ferris
Aaron Klemz
Rachel Workin, Environmental Planner

Approval of Agenda

MOTION by Commissioner Olberding to APPROVE the February 7, 2023 meeting agenda. SECONDED by Commissioner Foell. The MOTION PASSED unanimously.

Approval of Meeting Minutes

1. Approval of the January 10, 2023 Environmental Quality and Energy Commission Meeting Minutes

MOTION by Commissioner Foell to APPROVE the January 10, 2023 meeting minutes. SECONDED by Commissioner Olberding. The MOTION PASSED unanimously.

New Business

2. Recodification of Chapter 113 Solid Waste Disposal, Organics, Yard Waste, and Recycling Collection to Chapter 310 Solid Waste, Organics, Yard Waste, and Recycling Collection

Ms. Workin shared proposed updates to Chapter 113 as part of the recodification process. Commissioners recommended maintaining the licensure for construction debris due to potential updates to require increased recycling of construction debris material and a desire to understand the amount and destination of this waste stream. Commissioners also recommended reducing the number of Residential Mixed Municipal Solid Waste Licenses from 4 to 3 to balance the increased public benefit of reduced garbage trucks on the street while still maintaining the spirit of an open hauling system.

MOTION by Commissioner Klemz to APPROVE the proposed changes to Chapter 113 with the following exceptions:

- 1) Maintain the license classification for construction debris
- 2) Reduce the number of Residential Mixed Municipal Solid Waste licenses from 4 to 3

SECONDED by Commissioner Foell. The MOTION PASSED unanimously.

3. Recodification of Chapter 104 Tree Management to Chapter 319 Tree Management

MOTION by Commissioner Dritz to TABLE this item SECONDED by Commissioner Olberding. The MOTION PASSED unanimously.

4. Recodification of Chapter 105 Landscape Maintenance to Chapter 304 Landscape Maintenance

MOTION by Commissioner Dritz to TABLE this item SECONDED by Commissioner Olberding. The MOTION PASSED unanimously.

Old Business

5. Grant Updates

Ms. Workin shared that the City was planning to apply for an MPCA Level 2 Charging Grant Station for Moore Lake Park as well as another DNR Emerald Ash Borer grant.

6. Event and Outreach updates

Ms. Workin shared that she would be presenting at North Park School for Innovation.

7. Energy Action Plan updates

Ms. Workin shared that the City officially received bronze designation through the SolSmart program which will be presented to the City Council on February 27. She also said that the WindUp Challenge will be starting on March 1. Ms. Workin invited the commissioners to the HRA open house tomorrow.

Other Items

8. Informal Status Reports

Commissioner Dritz provided updates on Planning Commission meetings.

Ms. Workin asked if any Commissioners would be interested in attending the Rice Creek resiliency trainings.

Adjournment

MOTION by Commissioner Hansen to adjourn the meeting SECONDED by Commissioner Stoxen. The MOTION PASSED unanimously. The meeting was adjourned at 8:24 PM.



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Resolution No. 2023-27, Establishing a Local Organization for Emergency Management, Designating the Public Safety Director, and Creates Organizational Structure of the Public Safety Department

Background

At its March 27, 2023 meeting the Fridley City Council (Council) will take public comment on a contemplated amendment to the Fridley City Code as found in Ordinance No. 1406. That ordinance proposes to repeal Chapter 102, Public Safety Department.

Reasoning for staff's recommendation for repeal include:

- No other department in the City's organizational structure is created by ordinance;
- No other department in the City's organizational has its own chapter in the Code;
- There is no requirement in State law or the Fridley City Charter that creating such a department must be done by ordinance;
- M.S. § 12.25 requires each city to establish an organization for emergency management, but does not direct how a city must go about doing so; and
- Creating such administrative departments, or structure of the City via ordinance, is not the most efficient or cost-effective method.

Repealing this chapter of the Code will have no bearing on the role, status, structure, authority, or budget of the Public Safety Department. Resolution No. 2023-27 creates the Public Safety Department but does so administratively and outside of the Code. This method is more consistent with how other departments are created in the organization's structure.

Resolution No. 2023-27 was written in collaboration with staff from the Public Safety Department and was reviewed and approved by the Public Safety Director.

Financial Impact

None.

Discussion

Staff recommend the approval of Resolution No. 2023-27.

Vision Statement

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

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Resolution No. 2023-27

Vision Statement

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

Resolution No. 2023-27**Establishing a Local Organization for Emergency Management, Designating the Public Safety Director, and Creates Organizational Structure of the Public Safety Department**

Whereas, Minnesota Statute (M.S.) § 12.25 requires the Fridley City Council (Council) to establish a local organization to perform emergency management functions; and

Whereas, the Fridley City Charter § 6.03 empowers the Council to create offices, departments, or divisions for the administration of the City's affairs; and

Whereas, M.S. § 12.25 subd. 1 requires the Council to designate a Director of Public Safety.

Now, therefore, be it resolved, that the City Council of the City of Fridley hereby creates the Public Safety Department for the City of Fridley that will be responsible for the equal protection of all persons and property, fair and just enforcement of all applicable laws of the State and ordinances of the City, prevention of fires, removal of fire hazards, rendering of firefighting, prevention of the public peace and order, prevention and detection of crime, apprehension of offenders, rendering of Emergency Management Services, and development of education and training for employees, volunteers, and citizens of the City and general safety and wellbeing of the community at large.

Be it further resolved, that the City Council of the City of Fridley hereby designates Brian Weierke as the Public Safety Director for the City of Fridley who shall be responsible to the City Manager, serve as the City's Emergency Management Director, and be responsible for all aspects of public safety including all fire and police activities.

Be it further resolved, that the City Council of the City of Fridley hereby approves the following organizational structure and roles and responsibilities:

1. The Police Division will consist of a Police Chief and such other members as may be determined from time to time. The Director of Public Safety may serve as Police Chief. The Police Chief and other personnel of the Police Division are appointed by the City Manager for an indefinite period. The Police Division shall be under the direct supervision of the Police Chief who shall be responsible to and under the direct supervision of the Director of Public Safety.

2. The Fire Division will consist of a Fire Chief and such other subordinate officers and firefighters as may be determined from time to time. The Director of Public Safety may serve as Fire Chief. The Fire Chief and other personnel of the Fire Department Division are appointed by the City Manager for an indefinite period. The Fire Division shall be supervised by the Fire Chief who shall be responsible to and under the direct supervision of the Director of Public Safety.

3. The Emergency Management Division will consist of an Emergency Management Director who shall be responsible for the duties and responsibilities as specified in the Fridley City Code. The Emergency Management Director may be the Police Chief or Fire Chief and shall be appointed by the City Manager.

Passed and adopted by the City Council of the City of Fridley this 27th day of March, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

Submitted By: Ryan George, Deputy Director of Public Safety

Title

Resolution No. 2023-28, Approving and Authorizing the Signing of an Agreement with the City of Coon Rapids for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2022 Local Solicitation

Background

Each year, the Bureau of Justice Assistance (BJA), a division of the U.S. Department of Justice, makes funds available to help state, local, and tribal jurisdictions reduce and prevent crime, reduce recidivism, and promote a fair and safe criminal justice system. The City of Fridley (City) has applied for and received annual BJA awards. The City has drawn down all available funds and completed federal reporting requirements for its previous BJA awards.

The City of Coon Rapids (Coon Rapids) applied for fiscal year 2022 funds through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which is administered by the BJA, for the purchase of a throwable robot device. They were awarded \$25,324 under award #15PBJA-22-GG-02662-JAGX for the purpose specified in the grant application.

For the second consecutive year, and for unknown reasons, the JAG award provided to the Coon Rapids included the City as an additional party. Staff worked directly with the BJA to determine why the City was once again being included in another jurisdiction's grant award. The BJA was unable to provide an explanation, and they have yet to remedy the error.

The City is unable to draw down Coon Rapids' funds from the BJA or meet federal reporting requirements because the funds were requested by Coon Rapids for a specific purpose. Coon Rapids is unable to draw down funds from their award until the City formally declines participation in their BJA award by means of an agreement between the City and Coon Rapids. Anoka County must also consent to the allocation of BJA funds before Coon Rapids can draw down their funds.

In order to correct the issue in 2022, Coon Rapids drafted a Memorandum of Understanding (Agreement) between the City, Coon Rapids, and Anoka County. The agreement was necessary for Coon Rapids to satisfy the conditions of their FY2021 BJA solicitation. It was reviewed by the City Attorney and was approved on May 9, 2022 by Resolution No. 2022-44.

Vision Statement

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

In order for Coon Rapids to satisfy the conditions of their FY2022 BJA solicitation, a new agreement between the City, Coon Rapids, and Anoka County needs to be approved.

The content of the agreement for FY2022 is the same as the FY2021 agreement that was approved last year, aside from updates that are specific to the JAG award. The FY2022 agreement has been reviewed by the City Attorney and is recommended for approval.

Financial Impact

The funds allocated to the City of Coon Rapids were not requested by the City of Fridley and are therefore not included in the City's budget as an expected revenue source.

Recommendation

Staff recommend the approval of Resolution No. 2023-28.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Resolution No. 2023-28
- Memorandum of Understanding between the City of Fridley, the City of Coon Rapids, and the County of Anoka

Vision Statement

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

Resolution No. 2023-28**Approving and Authorizing the Signing of an Agreement with the City of Coon Rapids for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2022 Local Solicitation**

Whereas, Minnesota Statute§ 471.59, subd. 1 allows two or more governmental units, by agreement entered into by their governing bodies, to jointly or cooperatively exercise any power common to both contracting parties; and further it allows one party to act on behalf of other participating units of government; and

Whereas, the City of Fridley (City) has applied for and received annual grant awards from the Bureau of Justice Assistance; and

Whereas, the City has drawn down all available funds and completed federal reporting requirements for its previous and current Bureau of Justice Assistance awards; and

Whereas, the City of Coon Rapids (Coon Rapids) applied for fiscal year 2022 funds through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which is administered by the Bureau of Justice Assistance, for the purchase of a throwable robot device; and

Whereas, Coon Rapids was awarded \$25,324 in Bureau of Justice Assistance JAG funds under award #15PBJA-22-GG-02662-JAGX for the purpose specified in the grant application; and

Whereas, the Bureau of Justice Assistance JAG award provided to Coon Rapids included the City as an additional party on the award, despite no additional request for Bureau of Justice Assistance funding from the City of Fridley in 2022; and

Whereas, Coon Rapids encountered the same award allocation errors in 2022 for a FY2021 JAG award, and despite efforts to remedy the error, the Bureau of Justice Assistance was unable to determine why the City was listed as a co-recipient of the funds that the Coon Rapids was awarded; and

Whereas, the Bureau of Justice Assistance was able to confirm that the funds awarded to Coon Rapids were not funds previously awarded to the City under the City's Bureau of Justice Assistance awards; and

Whereas, the City did not request the specific Bureau of Justice Assistance funds that were received by Coon Rapids; and

Whereas, the City is unable to draw down Coon Rapids' funds from the Bureau of Justice or meet federal reporting requirements because the funds were requested by the Coon Rapids for a specific purpose; and

Whereas, Coon Rapids is unable to draw down funds from their award until the City formally declines participation in their Bureau of Justice Assistance award by means of an agreement between the City and Coon Rapids; and

Whereas, Coon Rapids is unable to draw down funds from their award until the County of Anoka consents to the allocation of Bureau of Justice Assistance funds; and

Whereas, a Memorandum of Understanding (Agreement) between the City, Coon Rapids, and the County of Anoka has been drafted by Coon Rapids for the purpose of satisfying all conditions of their Bureau of Justice Assistance solicitation for FY 2022.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves said agreement and the Mayor and the City Manager or their designee are hereby authorized to execute the attached Agreement.

Passed and adopted by the City Council of the City of Fridley this 27th day of March, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

**MEMORANDUM OF UNDERSTANDING
FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)
PROGRAM FY 2022 LOCAL SOLICITATION**

THIS AGREEMENT is made and entered into on the ____ day of _____, 2023, by and between the City of Coon Rapids, acting by and through its City Council, City of Fridley, acting by and through its City Council and Anoka County, acting by and through its County Commissioners, all of Anoka County, State of Minnesota witnesseth:

WHEREAS, the City of Coon Rapids and City of Fridley received notice that it is eligible for a JAG grant in the amount of \$25,324.00 for the purpose of law enforcement equipment.

WHEREAS, JAG funding program requires Anoka County's consent to the allocation of JAG monies even though Anoka County is not directly receiving JAG monies;

WHEREAS, City of Fridley is declining their direct allocation of the JAG monies, therefore City of Coon Rapids is eligible for their portion.

WHEREAS, Minnesota Statute § 471.59, subd. 1 allows two or more governmental units, by agreement entered into by their governing bodies, to jointly or cooperatively exercise any power common to both contracting parties; and further it allows one party to act on behalf of other participating units of government; and

WHEREAS, each governmental body, in performing governmental functions or in paying for the performance of government functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement:
And

NOW THEREFORE, the cities of Coon Rapids and Anoka County agree as follows:

Section 1.

Anoka consents to the allocation of JAG monies and how Coon Rapids will spend the JAG monies.

Section 2.

City of Fridley declines their direct allocation of JAG monies, consents to the allocation of their portion of JAG monies to Coon Rapids and how Coon Rapids will spend the JAG monies.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against the City of Coon Rapids other than claims for which liability may be imposed by the Minnesota Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against Anoka County other than claims for which liability may be imposed by the Minnesota Tort Claim Act.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this agreement do not intend for any third party to obtain a right by virtue of this agreement.

Section 7.

By entering into this agreement, the parties do not intend to create any obligations

express or implied other than those set out herein; further, this agreement shall not create any rights in any party not a signatory hereto.

Section 8.

This Memorandum of Understanding may be executed in counterparts as of the day first written above.

COUNTY OF ANOKA

CITY OF COON RAPIDS

By: _____
Matt Look, Chair
Anoka County Board Commissioners

By: _____
Jerry Koch, Mayor

Dated: _____

Dated: _____

By: _____
Rhonda Sivarajah, County Administrator

By: _____
Matt Stemwedel, City Manager

Dated: _____

Dated: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Bryan R. Lindberg
Assistant County Attorney

By: _____
David J. Brodie
City Attorney

Dated: _____

Dated: _____

CITY OF FRIDLEY

By: _____
Scott Lund, Mayor

Dated: _____

By: _____
Wally Wysopal, City Manager

Dated: _____

APPROVED AS TO FORM

By: _____
Sarah Sonsalla
City Attorney

Dated: _____



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

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

Title

Resolution No. 2023-30, Approving Gifts, Donations and Sponsorships Received Between February 20, 2023, and March 20, 2023

Background

Each month, the City of Fridley (City) receives various donations and gifts to support City operations, programs and projects. Pursuant to Minnesota Statute § 465.03, the City may accept these donations and gifts for the benefit of residents. For specific donations or gifts, the donor may prescribe certain requirements, such as for a specific activity or department.

Consistent with the abovementioned statute, staff prepared Schedule No. 1 (Exhibit A), which outlines the various donations, gifts and/or sponsorships received by the City between February 20, 2023, and March 20, 2023. To accept the same, the Council must adopt the attached resolution by a two-third majority vote.

Lastly, for each donation, gift or sponsorship, staff ensure it meets an identified need, does not create a quid-pro-quo or long-term maintenance obligation, and the donor received an acknowledgment of their gift through a letter or publication.

Financial Impact

Every donation benefits the City of Fridley's finances.

Recommendation

Staff recommend the approval of Resolution No. 2023-30.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Resolution No. 2023-30
- Exhibit A: Schedule No. 1

Vision Statement

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

Resolution No. 2023-30**Approving Gifts, Donations and Sponsorships for the City of Fridley**

Whereas, throughout the year the City of Fridley (City) receives various gifts and donations; and

Whereas, the City is sincerely grateful for the support it receives from an array of organizations and individuals; and

Whereas, without this support, the continuation of different events or programs would be difficult to sustain; and

Whereas, the attached schedule (Exhibit A) lists all of the donations and gifts received by various City departments between February 20, 2023, and March 20, 2023; and

Whereas, all of the items listed on the attached schedule (Exhibit A) are required to be accepted by the City Council by a two-thirds majority vote; and

Whereas, all items have been determined to be donated free of any quid-pro-quo expectation by the donor.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves and accepts the various donations, gifts and sponsorships made between February 20, 2023, and March 20, 2023.

Passed and adopted by the City Council of the City of Fridley this 27th day of March, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

Gifts, Donations, and Sponsorships - City of Fridley

Schedule No. 1

Date Received	Department or Division	Program	Donor Name, if not anonymous	Amount/ Value	Fund
12/19/2022	SNC	Xcel grant	Springbrook Foundation	\$7,500.00	270
12/22/2022	SNC	Green Roof	Springbrook Foundation	\$67,751.20	270
12/28/2022	Public Safety - Police	Donation for Police K9 Expenses	Coss Family Foundation (St. Paul & MN Foundation)	\$20,000.00	101
12/30/2022	SNC	Donation for Winterfest - Kicksleds	Spring Lake Park Lions	\$1,500.00	270
12/31/2022	SNC	Donation Box Contents	Various	\$127.00	270
1/3/2023	Public Safety - Police	Donation for "Nite to Unite" supplies	MINCO	\$1,000.00	101
1/17/2023	Parks & Recreation - Rec Div	Donation for Winterfest - Kicksleds	Fridley Lions Club	\$1,500.00	101
1/18/2023	Public Safety - Fire	Donation for Fire Prevention Activities	MINCO	\$1,000.00	101
1/25/2023	SNC	Donation Box Contents	Various	\$145.04	270
1/25/2023	SNC	Individual Donation	Jerrilynn Boehland	\$100.00	270
2/28/2023	SNC	Donation Box Contents	Various	\$295.00	270
3/1/2023	SNC	Donation Box Contents	Various	\$88.00	270
3/10/2023	SNC	General Donation	Zoe & Brett Hildreth	\$100.00	270
3/16/2023	SNC	Memorial Donation for Dave Kondrick	Roger & Barb Van Batavia	\$25.00	270

Year to Date Total

\$101,131.24



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

Submitted By: Ryan George, Deputy Director of Public Safety

Title

Resolution No. 2023-31, Approving and Authorizing the Signing of an Agreement with Independent School District #14

Background

Independent School District #14 (District) provides K-12 public school services at multiple locations in the City of Fridley (City). The City's Police Division has a long-standing relationship with the District in which the City and the District previously entered into contractual agreements for the City to provide two licensed police officers to the District as School Resource Officers (SROs). One SRO is assigned to Fridley Middle School and one SRO is assigned to Fridley High School. Both SROs share responsibility for elementary schools and other schools within the City.

The District and the City recognize the benefit that SROs provide to the school, the City, and the community at-large. The District and the City desire to extend their relationship throughout the 2023-2024 and 2024-2025 school years. Under the terms of the agreement, the City will provide two licensed police officers to the District for assignment as SROs.

Language was added to acknowledge that the City reserves the right to temporarily recall or reassign one or both SROs if extenuating circumstances exist. Aside from this minor addition and the updating of relevant dates and the cost of the SROs, the agreement has not been substantially amended from previous versions. The agreement has been reviewed by the City Attorney.

Financial Impact

Revenue from this contract is anticipated in the annual budget.

Recommendation

Staff recommend the approval of Resolution No. 2023-31.

Focus on Fridley Strategic Alignment

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

Vision Statement

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

Attachments and Other Resources

- Resolution No. 2023-31
- School Resource Officer Program Agreement Between the City of Fridley and Independent School District #14

Vision Statement

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

Resolution No. 2023-31**Approving and Authorizing the Signing of an Agreement with
Independent School District #14**

Whereas, the Independent School District #14 (District) provides K-12 public school services at multiple locations in the City of Fridley (City); and

Whereas, the City and the District previously entered into contractual agreements for the City to provide one School Resource Officer to Fridley Middle School and one School Resource Officer to Fridley High School; and

Whereas, the District and the City recognize the benefit that School Resource Officers provide to the school, the Public Safety Department, and the community at-large; and

Whereas, the District and the City desire to extend their relationship in which the City will provide two licensed police officers under the terms of the agreement.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves said agreement and the Mayor and the City Manager or their designee are hereby authorized to execute the attached Agreement.

Passed and adopted by the City Council of the City of Fridley this 27th day of March, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

SCHOOL RESOURCE OFFICER PROGRAM AGREEMENT BETWEEN THE CITY OF FRIDLEY AND INDEPENDENT SCHOOL DISTRICT #14

This agreement is made the 21st day of March, 2023, pursuant to M.S. 471.59 by and between the City of Fridley (City) and Independent School District #14 (School District).

1. PURPOSE

The City and the School District wish to participate in a School Resource Officer Program. Both the City and the School District agree that a School Resource Officer Program improves understanding and promotes mutual respect between police, school, staff, counselors, parents and students. The purpose of this Agreement is to set forth in writing the terms and conditions of the mutual duties and obligations and to fund the position of School Resource Officer (SRO).

2. FUNDING

The School District will fund a portion of the salary and benefits for two licensed police officers assigned as School Resource Officers.

For the **2023-2024** school term the amount shall be based on two SROs assigned for the entire term. This amount shall total **\$134,160**.

For the **2024-2025** school term the amount shall be based on two SROs assigned for the entire term. This amount shall total **\$139,530**.

The School District officials and the City of Fridley Public Safety Director shall determine the specific days and hours to be worked under this agreement. The City shall have exclusive use of the police officers assigned as the School Resource Officers from the end of the 2023-2024 school term until the first day of the 2024-2025 school term.

3. SERVICES

This City shall provide the services of two licensed police officers and related support services and supplies to assist the School District in establishing a School Resource Officers Program. The City reserves the right to temporarily recall or reassign one or both SROs if extenuating circumstances exist. The officers will have primary responsibilities in serving as a resource to faculty, classroom members and school administrators in the promoting of positive youth behavior. The School District agrees to provide adequate office space, telephone and other reasonable clerical support services. Basic assignments will be to the High School and Middle School with occasional support at other facilities as needed. During the school day, the School Resource Officers will be available for and may respond to emergency calls and other assistance required by the City, and may attend police training and special duties as assigned by the City.

The City shall provide the following coverage for school events:

- **Fridley High School home football games occurring during the school year, including playoffs**
 - Two SROs will work Fridley HS home football games as part of their SRO duties
 - For the Homecoming football game, two SROs and two additional officers will be provided, for a total of four police officers
- **Fridley High School Prom**
 - Two SROs will work Fridley HS Prom as part of their SRO duties
- **Fridley High School Graduation**
 - Two SROs will work Fridley HS graduation as part of their SRO duties
- **Additional Fridley High School and Fridley Middle School Dances**
 - Dances at FHS and FMS will be staffed by the SRO assigned to that school.
- **Additional police security**
 - For other events that require police security, a request can be made through the Fridley Police Department's Office Coordinator. Hours worked by officers will be invoiced at the current rate upon completion of the event(s).

In the event that an SRO is unavailable for a particular event, coverage will be provided by another Fridley police officer. SROs are authorized by the City to adjust their regular working hours to accommodate a school event that requires their attendance (listed above).

4. **PAYMENT**

The City shall provide billing to the School District for services provided in this Agreement, and the School District will remit payment to the City on a semi-annual basis.

5. **TERM**

This Agreement shall commence on the 31st day of **August, 2023**, and shall end on the last day of the **2024-2025** school term. Thereafter, it may be renewed on a yearly basis by mutual agreement. Either party may cancel this Agreement with a 30 day written notice.

6. **GENERAL PROVISIONS**

It is expressly agreed that the School Resource Officers are City employees and shall **not** be considered employees of the School District for any purpose including but not limited to salaries, wages, other compensations or fringe benefits, Worker's Compensation, Unemployment Compensation, P.E.R.A., Social Security, Liability Insurance, keeping of personnel records, termination of employment, individual contracts or other contractual rights. The City shall assume all liability for the actions taken by the SROs in the performance of their duties as Peace Officers. The SROs shall report to and be directed by the City of Fridley Public Safety Director or his designee, but will receive general and daily direction from the assigned school building administrator. Representatives of the School District and the Public Safety Director or his designee shall negotiate resolution of unforeseen problems arising in this program.

Nothing contained herein shall be deemed a waiver by the City or School District of any governmental immunity defenses, statutory or otherwise. Further, any and all claims brought by a third party shall be subject to any governmental immunity defenses of the City and School District and the maximum liability limits provided by Minnesota Statutes, Chapter 466.

7. SCHEDULING

The duty hours of the SROs are flexible and will be primarily coordinated with the school day and activities. The SROs will make daily contact with the Police Department for the purpose of keeping abreast of incident reports and other City activity. The SROs may be required to conduct juvenile investigations. During non-school periods, the City will determine the SROs duties and schedule.

8. DISCRIMINATION

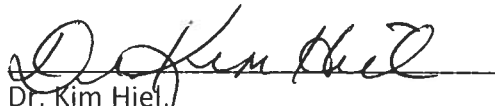
The City and the School District agree not to discriminate in providing services under this Agreement on the basis of race, sex, creed, national origin, age or religion.

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT ON THIS THE 21st DAY OF March, 2023.

City of Fridley

Scott. J. Lund, Mayor

Independent School District #14



Dr. Kim Hiel,
Superintendent

Brian T. Weierke
Public Safety Director



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

Submitted By: Roberta Collins, Assistant to the City Manager

Title

Resolution No. 2023-32, Approving Claims for the Period Ending March 22, 2023

Background

Attached is Resolution No. 2023-32 and the claims report for the period ending March 22, 2023.

Financial Impact

Included in the budget.

Recommendation

Staff recommend the approval of Resolution No. 2023-32.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Resolution No. 2023-32
- City Council Claims Report

Vision Statement

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

Resolution No. 2023-32**Approving Claims for the Period Ending March 22, 2023**

Whereas, Minnesota Statute § 412.271 generally requires the City Council to review and approve claims for goods and services prior to the release of payment; and

Whereas, a list of such claims for the period ending March 22, 2023, was reviewed by the City Council.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves the payment of the claims as presented.

Passed and adopted by the City Council of the City of Fridley this 27th day of March, 2023.

Scott J. Lund - Mayor

Attest:

Melissa Moore – City Clerk



City of Fridley, MN

Item 9.

Bank Transaction Report

Transaction Detail

Issued Date Range: 03/09/2023 - 03/22/2023

Cleared Date Range: -

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
Accounts Payable							
03/14/2023		199291	PERFECTMIND INC Reversal	Accounts Payable	Outstanding	Check Reversal	4,725.00
03/14/2023		199843	24RESTORE INC	Accounts Payable	Outstanding	Check	-14,724.83
03/14/2023		199844	AMERICAN SOLUTIONS FOR BUSINESS	Accounts Payable	Outstanding	Check	-45.15
03/14/2023		199845	ANOKA COUNTY ATTORNEY	Accounts Payable	Outstanding	Check	-242.00
03/14/2023		199846	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-170.89
03/14/2023		199847	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-3,153.84
03/14/2023		199848	ASTLEFORD INTERNATIONAL TRUCKS	Accounts Payable	Outstanding	Check	-468.96
03/14/2023		199849	BARR ENGINEERING	Accounts Payable	Outstanding	Check	-7,037.50
03/14/2023		199850	BARRE, HAMDI	Accounts Payable	Outstanding	Check	-100.00
03/14/2023		199851	BECKLIN, KEVEN	Accounts Payable	Outstanding	Check	-18.50
03/14/2023		199852	CARE RESOURCE CONNECTION	Accounts Payable	Outstanding	Check	-2,000.00
03/14/2023		199853	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Outstanding	Check	-2,921.70
03/14/2023		199854	CENTURY LINK	Accounts Payable	Outstanding	Check	-1,152.74
03/14/2023		199855	CMT JANITORIAL SERVICES	Accounts Payable	Outstanding	Check	-2,905.00
03/14/2023		199856	COON RAPIDS, CITY OF	Accounts Payable	Outstanding	Check	-29,701.00
03/14/2023		199857	CUSTOM GRAPHIX	Accounts Payable	Outstanding	Check	-361.35
03/14/2023		199858	DLT SOLUTIONS INC	Accounts Payable	Outstanding	Check	-6,008.46
03/14/2023		199859	DO-GOOD BIZ INC	Accounts Payable	Outstanding	Check	-1,821.00
03/14/2023		199860	ENTERPRISE FM TRUST	Accounts Payable	Outstanding	Check	-13,844.04
03/14/2023		199861	FAUL PSYCHOLOGICAL PLLC	Accounts Payable	Outstanding	Check	-1,800.00
03/14/2023		199862	HAWKINS INC	Accounts Payable	Outstanding	Check	-3,924.42
03/14/2023		199863	JASONS JANITORIAL SERVICES	Accounts Payable	Outstanding	Check	-3,100.00
03/14/2023		199864	KATH FUEL OIL SERVICE	Accounts Payable	Outstanding	Check	-710.00
03/14/2023		199865	KLEIN UNDERGROUND LLC	Accounts Payable	Outstanding	Check	-2,200.85
03/14/2023		199866	LEAGUE OF MN CITIES INS TRUST	Accounts Payable	Outstanding	Check	-191,061.00
03/14/2023		199867	LOFFLER COMPANIES-131511	Accounts Payable	Outstanding	Check	-44.38
03/14/2023		199868	MADDEN GALANTER HANSEN LLP	Accounts Payable	Outstanding	Check	-100.00
03/14/2023		199869	MANSFIELD OIL COMPANY	Accounts Payable	Outstanding	Check	-13,521.90
03/14/2023		199870	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-604.39
03/14/2023		199871	METRO-INET	Accounts Payable	Outstanding	Check	-4,563.00
03/14/2023		199872	METROPOLITAN COUNCIL (SAC CHARGES)	Accounts Payable	Outstanding	Check	-4,920.30
03/14/2023		199873	MINN DEPT OF FINANCE	Accounts Payable	Outstanding	Check	-121.00
03/14/2023		199874	MINN DEPT OF LABOR & INDUSTRY	Accounts Payable	Outstanding	Check	-1,099.48
03/14/2023		199875	MINN POLLUTION CONTROL AGENCY-MPCA	Accounts Payable	Outstanding	Check	-40.00
03/14/2023		199876	NEW BRIGHTON, CITY OF	Accounts Payable	Outstanding	Check	-594.29
03/14/2023		199877	NYKANEN, ANDREW	Accounts Payable	Outstanding	Check	-6,487.20

Bank Transaction Report

Issued Date Range

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
03/14/2023		199878	PLAISTED COMPANIES	Accounts Payable	Outstanding	Check	-341.73
03/14/2023		199879	STANTEC CONSULTING SERVICES INC	Accounts Payable	Outstanding	Check	-6,861.64
03/14/2023		199880	TIMESAVER OFF SITE SECRETARIAL INC	Accounts Payable	Outstanding	Check	-318.00
03/14/2023		199881	USA BLUEBOOK	Accounts Payable	Outstanding	Check	-113.90
03/14/2023		199882	VERIZON WIRELESS	Accounts Payable	Outstanding	Check	-1,892.11
03/14/2023		199883	XCEL ENERGY	Accounts Payable	Outstanding	Check	-2,296.25
03/14/2023		199885	PERFECTMIND INC	Accounts Payable	Outstanding	Check	-4,725.00
03/15/2023		199886	FRIDLEY FIRE RELIEF ASSOC	Accounts Payable	Outstanding	Check	-775.00
03/15/2023		199887	FRIDLEY POLICE ASSOCIATION	Accounts Payable	Outstanding	Check	-192.00
03/15/2023		199888	MINN CHILD SUPPORT PAYMENT CENTER	Accounts Payable	Outstanding	Check	-817.71
03/17/2023		199889	AMERICAN LEGION POST 303	Accounts Payable	Outstanding	Check	-8,103.19
03/17/2023		199890	ANOKA COUNTY TREASURY OFFICE	Accounts Payable	Outstanding	Check	-61,145.00
03/17/2023		199891	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-253.12
03/17/2023		199892	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-3,563.05
03/17/2023		199893	BEARING DISTRIBUTORS INC - BDI	Accounts Payable	Outstanding	Check	-18.35
03/17/2023		199894	BLAINE AREA PET HOSPITAL	Accounts Payable	Outstanding	Check	-959.49
03/17/2023		199895	BLAINE CUSTOM APPAREL & AWARDS	Accounts Payable	Outstanding	Check	-101.07
03/17/2023		199896	CENTERPOINT ENERGY-MINNEGASCO	Accounts Payable	Outstanding	Check	-9,028.44
03/17/2023		199897	CENTURY LINK	Accounts Payable	Outstanding	Check	-67.84
03/17/2023		199898	COMCAST/XFINITY	Accounts Payable	Outstanding	Check	-317.21
03/17/2023		199899	DALCO	Accounts Payable	Outstanding	Check	-1,656.87
03/17/2023		199900	FARROW, NGE AHMED JAMAL	Accounts Payable	Outstanding	Check	-50.00
03/17/2023		199901	FRIDLEY COMMUNITY EDUCATION	Accounts Payable	Outstanding	Check	-2,820.00
03/17/2023		199902	FRIDLEY FIRE RELIEF ASSOC	Accounts Payable	Outstanding	Check	-3,000.00
03/17/2023		199903	FRIENDLY CHEVROLET INC	Accounts Payable	Outstanding	Check	-3,213.64
03/17/2023		199904	GARELICK STEEL CO	Accounts Payable	Outstanding	Check	-126.76
03/17/2023		199905	GRAPHIC SOLUTIONS GROUP INC	Accounts Payable	Outstanding	Check	-1,039.08
03/17/2023		199906	HAMMER SPORTS LLC	Accounts Payable	Outstanding	Check	-396.00
03/17/2023		199907	LEAGUE OF MN CITIES INS TRUST	Accounts Payable	Outstanding	Check	-2,852.24
03/17/2023		199908	LEPAGE & SONS	Accounts Payable	Outstanding	Check	-750.86
03/17/2023		199909	LIONS CLUB OF FRIDLEY	Accounts Payable	Outstanding	Check	-24,309.57
03/17/2023		199910	METRO VOLLEYBALL OFFICIALS ASSOCIATION	Accounts Payable	Outstanding	Check	-510.00
03/17/2023		199911	ODENTHAL, JOHN	Accounts Payable	Outstanding	Check	-182.75
03/17/2023		199912	OERTEL ARCHITECTS	Accounts Payable	Outstanding	Check	-33,087.50
03/17/2023		199913	PIONEER RIM & WHEEL COMPANY	Accounts Payable	Outstanding	Check	-18.70
03/17/2023		199914	STEPHENS, MELISSA	Accounts Payable	Outstanding	Check	-16.69
03/17/2023		199915	SUBURBAN TIRE WHOLESALE INC	Accounts Payable	Outstanding	Check	-242.64
03/17/2023		199916	TALLEN AND BAERTSCHI	Accounts Payable	Outstanding	Check	-1,513.55
03/17/2023		199917	UTILITY LOGIC LLC	Accounts Payable	Outstanding	Check	-250.00
03/17/2023		199918	XCEL ENERGY	Accounts Payable	Outstanding	Check	-10,833.48
03/17/2023		901	CITY OF FRIDLEY ICMA-457	Accounts Payable	Outstanding	EFT	-24,135.64
03/17/2023		902	CITY OF FRIDLEY ICMA-IAFF DUES/INTL ASSOC/FIRE FIGHTERS	Accounts Payable	Outstanding	EFT	-60.00
03/17/2023		903	CITY OF FRIDLEY ICMA-RHS	Accounts Payable	Outstanding	EFT	-3,613.48

Bank Transaction Report

Issued Date Range

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
03/17/2023		904	CITY OF FRIDLEY ICMA-ROTH	Accounts Payable	Outstanding	EFT	-4,541.53
03/17/2023		DFT0004289	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,539.23
03/17/2023		DFT0004290	EMPOWER RETIREMENT (for MN/MSRS)	Accounts Payable	Outstanding	Bank Draft	-1,065.25
03/17/2023		DFT0004293	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-3,896.29
03/17/2023		DFT0004294	OPTUM BANK (HSA)	Accounts Payable	Outstanding	Bank Draft	-3,060.66
03/17/2023		DFT0004295	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-44,459.11
03/17/2023		DFT0004296	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-164.46
03/17/2023		DFT0004297	PERA - PUBLIC EMPLOYEES	Accounts Payable	Outstanding	Bank Draft	-59,358.76
03/17/2023		DFT0004298	BENEFIT RESOURCE LLC	Accounts Payable	Outstanding	Bank Draft	-900.00
03/17/2023		DFT0004299	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-45,035.58
03/17/2023		DFT0004300	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-16,372.10
03/17/2023		DFT0004301	MINN DEPARTMENT OF REVENUE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-23,592.65
03/17/2023		DFT0004302	INTERNAL REVENUE SERVICE - PAYROLL TAXES	Accounts Payable	Outstanding	Bank Draft	-50,936.68
03/20/2023		199919	JOHN DEERE GOVERNMENT & NATL SALES	Accounts Payable	Outstanding	Check	-14,521.88
03/22/2023		199942	ARAMARK UNIFORM SERVICES	Accounts Payable	Outstanding	Check	-132.89
03/22/2023		199943	ASPEN MILLS INC	Accounts Payable	Outstanding	Check	-237.99
03/22/2023		199944	AUTONATION FORD WHITE BEAR LAKE	Accounts Payable	Outstanding	Check	-615.96
03/22/2023		199945	BEISSWENGER'S HARDWARE	Accounts Payable	Outstanding	Check	-175.05
03/22/2023		199946	CASTUS CORPORATION	Accounts Payable	Outstanding	Check	-6,898.00
03/22/2023		199947	CORE & MAIN LP	Accounts Payable	Outstanding	Check	-6,924.24
03/22/2023		199948	ECOSAFE ZERO WASTE USA INC	Accounts Payable	Outstanding	Check	-177.12
03/22/2023		199949	FASTENAL COMPANY	Accounts Payable	Outstanding	Check	-19.23
03/22/2023		199950	FERGUSON WATERWORKS #2518	Accounts Payable	Outstanding	Check	-3,063.25
03/22/2023		199951	FLEXIBLE PIPE TOOL CO	Accounts Payable	Outstanding	Check	-197.75
03/22/2023		199952	GREENHAVEN PRINTING	Accounts Payable	Outstanding	Check	-9,456.30
03/22/2023		199953	HAWKINS INC	Accounts Payable	Outstanding	Check	-90.00
03/22/2023		199954	INTERSTATE ALL BATTERY CENTER	Accounts Payable	Outstanding	Check	-575.85
03/22/2023		199955	JONES, RICHARD	Accounts Payable	Outstanding	Check	-21.00
03/22/2023		199956	MC TOOL & SAFETY	Accounts Payable	Outstanding	Check	-240.43
03/22/2023		199957	MENARDS - FRIDLEY	Accounts Payable	Outstanding	Check	-29.51
03/22/2023		199958	NORTHERN TOOL & EQUIPMENT	Accounts Payable	Outstanding	Check	-160.88
03/22/2023		199959	RDO EQUIPMENT CO	Accounts Payable	Outstanding	Check	-104.13
03/22/2023		199960	RESPEC	Accounts Payable	Outstanding	Check	-1,693.13
03/22/2023		199961	SHERWIN-WILLIAMS	Accounts Payable	Outstanding	Check	-216.63
03/22/2023		199962	TIMESAVER OFF SITE SECRETARIAL INC	Accounts Payable	Outstanding	Check	-590.25
03/22/2023		199963	T-MOBILE	Accounts Payable	Outstanding	Check	-25.00
03/22/2023		199964	VEGA AMERICAS INC	Accounts Payable	Outstanding	Check	-4,855.82
03/22/2023		199965	WILDLIFE SCIENCE CENTER	Accounts Payable	Outstanding	Check	-187.50
03/22/2023		199966	XCEL ENERGY	Accounts Payable	Outstanding	Check	-22,123.13
Accounts Payable Total: (118)							-861,668.94
Payroll							
03/17/2023	03/15/2023	8	8	Payroll	Cleared	Check	0.00

Bank Transaction Report

Issued Date Range

Issued Date	Cleared Date	Number	Description	Module	Status	Type	Amount
03/17/2023		EFT0000181	Payroll EFT	Payroll	Outstanding	EFT	-378,003.83
Payroll Total: (2)							-378,003.83
Utility Billing							
03/14/2023		199884	MIDWEST TOWNHOME	Utility Billing	Outstanding	Check	-261.09
03/21/2023		199920	MIDWEST GIR GROUP LLC	Utility Billing	Outstanding	Check	-1,500.00
03/21/2023		199921	NICK TILLMANN	Utility Billing	Outstanding	Check	-27.56
03/21/2023		199922	MATTHEW HARSTAD	Utility Billing	Outstanding	Check	-13.03
03/21/2023		199923	ROBERT MELLE	Utility Billing	Outstanding	Check	-110.35
03/21/2023		199924	ANISA OSMAN & ABDULRZAQ ALI	Utility Billing	Outstanding	Check	-215.95
03/21/2023		199925	BRIAN & PEGGY HANSEN	Utility Billing	Outstanding	Check	-294.97
03/21/2023		199926	CHI HUYNH	Utility Billing	Outstanding	Check	-543.62
03/21/2023		199927	JAMA O HERSI	Utility Billing	Outstanding	Check	-20.60
03/21/2023		199928	GRACE WILSON	Utility Billing	Outstanding	Check	-188.11
03/21/2023		199929	ESTATE OF LARRY ANDERSON	Utility Billing	Outstanding	Check	-118.33
03/21/2023		199930	TIMOTHY KAMPA	Utility Billing	Outstanding	Check	-19.60
03/21/2023		199931	KENNETH SCRIBNER	Utility Billing	Outstanding	Check	-94.57
03/21/2023		199932	K & G INVESTMENTS	Utility Billing	Outstanding	Check	-23.34
03/21/2023		199933	ARLENE ANDREA	Utility Billing	Outstanding	Check	-34.17
03/21/2023		199934	JOSHUA & JENNIFER BURRS	Utility Billing	Outstanding	Check	-101.51
03/21/2023		199935	COMMERCIAL EQUITIES PARTNERS LLC	Utility Billing	Outstanding	Check	-562.56
03/21/2023		199936	COMMERCIAL EQUITIES PARTNERS LLC	Utility Billing	Outstanding	Check	-100.70
03/21/2023		199937	DAVE A NELSON	Utility Billing	Outstanding	Check	-58.01
03/21/2023		199938	IDR CONSTRUCTION	Utility Billing	Outstanding	Check	-33.95
03/21/2023		199939	CHERYL EVJEN	Utility Billing	Outstanding	Check	-39.63
03/21/2023		199940	SUSAN SWEET	Utility Billing	Outstanding	Check	-71.54
03/21/2023		199941	STERLIN JOURDAIN	Utility Billing	Outstanding	Check	-183.29
Utility Billing Total: (23)							-4,616.48
Report Total: (143)							-1,244,289.25

Bank Transaction Report

Summary

Bank Account	Count	Amount
0000100479 City of Fridley	143	-1,244,289.25
Report Total:	143	-1,244,289.25

Cash Account	Count	Amount
No Cash Account	1	0.00
999 999-101100 Cash in Bank - CITY Pooled Cash	142	-1,244,289.25
Report Total:	143	-1,244,289.25

Transaction Type	Count	Amount
Bank Draft	12	-250,380.77
Check	125	-588,279.00
Check Reversal	1	4,725.00
EFT	5	-410,354.48
Report Total:	143	-1,244,289.25



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

Submitted By: James Kosluchar, Public Works Director
Brandon Brodhag, Assistant City Engineer

Title

Resolution No. 2023-29, Approving Right-of-Way Easement and Temporary Construction Easement for the 53rd Avenue Roundabout Safety Project with Target Corporation

Background

As part of the City's 53rd Avenue Roundabout Safety Project, the City is requesting easements to accommodate the new infrastructure and construction of the project as designed.

The City has requested that an easement area north of the existing road right-of-way on 53rd Avenue along Target's property be provided by Target Corporation to allow for the construction of the roundabout and the relocation of the existing concrete sidewalk. The City is also requesting an adjacent area of temporary construction easement to provide a work and staging area while construction is taking place.

Attached are the final easement documents that were prepared by the City that were reviewed by Target Corporation and City Attorney, Sarah Sonsalla. Target Corporation has accepted the documents and are currently mailing executed copies to the City. With approval by City Council, the 53rd Avenue Roundabout Safety Project will move forward and will be sent out for bids in the spring of this year.

Financial Impact

No financial impact.

Recommendation

Staff recommends the approval of Resolution No. 2023-29.

Focus on Fridley Strategic Alignment

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

Vision Statement

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

Attachments and Other Resources

- Resolution No. 2023-29
- Exhibit A – Right-of-Way Easement
- Exhibit B – Temporary Construction Easement
- Exhibit C – Project Exhibit

Vision Statement

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

Resolution No. 2023-29

Approving Right-of-Way Easement and Temporary Construction Easement for the 53rd Avenue Roundabout Safety Project with Target Corporation

Whereas, the construction of certain improvements identified as the 53rd Avenue Roundabout Safety Project No. ST2023-22 (Improvements) is deemed to be in the interest of the City of Fridley (City) and the property owners affected thereby; and

Whereas, the City has received a Highway Safety Improvement Program grant of \$730,800 for the Improvements; and

Whereas, the City required additional property rights in order to construct and maintain the Improvements as designed, including acquisition of a Right-of-Way Easement and a Temporary Construction Easement for construction purposes from the property located at 755 53rd Avenue N.E., Fridley, MN (Anoka County Parcel No. 23-30-24-44-0008); and

Whereas, Target Corporation (Owner) of the property located at 755 53rd Avenue N.E., Fridley, MN have agreed to grant the City Right-of-Way Easement and Temporary Construction Easement over a portion of the property at 755 53rd Avenue N.E. as stated within the Right-of-Way Easement and Temporary Construction Easement documents.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby approves the Right-of-Way Easement and Temporary Construction Easement agreements for the 53rd Avenue Roundabout Safety Project with Target Corporation.

Passed and adopted by the City Council of the City of Fridley this 27th day of March, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

RIGHT-OF-WAY EASEMENT

THIS INSTRUMENT is made by Target Corporation, a Minnesota corporation, Grantor, in favor of the City of Fridley, Minnesota, a municipal corporation under the laws of the State of Minnesota, Grantee (the “City”).

Recitals

- A. Grantor is the fee owner of property in Anoka County, Minnesota, legally described on the attached Exhibit A (the “Property”).
- B. Grantor desires to grant to the City a non-exclusive permanent right-of-way easement, according to the terms and conditions contained herein.

Terms of Easement

1. Grant of Easement. For good and valuable consideration, receipt of which is hereby acknowledged by Grantor, Grantor grants and conveys to the City a permanent, non-exclusive easement for public right-of-way purposes over, under, across, and through that part of the Property legally described on Exhibit B and shown on the map attached as Exhibit C (the “Easement Area”).
2. Scope of Easement. The above-described right-of-way easement includes the rights of the City, its contractors, agents, and employees to do whatever is necessary for enjoyment of the rights granted herein to use the Easement Area for a public road, drainage and utilities and related purposes including the right to enter the Easement Area for purposes of constructing, operating, maintaining, altering, grading, repairing, replacing, or removing a road, sanitary sewer, storm sewer, watermain or other public improvements, including but not limited to, the right itself, or to allow public or private utility companies, to place, maintain, improve, repair, replace, and remove utilities and related facilities within the Easement Area, and the rights to cut, trim, or remove trees, shrubs, or other vegetation existing within the Easement Area, and to prohibit obstructions and grading alterations now or in the future as in City’s judgment unreasonably interfere with the use or maintenance of the Easement Area.
3. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on Grantor and Grantor’s successors and assigns.
4. Condition. By accepting this easement, Grantee acknowledges that the easement has been granted without any warranty or representation regarding the Easement Area whatsoever, in its “AS-IS”, “WHERE-IS”, “WITH ALL FAULTS” condition, and subject to all valid and existing licenses, leases, grants, exceptions, encumbrances, title defects, matters of record, reservations, and conditions affecting the Easement Area.

STATE DEED TAX DUE HEREON: NONE

Dated this _____ day of _____, 2023.

GRANTOR:
TARGET CORPORATION

By: _____

Its: _____

STATE OF MINNESOTA }
COUNTY OF HENNEPIN } ss.

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, the _____ of Target Corporation, a Minnesota corporation on behalf of the corporation, Grantor.

Notary Public

NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY AND SHOULD BE RETURNED TO:
Kennedy & Graven, Chartered (SJS)
Fifth Street Towers, Suite 700
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300

EXHIBIT A

Legal Description of the Property

Lot 1, Block 1, Olivia Grove, according to the recorded plat thereof, Anoka County, Minnesota.

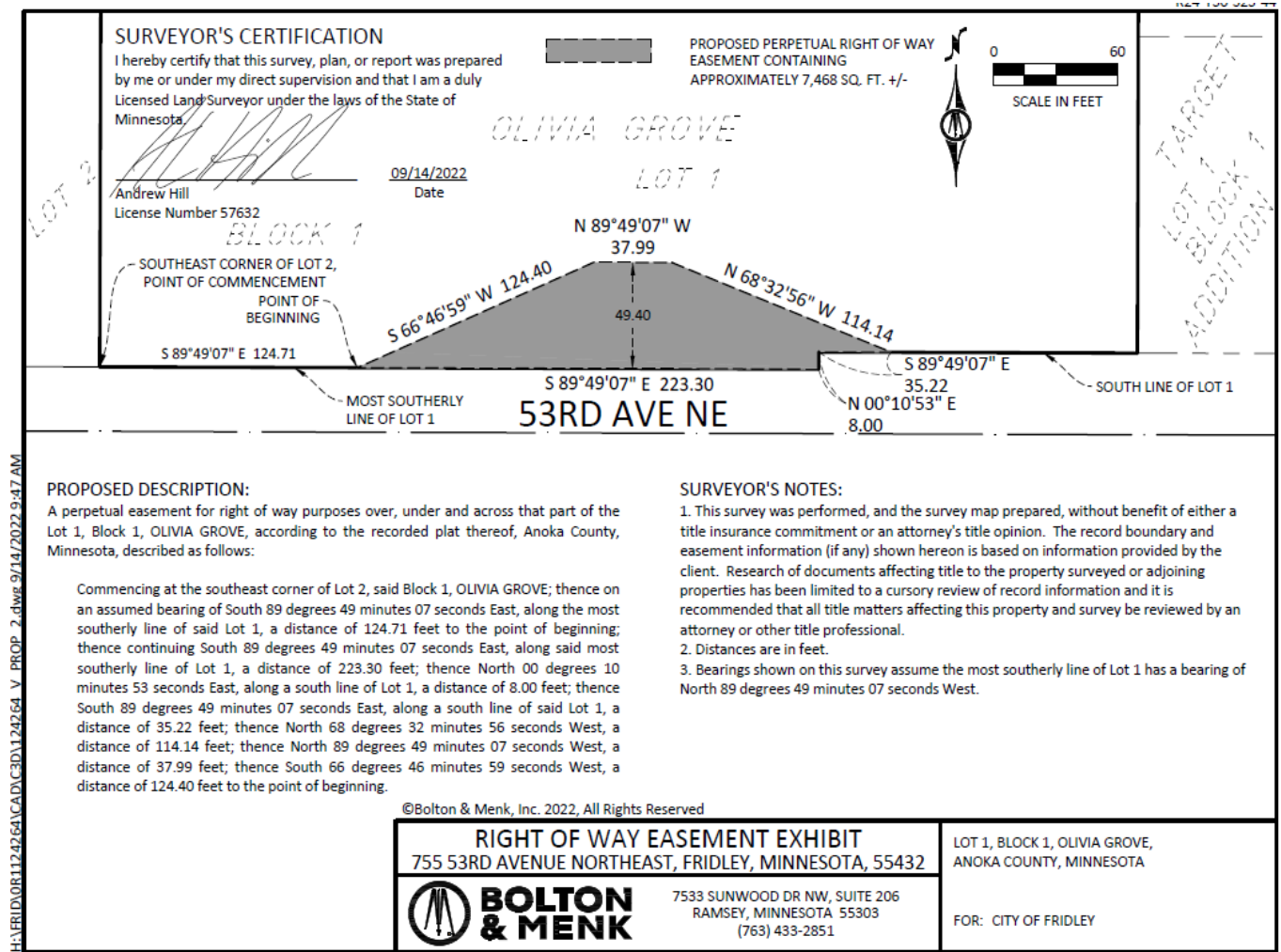
EXHIBIT B**Legal Description of the Easement Area**

A perpetual easement for right of way purposes over, under and across that part of the Lot 1, Block 1, OLIVIA GROVE, according to the recorded plat thereof, Anoka County, Minnesota, described as follows:

Commencing at the southeast corner of Lot 2, said Block 1, OLIVIA GROVE; thence on an assumed bearing of South 89 degrees 49 minutes 07 seconds East, along the most southerly line of said Lot 1, a distance of 124.71 feet to the point of beginning; thence continuing South 89 degrees 49 minutes 07 seconds East, along said most southerly line of Lot 1, a distance of 223.30 feet; thence North 00 degrees 10 minutes 53 seconds East, along a south line of Lot 1, a distance of 8.00 feet; thence South 89 degrees 49 minutes 07 seconds East, along a south line of said Lot 1, a distance of 35.22 feet; thence North 68 degrees 32 minutes 56 seconds West, a distance of 114.14 feet; thence North 89 degrees 49 minutes 07 seconds West, a distance of 37.99 feet; thence South 66 degrees 46 minutes 59 seconds West, a distance of 124.40 feet to the point of beginning.

EXHIBIT C

Depiction of the Easement Area



TEMPORARY CONSTRUCTION EASEMENT

THIS INSTRUMENT is made by Target Corporation, a Minnesota corporation (the “**Grantor**”) in favor of the City of Fridley, a Minnesota municipal corporation, Grantee (the “**City**”) as of _____, 2023 (the “**Effective Date**”).

Recitals

A. Grantor is the fee owner of the following described property in Anoka County, Minnesota:

Lot 1, Block 1, Olivia Grove

(the “**Property**”).

B. In order to facilitate a roadway project to expand and create a turn around on 53rd Avenue NE adjacent to the Property, the City has requested that Grantor grant to the City a temporary construction easement over a portion of the Property to facilitate the roadway project.

C. Grantor is willing to grant a temporary construction easement to the City upon the terms and conditions contained herein.

Terms of Temporary Construction Easement

1. Grant of Temporary Construction Easement. For good and valuable consideration, receipt of which is acknowledged by Grantor, Grantor grants and conveys to the City a non-exclusive easement (the “**Easement**”) to enter upon and use that portion of the Property legally described on Exhibit A and depicted on Exhibit B attached hereto (the “**Temporary Easement Area**”) for the purpose of performing the Work (defined below) subject to the terms and conditions contained herein.

2. Term. The term of the Easement commences on the Effective Date and shall terminate on the earlier of (a) October 1, 2023 and (b) the date of completion of the Work. Notwithstanding the foregoing, no use of the Temporary Easement Area may occur during the months of November, December, or January

3. Scope of Easement. The Easement is granted to the City solely for the purpose of allowing the City, its contractors, agents, and employees to enter the Temporary Easement Area to (i)

construct roadway, grading, and drainage and utility improvements within the right-of-way adjacent to the Temporary Easement Area in accordance with the plans attached hereto as Exhibit C, and (ii) remove those trees that are located within the Temporary Easement Area and the adjacent right-of-way and identified on Exhibit C (collectively, the “**Work**”). The City is not entitled to use the Temporary Easement Area or any other portion of the Property for any other purpose. Use of the Temporary Easement Area by the City, its contractors, agents, and employees is subject to all of the following terms and conditions:

a. The City must, at its sole cost and expense, at all times keep the Temporary Easement Area and the remainder of the Property free from any and all debris and trash relating to the Work.

b. The City must not use the Temporary Easement Area, or cause or permit the same to be used, for any use or purpose in violation of this Instrument or any laws, ordinances, regulations, or requirements of any governmental entity.

c. The City must not cause or permit the Temporary Easement Area to be put in an unsafe condition or cause a condition upon the Temporary Easement Area that could be categorized legally as an “attractive nuisance”.

d. The City must not bring to or upon, or cause or permit to be brought to or upon, the Property any objectionable noises, odors, or nuisances or any Hazardous Materials (defined below), except in the ordinary course of construction work typical of the type of Work described above, provided such use must at all times be in compliance with all applicable Environmental Laws (defined below).

e. The City comply with, or cause compliance with, all health, police, and safety statutes, ordinances, regulations, zoning, building, and code requirements governing the use of the Temporary Easement Area and/or the Work.

f. The City must not permit liens or claims of any nature relating to the Work to be filed or charged against the Property. Should any such lien be filed against the Property, the City must, within 30 days after notice of the filing thereof, cause the same to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction or otherwise.

g. No existing improvements within the Temporary Easement Area shall be removed or disturbed by the City, its contractors, agents, or employees, except for the specific trees that are to be removed as part of the Work. The City must use its best efforts to prevent any damage to the Property or any improvements located on or under the Property, including, without limitation Grantor’s existing free-standing sign located within the Temporary Easement Area. The City must also use its best efforts to prevent any interruption of utility service and any other interference with operations on the Property. Any damage to the Property or any improvements located thereon that are caused by or related to the use of the Temporary Easement Area or performance of the Work (including, but not limited to, damage to landscaping, plants or grass) must be immediately repaired by the City at its sole cost and expense.

h. The City assumes all risk of loss or damage to the property of the City and/or its contractors, agents, and employees associated with the Work and/or use of the Temporary Easement Area, including any loss or damage caused by water, fire, windstorm, explosion, theft, or other cause. The City shall be responsible for all costs related to the use of the Temporary Easement Area pursuant to this Instrument and shall have responsibility for the security and safety of all persons and property directly or indirectly associated with the Work and use of the Temporary Easement Area pursuant to this Instrument. Grantor will not be liable to the City, its contractors, agents, or employees, or those claiming through the same for injury, death or property damage occurring on or about the Temporary Easement Area.

i. All activity within the Temporary Easement Area must be coordinated with representatives of Grantor. If a representative of Grantor reasonably believes that activity within the Temporary Easement Area is creating or could create a risk of damage to any improvements on the Property, any interruption of utility service, interference with access or from the Property, or any other interference with operations on the Property, then the City must immediately cease or cause the cessation of such activity and remediate such risk to the reasonable satisfaction of Grantor.

j. If, in the course of performing activities relating to the Work, Hazardous Materials (defined below) or debris are encountered on, within or under Property that was not released by Grantor, the City (and not Grantor) shall be responsible for the remediation and/or disposal of such materials in accordance with Environmental Laws. For purposes of this Instrument, the term (i) “**Hazardous Materials**” shall mean and refer to the following: petroleum products and fractions thereof, asbestos, asbestos containing materials, urea formaldehyde, polychlorinated biphenyls, radioactive materials and all other dangerous, toxic or hazardous pollutants, contaminants, chemicals, materials, substances and wastes listed or identified in, or regulated by, any Environmental Law, and (ii) “**Environmental Laws**” shall mean and refer to the following: all federal, state, county, municipal, local and other statutes, laws, ordinances and regulations which relate to or deal with human health or the environment, all as may be amended from time to time.

k. Grantor will not erect, construct, or create any building, improvement, obstruction or structure of any kind within the Temporary Easement Area during the term of this Easement, either above or below the surface or change the grade thereof without the express written permission of the City.

l. The City shall keep at least one (1) lane of each access point from 53rd Avenue NE to the Property open to traffic at all times and must coordinate any partial closure of any access point with Grantor to minimize interference with Grantor’s business operations on the Property. To ensure such coordinate occurs, the City must provide notice to Grantor at least five (5) business days prior to any partial closure of any access point from 53rd Avenue NE to the Property, along with a traffic control plan to illustrate how access will be maintained to Grantor’s business during such partial closure.

4. Insurance. On or before the commencement of any use of the Temporary Easement Area, the City must ensure that each contractor or agent entering upon the Property has provided Grantor with evidence of the insurance described in Exhibit D attached hereto and made a part hereof.

5. Authority; Condition. Grantor represents and warrants to the City that it has the full capacity, right, power, and authority to execute, deliver, and perform under this Instrument and that all required actions, consents, and approvals therefor have been duly taken and obtained. The Easement is granted without any warranty or representation regarding the Easement or the Temporary Easement Area whatsoever, in their “AS-IS”, “WHERE-IS”, “WITH ALL FAULTS” condition, and subject to all valid and existing licenses, leases, grants, exceptions, encumbrances, title defects, matters of record, reservations and conditions affecting the Property and/or affecting access thereto.

6. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on Grantor and its successors and assigns.

STATE DEED TAX DUE HEREON: NONE

IN WITNESS WHEREOF, Grantor has executed this Instrument effective as of the date first above set forth.

GRANTOR:
TARGET CORPORATION

By: _____

Its: _____

[illegible]

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, the _____ of Target Corporation, a Minnesota corporation on behalf of Target Corporation, Grantor.

Notary Public

NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY:

Kennedy & Graven, Chartered (SJS)
Fifth Street Towers, Suite 700
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300

**EXHIBIT A TO
TEMPORARY CONSTRUCTION EASEMENT**

Legal Description of the Temporary Easement Area

A temporary construction easement over, under and across that part of the Lot 1, Block 1, OLIVIA GROVE, according to the recorded plat thereof, Anoka County, Minnesota, described as follows:

Beginning at the southeast corner of Lot 2, said Block 1, OLIVIA GROVE; thence on an assumed bearing of South 89 degrees 49 minutes 07 seconds West, along the most southerly line of said Lot 1, a distance of 124.71 feet; thence North 66 degrees 46 minutes 59 seconds East, a distance of 124.40 feet; thence South 89 degrees 49 minutes 07 seconds East, a distance of 37.99 feet; thence South 68 degrees 32 minutes 56 seconds East, a distance of 114.14 feet, to a south line of said Lot 1; thence South 89 degrees 49 minutes 07 seconds East, along a south line of said Lot 1, a distance of 44.07 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 38.57 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 35.15 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 30.63 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 343.98 feet; thence South 00 degrees 00 minutes 00 seconds East, a distance of 53.38 feet; thence North 89 degrees 50 minutes 09 seconds West, a distance of 48.13 feet, to the west line of said Lot 1; thence South 00 degrees 08 minutes 58 seconds west, along said west line of Lot 1, a distance of 22.60 feet to the point of beginning.

**EXHIBIT C TO
TEMPORARY CONSTRUCTION EASEMENT**

Description of Work

EXHIBIT D TO TEMPORARY CONSTRUCTION EASEMENT

Contractor Insurance Requirements

Prior to commencing any use of the Temporary Easement Area, the City must require each of its contractors and subcontractors to obtain, and thereafter maintain, so long as any use of the Temporary Easement Area is occurring, at least the minimum insurance coverages set forth below:

1. Workers' Compensation and Employer's Liability insurance:
 - (a) Worker's Compensation insurance as required by any applicable law or regulation.
 - (b) Employer's Liability insurance in the amount of \$1,000,000 each accident for bodily injury, \$1,000,000 policy limit for bodily injury by disease and \$1,000,000 each employee for bodily injury by disease.
2. Commercial General Liability insurance covering all operations by or on behalf of the Contractor, which shall include the following minimum limits of liability and coverages:
 - (a) Required coverages:
 - (i) Premises and Operations.
 - (ii) Products and Completed Operations.
 - (iii) Contractual Liability, insuring the indemnity obligations assumed by the Contractor under the contract documents.
 - (iv) Broad Form Property Damage (including Completed Operations).
 - (v) Explosion, Collapse and Underground Hazards.
 - (vi) Personal Injury Liability.
 - (b) Minimum limits liability:
 - (i) \$1,000,000 each occurrence (for bodily injury and property damage).
 - (ii) \$1,000,000 for Personal Injury Liability.
 - (iii) \$2,000,000 general aggregate applying separately to the work

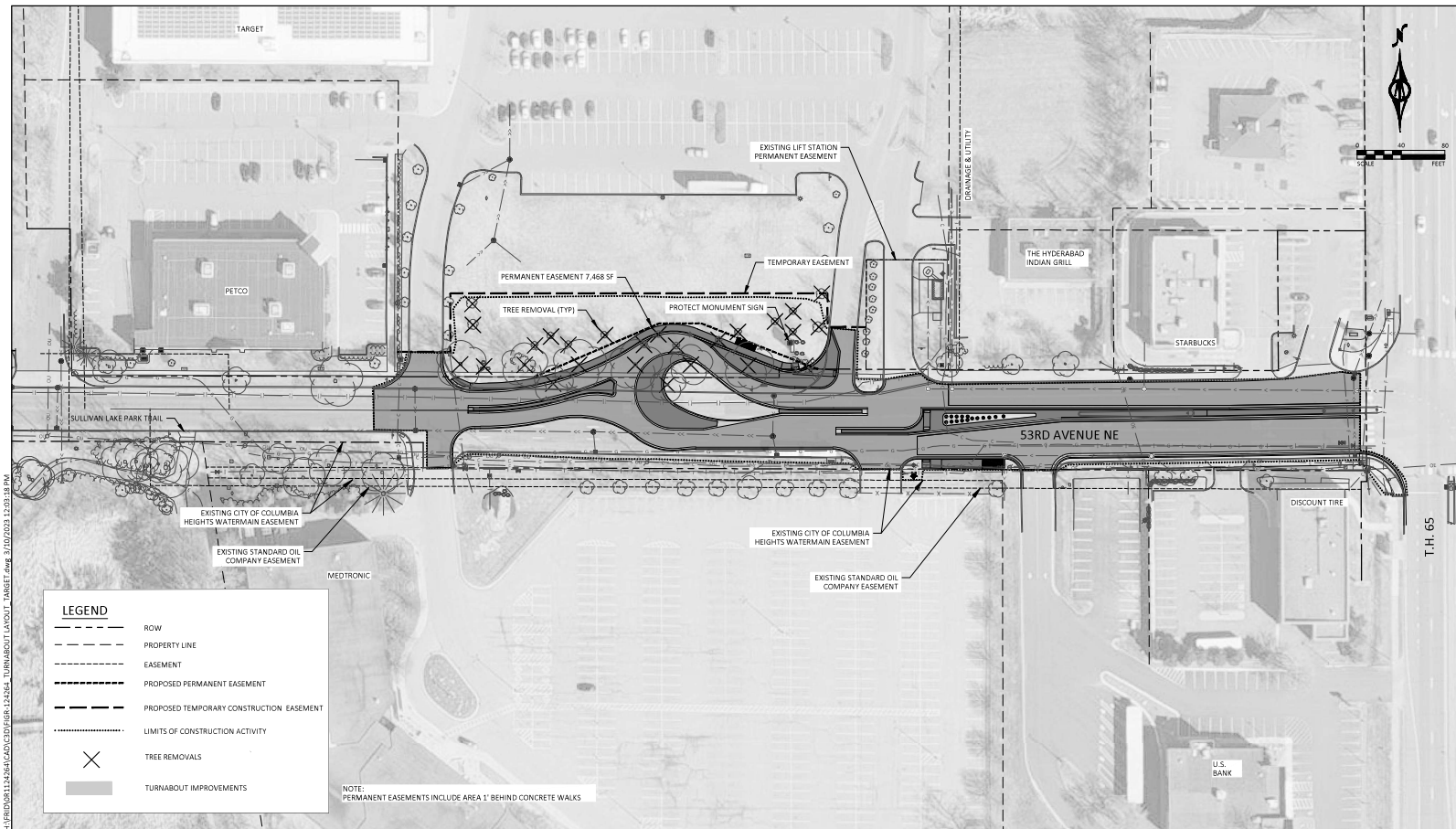
contemplated under the Agreement.

3. Automobile Liability insurance, including coverage for owned, hired and non-owned automobiles. The limits of liability shall not be less than \$2,000,000 combined single limit each accident for bodily injury and property damage. The Contractor shall require each of his subcontractors to include in their liability insurance policies coverage for automobile contractual liability.

Grantor shall be named as an additional insured on each policy (for the Commercial General Liability policy, pursuant to a CG 2010 11-85 version Form B endorsement, or equivalent), and each policy shall provide that the same shall not be cancelled, allowed to expire, or reduced in amount or coverage below the requirements set forth above without at least thirty (30) days prior written notice to Grantor. If any of the insurance policies are cancelled, expire or the amount or coverage thereof is reduced below the level required, then the applicable contractor must immediately stop all work on and use of the Temporary Easement Area until either the required insurance is reinstated, or replacement insurance is obtained, and evidence thereof is given to Grantor. All insurance required above shall be written on an occurrence basis and procured from companies rated by Best's Rating Guide not less than A-/X which are authorized to do business in the Minnesota.

53RD AVENUE TURNABOUT - HIGHWAY SAFETY IMPROVEMENT PROGRAM
Cities of Columbia Heights & Fridley

PROPOSED WORK
MARCH 2023





AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council

Submitted By: Mike Maher, Parks and Recreation Director

Title

Resolution No. 2023-33, Approving Minnesota Department of Natural Resources Outdoor Recreation Grant Application For Springbrook Nature Center Play Area Improvements

Background

The Minnesota Department of Natural Resources (DNR) offers an Outdoor Recreation Grant Program. Springbrook Nature Center staff and stakeholders have identified the need to expand the popular nature play area to include additional play elements for visitors ages five and older. The project total is \$310,000 with a grant request of \$150,000. The Springbrook Nature Center Foundation has pledged to donate \$125,000 for the project and the City of Fridley has \$25,000 budgeted in the Capitol Investment Program for nature play area improvements. \$10,000 would be provided in-kind for City labor to complete site work, fencing and tree work.

Financial Impact

The City's commitment to the nature play area improvements would be \$25,000 budgeted in the Capitol Investment Program and \$10,000 of in-kind labor for site work.

Recommendation

Staff recommends the approval of Resolution No. 2023-33.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Resolution No. 2023-33
- Minnesota DNR Outdoor Recreation Grant Application – Springbrook Nature Center Nature Play Area Improvements

Vision Statement

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

Resolution No. 2023-33**Approving Minnesota Department of Natural Resources Outdoor Recreation Grant
Application For Springbrook Nature Center Play Area Improvements**

Whereas, the Minnesota Department of Natural Resources (DNR) offers an Outdoor Recreation Grant Program designed to connect people to the outdoors, promote conservation, and improve access to natural resources; and

Whereas, the City of Fridley (City) has identified the need to expand the nature play area at its Springbrook Nature Center facility; and

Whereas, through subsequent meetings, City staff and other key stakeholder groups find that an application to the DNR's Outdoor Recreation Grant Program for Springbrook Nature Center's Play Area Improvements (Project) would benefit this service offering to the community; and

Now, therefore be it resolved, that the Fridley City Council hereby finds and orders:

1. The City will act as legal sponsor for the project contained in the Outdoor Recreation Grant application to be submitted on March 30, 2023 and that Tara Rogness, Springbrook Nature Center Manager, is hereby authorized to apply to the DNR for funding of this project on behalf of the City.
2. The City maintains an adequate Conflict of Interest Policy and, throughout the term of the contract, will monitor and report any actual or potential conflicts of interest to the State, upon discovery.
3. The City has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.
4. The City has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.
5. The City has or will acquire fee title or permanent easement over the land described in the boundary map or recreational site plan included in the application.
6. Upon approval of its application by the State, the City may enter into an agreement with the State for the above-referenced project, and that the City certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.
7. That Tara Rogness, Springbrook Nature Center Manager, is hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.

Passed and adopted by the City Council of the City of Fridley this 27th day of March, 2023.

Scott J. Lund – Mayor

Attest:

Melissa Moore – City Clerk

2023 Grant Application

Outdoor Recreation Grant Program

Submission Deadline: March 31, 2023

Before starting this application, please read the [2023 Outdoor Recreation Program Manual](#). If you are resubmitting an application from a previous cycle, please be sure to use this application as there have been several changes. Feel free to contact to discuss the application changes.

Only one park may be included in an application and only one application per park. Applicants can submit more than one application and receive more than one grant. Significant progress must be made on active projects before you can submit another application.

This program is very competitive. Be sure to allow enough time to complete the resolution, public participation, and any appraisals (if your project includes land acquisition). Staff are available to discuss your project. If you would like comments on draft applications, submit them by **March 10th**. Only complete applications submitted by the deadline will be considered.

To submit your application, format the entire application, including all attachments, as one “pdf” and email it to Parkgrants.DNR@state.mn.us by **March 31**. Use the form provided for each item or reproduce it in the same format. Use **Application Check-List** as your cover sheet.

After submission, make sure you receive a confirmation email that your application arrived in a useable form by the due date. Applications submitted in an unusable format will not be considered for funding. Paper submission of applications are no longer be accepted.

Timeline: 2023 Grant Round

- Application materials become available.....December 2022
- Review of draft applications (optional)March 10, 2023
- Submission deadlineMarch 31, 2023
- Awards announcedJune 2023
- State Historic Preservation Office (SHPO) review...Summer 2023
- Contracts signed after final approvals typically.....Oct – Nov 2023
- Grants expire – projects completedJune 30, 2025

For assistance, please contact

- Audrey Mularie, 651-259-5549, audrey.mularie@state.mn.us
- Mai Neng Moua, 651-259-5638, mai.n.moua@state.mn.us
- Department of Natural Resources (DNR) Information Center, 1-888-646-6367

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OUTDOOR RECREATION GRANT PROGRAM APPLICATION CHECK-LIST

Please use this checklist to make sure your application is complete before submitting.

Application Deadline: March 31, 2023

Required for all applicants

Grant Application

- ☒ Item 1: Application Summary
- ☒ Item 2: Project Narrative
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Attachments

- ☐ Attachment A – Applicant’s Resolution
- Attachment B – Maps
 - ☒ Location Map
 - ☒ Boundary Map
 - ☐ Recreational Site Plan
- ☐ Attachment C - Photos

Required for all new and renovated facilities

Attachment D - Plans

- ☐ Buildings, shelters and restrooms plans
- ☐ Trail, walkway and access route plans
- ☐ Playground plans
- ☐ Fishing pier plans
- ☐ Campground plans

Required for all land acquisition projects

- ☐ Attachment E - Federal Appraisal

ITEM 1 - APPLICATION SUMMARY –2023 APPLICATION

Applicant Information

Name of applicant: City of Fridley, Springbrook Nature Center
Name and title of contact: **Tara Rogness, Nature Center Manager**
Address: 100 85th Ave NE
City: Fridley State: **MN** Zip Code: 55432
Phone: 763-572-3588 Email: tara.rogness@fridleymn.gov

Park Information

Park Name: Springbrook Nature Center
Park Address: 100 85th Ave NE
City: Fridley Nine Digit Zip Code: **55432-4209**
County: Anoka
Existing Park Acres: 127

Project Information

Project Type (Check all that apply to this project):

- ☐ Acquisition: Acres to be purchased: **Click to enter amount.**
- ☒ New Development/Construction
- ☒ Redevelopment/ Rehabilitation
- ☐ Replacement/ Demolition

Description: Provide a short description (less than 30 words) of your project proposal. Include only items that will be accomplished with this project. Do not include work to be accomplished in future phases.

Springbrook Nature Center seeks funding to upgrade and expand our popular Nature Play Area. Special attention will be paid to providing play opportunities that encourage confidence in outdoor play.

Financial Information

The Applicant must provide a non-state match of, at least, 50% of the total cost. This match may consist of cash or the value of materials, labor and equipment usage by the applicant, donations or any combination of these. Applicants that provide, at least, 20% of the match from their own resources will receive additional consideration in the review criteria. The total project cost shown below must equal the total cost shown in Item 4 – Cost Breakdown.

Total Project Cost: 310,000
Grant Request: **150,000**
Match Amount: 160,000

Match: List all sources and amounts of the match and identify if it is committed or pending. Projects that have the all match committed by the application deadline will receive additional consideration in the review.

Matching Share Contributors (Name and funding source):	Match Amount/Value	Type (cash, donated land, etc.)	Is Match Secured or firmly committed. If committed, list date expected to be secured.
Springbrook Nature Center Foundation	125,000	Cash	secured
Fridley Parks	10,000	In Kind Work	secured
City of Fridley CIP (Capital Improvement Plan)	25,000	Cash	secured
GRAND TOTAL	160,000		

ITEM 2 - PROJECT NARRATIVE

Please limit your narrative to one page.

1. Provide a general overview of what the project involves and what will be accomplished by the completion of the proposed project. You may discuss why this project is needed at this time. Identify the new facilities that will be constructed, the existing facilities that will be renovated or replaced (specify which), or the general site improvements that will be completed as part of this project.

Springbrook Nature Center seeks to expand the Nature Play Area, a nature-based playground, by 3,700 square feet and install additional nature-themed play equipment geared towards children ages 5-12. The Nature Play Area at Springbrook Nature Center is a well-loved, popular play destination for all ages. This space has served tens of thousands of visitors since its opening in 2017. It has been a place for children and youth to practice imagination, discovery, courage, and teamwork. Through analysis of our stakeholders and users, we have identified the Nature Play area as a key outreach component of our park and would like to expand its efficacy as an outreach tool. Surveys revealed a significant opportunity to better serve children ages 7-12.

2. What design elements are included that contribute to preserving environmental resources as part of ensuring a quality outdoor recreation experience for present and future generations?

We know that features of playgrounds that inspire natural play work with the environment, rather than against it. We plan to use earth friendly construction materials such as sustainably harvested Black Locust wood, but also materials such as rope, metal, or recycled materials, in a manner that creates a transparent look, allowing children and their families to view and interact with nature while they are at play. The natural playscape will be an attractor to children and families, and with good design, it will support longer and more active playtimes outside.

We intend to maintain the natural integrity of the expansion area by preserving forest canopy reducing soil erosion and minimizing impervious surfaces and light pollution. We will use existing fallen logs and rocks as additional climbable features in the play area and will include natural loose parts like tree cookies, branches for fort building, and other natural manipulatives for imaginative play.

3. Who is accessing your park the most? Who has the least access? How does the proposed project address the needs of the users with the least access?

Springbrook Nature Center hosts visitors from many surrounding cities within Anoka, Hennepin and Ramsey Counties. The park is accessible via many forms of transportation including, but not limited to, public transportation (bus and commuter

rail), biking and walking, and personal vehicles. This space is open year-round with no admission or parking fees.

Survey results from current and potential Nature Play Area users provided insight into the kind of play that is wanted in the play area. Research demonstrated that most of our users are in the 3-6 year old age group. Park staff and stakeholders would like to expand this range to include more users in the 7-12 year old age group.

According to the American Community Survey 5 Year Estimates, 23.8% of the Fridley population is under the age of 18, with 13.8% of those people being between the ages of 5-14 (which is the intended targeted age group for the playground upgrade).

Users with mobility issues have the least access to our current play area. The proposed project will feature accessible water table and pump seated on a concrete pad, ADA compliant gravel trail amongst play elements, and is fully fenced in which will allow users freedom of movement within the play area. With an expansion nearer to the existing Pavilion Activity Center, there will be easier access to ADA compliant bathrooms, drinking fountain, and covered picnic shelter.

ITEM 3 - PROJECT RELATION TO SCORP

Discuss how the following Strategic Directions from the 2020-2024 Statewide Comprehensive Outdoor Recreation Plan (SCORP) apply to your project. *The SCORP is available at this [link](#).*

How Does the Project Connect People to the Outdoors?

1. How does the proposed project design and redevelop outdoor recreation facilities so that they can accommodate varying forms of transportation to your park? Describe the types of transportation used to access your park from your community (e.g., trail, car, public transportation).

Springbrook Nature Center and the proposed project site is connected to the greater Fridley area by bike and walking trails, bus routes, vehicle traffic, and commuter rail. Visitors walking or bicycling are easily connected to Springbrook via the Mississippi River Trail and paved City of Fridley bike and walking trails that offer direct access to the project site. Additionally, several apartment buildings, housing developments and businesses enjoy walkability to the park. Visitors can easily use public transportation to access the project site from surrounding communities as far north as Big Lake and south into Minneapolis by utilizing a combination of bus routes and North Star Commuter Rail. Lastly, Springbrook Nature Center is accessible by car as it is only minutes from major freeways and features a large, paved parking area.

2. How does the park and/or proposed project provide outdoor recreation facilities to promote a welcoming environment for people of all abilities and diverse backgrounds? Does your park provide accessible seating, bathrooms, drinking water, shade opportunities, informational signs and/or safety features? Please describe.

Springbrook's Nature Center boasts a half mile of paved trail with self-guided interpretive signs and a 13,000 square foot interpretive center with exhibits and live animals. The adjacent play area is designed to introduce nature play in a safe and inclusive environment. To meet this design ethos the play area and proposed expansion have natural features like boulders, sand and waterplay areas, and inspectable play elements in a natural aesthetic. Additionally, the play area is ADA accessible with seating, picnic tables, bathrooms, and drinking fountains in or adjoining the area. All pathways within the Nature Play area are ADA compliant and the area is well-shaded.

3. How does the proposed project provide high-quality experiences to visitors through thoughtful design, programming, and interpretation? Does your project include development or expansion of facilities to provide high quality experiences? Are interpretive signs provided to enhance the user experience?

The proposed expansion of the Nature Play area will enhance play experiences for children of all ages but specifically ages 7-12. The proposed expansion will add more physically challenging play elements, elements with more perceived risk, create

circuits of play and alternate areas for imaginative play. Additionally, the above expansion goals were identified by user input surveys and are supported by current play research findings. Springbrook Nature Center features interpretive trail signage and an immersive indoor interpretive exhibit gallery.

Does the Project Acquire Land and/or Create Opportunities?

Acquisition

(If you are not acquiring land, you may put “Not applicable” and move on to the Development/Redevelopment questions)

1. Does the proposed project accelerate the acquisition of private in-holdings and add lands to existing parks to enhance resource protection and recreational opportunities? Please describe.

Not Applicable

2. Does the proposed project acquire exceptional one-time opportunities of unique, high-quality natural resources that meet critical needs outside of regional centers? Please describe.

Not Applicable

3. Does the proposed project acquire land to connect protected and high-quality natural resource corridors? Please describe.

Not Applicable

4. Does the proposed project acquire land that protects important water resources including lakes, rivers, wetlands, shoreline, and critical watersheds? Please describe.

Not Applicable

Development/Redevelopment

5. How does the proposed project develop and/or redevelop facilities that meet the differing outdoor recreation needs for people of all abilities? Does your project incorporate universal design, family friendly facilities, separation of uses (active/passive use, RV/tent sites), appropriate quality natural setting for proposed activities? Please describe.

The Nature Play Area and the current expansion have been planned to encourage creative play and elements and equipment used are designed to meet Universal

Design standards. Activities such as using a water table, digging in sand, building with sticks, or playing on the proposed elements offer endless permutations of play with no right or wrong use case. The proposed play area is under an oak canopy which provides shade and an excellent introduction to forest play. Picnic tables and benches throughout the play area encourage multi-generational play and enables use of the Nature Play Area as a gathering place.

6. How does the proposed project create an accessible environment that is open and flexible to accommodate new and emerging nature-based recreation uses? Does the project support numerous activities, maintain large open play areas, incorporate emerging nature-based activities such as camping, fishing, water access, birding, hiking, wildlife viewing, etc.? Please describe.

The Nature Play area and expansion has been designed with the ethos of introducing nature and nature play to diverse user groups. The play area is under an oak canopy and is adjacent to oak forest, oak savannah, and wetland habitats, 3 miles of walking trails, and offers ample opportunity to bird watch and view wildlife.

Playground users will become comfortable in a natural setting and explore more of the park, trail system, and expansive nature center programming which includes day camps, school field trips, outdoor recreation classes and equipment rentals.

7. How does the proposed project develop infrastructure and amenities that meet the needs and interests of future generations and diverse communities (e.g., develop group-based opportunities such as group campsites, group picnic areas, and gathering spaces used by diverse communities. Offers amenities that meet the lifestyles of our target markets such as wireless internet, playgrounds, family bathrooms, areas for specialized interest, etc.)? Please describe.

Currently, the Nature Play area is utilized as a gathering space for families with children primarily under 8 years of age. The area includes benches and picnic tables for accommodation. The proposed Nature Play expansion will increase the attractiveness of the play area as a gathering space for families with children ages 7-11 and improve access to family bathrooms, sheltered picnic areas, nature center main building, and walking trails. Adjacent to the nature play area is a picnic shelter with enclosed indoor portion which is available for community gatherings and is well-used by a diverse demographic.

8. Will the proposed project be designed and constructed with sustainable and resilient infrastructure (e.g., rely on up-to-date green infrastructure and best practice designs, is energy efficient, easy to maintain and uses recycled/recyclable materials, conserve the use of water at facilities and/or design facilities to effectively manage storm water onsite.)? Please describe.

The expansion will utilize sustainable play elements made of black locust, moveable play elements will also be gathered sustainably: sticks and tree cookies will be sourced within the park from dead and down trees, rocks will be sourced from within the park, and any benches and picnic tables added will be made with wood or recycled plastic. Additionally, all existing forest canopy and understory plants will be maintained for maximum water retention, non-permeable surfaces will be kept to a minimum and all drainage will drain into existing retention areas created during the park's 7-acre entrance area redesign in 2016.

Does the Project Take Care of What We Have?

1. Does the proposed project result in redevelopment, renovation, or rehabilitation of existing infrastructure to ensure high-quality and safe experiences for the public (e.g., roof replacement, structural replacement, trail resurfacing, trail head amenities refurbished, campgrounds rehabbed and updated, bring facilities up to modern codes and standards, and/or make it easy for everyone to access and enjoy parks and trails)?

The project will add onto, revitalize, and expand play in the existing Nature Play area installed in 2017. The expansion will add 3762 square feet to the already existing 15,413 square feet of play area while adding play elements that offer greater play value to children ages 5-12 and will work with existing play elements to create circuits of play, which the current play area lacks.

2. Does the project sponsor maintain a capital asset management plan to ensure protection and full utilization of the proposed facilities (yes or no, describe)?

Yes. The Nature Play area and current expansion are part of the Fridley Parks System and is included in the maintenance budget of the Springbrook Nature Center. The City of Fridley maintains a five-year capital investment program to ensure ongoing maintenance of park facilities.

3. Does the proposed project preserve existing high-quality natural areas and water resources?

Yes, the proposed project will preserve existing tree canopy and the purposed extension will occur in areas that are comprised of 90% turf grass and 10% understory mixture of black cherry, buckthorn, and quaking aspen.

4. Does the proposed project restore and reconstruct natural communities that have been degraded or lost due to agriculture or development?

No, a full habitat restoration is not currently planned for the expansion. However, the proposed project will include some planting of black cherry saplings and other native understory plants that will bring an overall improvement to the habitat quality of the nature play area. During preparation of the site, non-native species in the area will be cleared. Additionally, the expansion will not impact Springbrook Nature Center's restored oak savanna, prairie, and wetland habitats.

ITEM 4 - COST BREAKDOWN

Development (see Program Manual for eligibility) Contingency and indirect costs are not eligible. Design/Engineering costs in excess of 10% of the total project construction cost are not eligible. Please be aware that we require all existing and proposed facilities to have accessible routes so please account for that in your cost breakdown.

Facility (e.g., picnic area, campground, walkway, shelter, restroom)	Description (linear feet, dimensions, material used, number of components, etc.)	Cost Per Unit	Total Cost
Playground Equipment	Custom animal play sculpture, 9 interconnected wood/rope play elements		\$230,000
Installation/Site Preparation	Play area excavation, surfacing		\$65,000
Site Restoration	Fencing, landscaping, fine grading and seeding		\$15,000
Grand Total			\$310,000

1. How were the cost estimates derived?

The cost estimates come directly from the commercial playground company and their professional installers.

2. What assurances are there that the costs listed are reasonable?

We communicated extensively with three separate commercial playground companies and received bids from two of them. The costs listed above are industry standard.

3. Describe any project elements or costs that will improve site resiliency and facility longevity, if any.

Safety checks of the playground facility and equipment will be performed monthly to assure that equipment and facilities remain safe. Regular maintenance checks will also be performed. Repairs will be made, and preemptive measures will be taken to extend the life of the equipment.

4. What is the anticipated life span of the facilities that will be funded as part of this project? What are the estimated annual maintenance costs?

The anticipated life span of this facility is 20 years. We plan to continually evaluate and remove or replace equipment as it becomes unsafe. We expect that the annual maintenance costs will vary from year to year but would average \$2000.

5. What is your recent experience completing similar projects with state or federal grant funding?

Springbrook Nature Center was awarded a MN DNR Outdoor Recreation Grant in 2018 to complete a Picnic Pavilion and Activity Center (PAC). The PAC was completed in 2020 and has been utilized for hundreds of STEM and STEAM classes, summer camp programs, facility rentals, and as an amenity onsite for public use.

Land Acquisition (if application includes acquisition) – Federal (Yellow-Book) Appraisal(s) must be attached.

Parcel Identification Number or location	Description of property	Acres	Appraised Value
Grand Total			

1. Why is this acquisition needed?

Not Applicable.

2. Describe the existing resources and features of the site that make it desirable for public outdoor recreation.

Not Applicable.

3. Explain how you envision this acquisition contributing to outdoor recreation in the long term.

Not Applicable.

4. From whom is this property being purchased?

Not Applicable.

5. Are any buildings or structures being purchased along with the property?

a. ☒ No

- b. ☐ Yes – Describe what is planned for those structures and whether the grant funded project includes the value of those structures.

Not Applicable.

6. How and when will the site be made open and accessible for public outdoor recreation use? For acquisition only grants, parking and a funding acknowledgement sign must be posted prior to close of the grant and the park open for public access. Recreation facilities must be developed within three years from the date of acquisition.

Not Applicable.

7. Is this property being acquired under threat of condemnation?

Not Applicable.

8. Was the property listed for public sale?
- a. ☐ No
- b. ☐ Yes – Explain how the property owner was made aware of the grant sponsor's interest in the property.

Not Applicable.

9. Does this project involve donated property?
- a. ☐ No
- b. ☐ Yes – Include evidence that the seller was offered the fair market value of the property as just compensation and willingly chose to donate the property instead.

Not Applicable.

ITEM 5 - PROJECT SITE EVALUATION

All applicants must prepare and submit the [Project Site Evaluation on the next pages](#). The project site evaluation will provide information necessary to determine the impacts of the project, if any, on the environmental and cultural resources of the project area. It is very important, therefore, that the project site evaluation identify all possible impacts of the proposed project. This will help determine whether any changes in project scope or design may be required or whether mitigation measures must be undertaken. Use the resources below to help you fill out the evaluation:

Endangered Species and Critical Habitat Resources

US Fish and Wildlife Service (USFWS) [Information for Planning and Consultation \(IPaC\) Report](#) provides a list of species and other resources such as critical habitat (collectively referred to as trust resources) under the USFWS' jurisdiction that are known or expected to be in or near the project area. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Minnesota's List of Endangered and Threatened Animal Species

Additional information on animals and plants that are endangered, threatened or merit special consideration or management is available from the Minnesota Natural Heritage Program/Nongame Wildlife Program, Section of Wildlife, Department of Natural Resources (DNR). A booklet entitled [Minnesota's List of Endangered and Threatened Animal Species](#), that includes a list of all species of Minnesota's animals and plants listed under the provisions of the Federal Endangered Species Act of 1973, Public Law 93-205, and/or Minnesota Statute 84.0895, is available from the DNR by calling (651) 296-6157 or (888) 646-6367 or at the DNR website [Minnesota's Endangered, Threatened, and Special Concern Species](#).

Additional information may be obtained by calling the Division of Ecological Resources information number at (651) 259-5100. The DNR is also developing biological surveys on a county-by-county basis on sensitive natural habitats and rare plant and animal species. Several publications are available which provide detailed information on these subjects. Additional information about county biological surveys is available at [Minnesota Biological Survey](#).

Wetlands Resources

Minnesota has adopted a "no-net-loss" wetlands policy. Each state agency must ensure that its activities, including state sponsored, financed, or assisted projects, do not contribute to the loss or diminishment of the many important values of wetlands. Unavoidable impacts must be minimized, and compensatory mitigation must be provided for all values that have been lost or diminished. The basic reference for wetland determination will be the [National Wetlands Inventory](#) produced by the U. S. Fish and Wildlife Service and available at the DNR. Questions regarding implementation of the "no-net-loss" policy and identification of wetlands may be directed to the Ecological Resources Division, DNR at (651) 259-5100.

Project Site Evaluation

Using the following format and subject categories below, address all of the points covered under each category and be specific. It is important that the project site evaluation be a complete and accurate assessment of the natural and/or scenic characteristics of the area and the likely impacts of the project, either positive or negative, on those characteristics.

Part 1 – USFWS Information for Planning and Consultation (IPaC) Report

Review of your project by the US Fish and Wildlife Service (USFWS) [Information for Planning and Consultation \(IPaC\) Report](#) is required to provide a list of species and other resources such as critical habitat (collectively referred to as trust resources) under the USFWS' jurisdiction that are known or expected to be in or near the project area. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

From the website, click on “Get Started” then enter a location, define the area, and confirm the area where the project activities will occur. Then click on “Continue,” print the resource list and **attach to your application**. Use this information to help guide your responses below.

Part 2 – Minnesota State Historic Preservation Office (SHPO) Data Request

Send an email request to DataRequestSHPO@state.mn.us with the township, section, range of the park and ask for a data search for previously known archaeological sites and historic properties in the project area. Take a look at the information you get back, if any, to see if they are in or adjacent to the project area. Use this information and your community history to help guide your responses below. **Attach the response to your application.**

Part 3 - Description of Environment and Environmental Impact of Proposed Project

- A. Present Land Use: Describe the existing site conditions, facilities, and park acres.

The current nature play area sits within the 7-acre entrance area of Springbrook Nature Center, which includes the 13,000 square foot interpretive building, parking lot, and picnic pavilion and activity center. The current nature play area is roughly 15,000 square feet in size and the project will both expand the play area by about 3,700 square feet into existing turf grass and revitalize portions of the existing nature play area by adding new elements.

1. Explain why the site is suitable for the type of outdoor recreation proposal being submitted.

The current nature play area and expansion are in an ideal location: The area is well shaded, accessible from paved trails, the topography is flat and is easily viewed by parents, guardians, and educators. Additionally, the nature play area is accessible to many amenities like a covered pavilion with ADA accessible bathrooms, seating, and drinking fountains, an interpretive building and 3 miles of trails.

2. Does the site include any elements that visually detract from the outdoor recreation experience or that represent a potential public safety hazard?
 - a. ☒ No
 - b. ☐ Yes – Explain and describe whether this project will help to address those concerns.

- B. Environmental Intrusions: Describe **all** rights-of-way, easements, reversionary interests, etc. within the proposed boundary area. All existing and future overhead power lines serving the park must be placed underground. The cost of placing the power lines underground can be included in this application.

The proposed expansion site and current nature play area is located in the seven-acre entrance to Springbrook Nature Center, east of the parking lot and pavilion and northeast of the existing interpretive center. There are no underground utilities in the proposed expansion site and all utilities within the Nature Play area are well known and there are no plans for putting elements near them. The expansion site lies approximately 100 feet south of 85th Ave. NE in Fridley but is separated by an earthen berm planted with trees and native vegetation. Adjacent underground utilities are well documented due to recent construction activities and all necessary precautions will be taken to mark utilities before construction activities begin.

- C. Fish and Wildlife: Indicate whether the proposed project site is on or adjacent to a national, state, or local wildlife management area, park, or natural area. Describe the known fish and wildlife species common to the project site and any known species that are listed as endangered, threatened or of special concern. Describe the likely impacts of the proposed project on habitat, population levels, and any other factors related to the fish and wildlife resources.

The proposed building site is located within the recently renovated entrance to Springbrook Nature Center, a 127-acre park and natural preserve. The developed

entrance area was designed to accommodate the heaviest visitor impacts and reduce disruption to the remaining 120 acres of wetland, forest, and prairie habitat. Springbrook has been identified as possible habitat for the threatened Blanding's Turtle, Northern Long-eared Bat and Tricolored Bat. However, the proposed expansion will impact areas planted in turf grass and existing large oak trees will be maintained for shade. The expansion project should have no impact on the habitat health or wildlife populations within the park.

- D. Vegetation: Describe the major plant species and communities common to the project site and any known species that are listed as endangered, threatened or of special concern. Describe the distribution of major plant communities or types on the site. Indicate the extent of cutting, clearing, removal or other disturbance that will result from the proposed project, as well as any restoration and/or protection activities planned as part of the project.

The project site plant communities consist of Red and Pin Oak, Black Cherry, Common and Glossy Buckthorn, Quaking Aspen, and turf grass species (primarily Kentucky Bluegrass). The project will keep large trees intact and impact turf grass and some low-quality scrub areas consisting of young black cherry, common and glossy buckthorn, and quaking aspen. Once new play elements are installed disturbed areas outside of fall zones and pathways will be restored to native edge habitat.

- E. Wetland Resources: Describe any existing wetland areas on or adjacent to the proposed project site. Indicate any likely physical disturbances of these wetlands, including (but not limited to) draining and filling that would result from the proposed project. Describe any other potential impacts to wetlands, such as water level fluctuations or water pollution that may result from the proposed project. Discuss possible alternatives that would avoid or minimize negative wetland impacts. Also describe any other water resources on or adjacent to the site, proposed uses of surface or groundwater, and any possible impacts on these resources, including depletion or pollution, resulting from the proposed project. Explain how the proposed project would help to protect water quality on or adjacent to the site.

The Nature Play area is located over 300 feet north of the nearest delineated wetland and any runoff from the Nature Play area will be caught in runoff mitigation areas installed in 2016 to handle runoff from the parking lot and interpretive building. All measures will be taken to ensure that wetlands are protected, siltation fencing, and runoff barriers will be installed as needed.

- F. Geologic and Physiographic Features: Describe any interesting, unique, or fragile geologic and/or physiographic features on the proposed project site and any likely impacts on these features that would result from the proposed project. Also describe any proposed protection activities or measures to provide public education, interpretation, and enjoyment of these resources.

Visitors to Springbrook Nature Center enjoy diverse habitat types spread across our 127-acre park. The nature center features small managed prairie and oak savanna habitats along with wetlands and upland forest. A unique 900-foot-long floating

boardwalk winds through the wetlands in the southwest corner of the park where visitors can see wildlife such as snapping turtles and red-winged blackbirds up close. Springbrook conducts hundreds of environmental education classes and programs each year and provides direct interpretation and exhibits educating visitors about wildlife, ecology and outdoor recreation. A newly expanded interpretive center reopened in 2016 and serves tens of thousands of annual visitors with educational programming. No impacts are expected to the above features.

- G. Air Quality/Noise: Describe any temporary or permanent air or noise pollution that will result from the development and use of the site and the impact(s) on adjacent land uses or landowners.

No impacts are anticipated.

- H. Archeology/ Ground Disturbances: Provide a description of current and historic land use and ground disturbances. Include available information concerning known or suspected archaeological resources within or adjacent to the park. Indicate if any of these identified resources will be impacted by the proposed project.

Springbrook Nature Center has been a City of Fridley Park and Nature Preserve since 1974 and the proposed area is part of the 7- Acre entrance area redesigned in 2016. This entrance area includes a parking lot with permeable pavement, 13,000 square foot Interpretive Building, Pavilion Activity Center, and Nature Play area. This area has been designed to withstand the brunt of traffic into the park. Prior to 1974 the land was used in agriculture, particularly, as dairy pasture and equestrian sports. There are no known prior land uses that would be impacted by the project.

- I. Historic Structures: List known historic buildings or structures located within or adjacent to the project area (i.e., individual properties or districts which are listed in the National Register of Historic Places, or which meet the criteria for listing in the National Register). If applicable, identify any expected or potential impacts to these properties with the proposed project.

There are no known historical structures in the planned expansion area.

- J. Surveys: Have there been any previous cultural and/or historic resource surveys completed that included this project site within the area of potential effect that was assessed?

☒ No – Describe any construction planned as a result of this project that will extend beyond the pre-existing disturbance area (including surface area and depth).

The Nature Play expansion will be installed on already disturbed areas consisting mainly of turf grass. Any disturbance of non turf grass areas will occur on land that was disturbed in 2017 during the installation of the current nature play area. This area consists primarily of Black Cherry and Common Buckthorn shrubs. Construction disturbances will include digging post holes for play elements and fence lines up to 48 inches deep and surface disturbances caused by equipment moving materials.

☐ Yes – Attach survey and summarize findings and include page number references below.

Click here to enter text.

Part 4 - Environmental Screening Form (ESF)

The table below serves as a record of the environmental resources present at the site, whether the proposed action is likely to have a significantly negative impact on those resources, and whether further information is needed to determine the potential impact. Review the listed resources and identify any resources that may be significantly impacted by the action. The Environmental Screening Form (ESF) should be completed with professional input from resource experts and in consultation with relevant local, state, tribal, and federal governments, as appropriate.

For each resource, indicate if positive or negative impacts are anticipated to result from the action or if further information is needed to determine the potential impact.

- + indicates positive impacts are anticipated to result from the action
- indicates negative impacts are anticipated to result from the action
- ? indicates further information is needed to determine the potential impact
- n/a indicates resource does not exist on site or there is no impact

Site Name:

	How will the project affect the following resources?	+	-	?	n/a
1	Air quality	☐	☐	☐	☒
2	Circulation and transportation	☐	☐	☐	☒
3	Climate	☐	☐	☐	☒
4	Contamination or hazardous materials even if remediated	☐	☐	☐	☒
5	Endangered species: (listed or proposed threatened or endangered) including associated habitat	☐	☐	☐	☒
6	Environmental justice: minority and low-income populations	☒	☐	☐	☐
7	Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.	☐	☐	☐	☒
8	Historic or cultural resources	☐	☐	☐	☒
9	Invasive species	☒	☐	☐	☒
10	Land use plans or policies from other agencies including tribes	☐	☐	☐	☒
11	Lightscares, especially night sky	☐	☐	☐	☒
12	Migratory birds	☐	☐	☐	☒
13	Recreation resources	☒	☐	☐	☐
14	Socioeconomics: changes to tax base or competition with private sector	☐	☐	☐	☒
15	Sound (noise impacts)	☐	☐	☐	☒
16	Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.	☐	☐	☐	☒
17	Water quality and/or quantity	☐	☐	☐	☒
18	Water: coastal barrier resources or coastal zones	☐	☐	☐	☒
19	Water: marine and/or estuarine	☐	☐	☐	☒
20	Water: stream flow characteristics	☐	☐	☐	☒
21	Water: wetlands and floodplains	☐	☐	☐	☒
22	Other important resources Explain:	☐	☐	☐	☐

1. Have there been any previous environmental documents that are relevant to this project or this specific site?
 - a. ☒ No
 - b. ☐ Yes – Attach and summarize findings and include page number references below
2. Explain any negative or unknown impacts identified in the table of the ESF.

Not Applicable.

3. How was the information identified in the table derived and what sources of data were used to justify the impact selection?

Site visits were conducted to establish impacts to habitat and an IPaC report was completed to access potential impacts on endangered or threatened species.

4. Who contributed to filling out the ESF (include name, title, agency) and what qualifications do they have that provide the necessary resource expertise to determine impact significance?

Cody Rossetti, City of Fridley, Interpretive Program Coordinator, B.Sc Biology, Contributed to plant and habitat identification. Rachel Workin, City of Fridley, Environmental Planner commented on air quality, climate, endangered species, lightscapes, and invasive species impacts. Michael Maher, City of Fridley, Recreation Director, commented on recreation related materials. Additionally, census data was referenced to determine environmental justice as Springbrook Nature Center is located in a diverse area (46-55% minority population) of the city and the expansion is a free amenity.

5. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

This project is below the disturbance threshold requiring a Coon Creek Watershed District permit or a Minnesota Pollution Control Agency Construction Stormwater Permit, however, best practices for erosion control will be applied.

ITEM 6 – PUBLIC PARTICIPATION AND BENEFIT

Address the following questions regarding public participation, planning process and how this project will provide new and/or expanded recreational opportunities.

1. Describe both short- and long-term outdoor recreation benefits that will be achieved as a result of this project.

We expect that this project will draw more people into Springbrook Nature Center. In the short-term, new, and returning users will be excited to spend more time in this play area. In the long-term, we expect that new and return families will move further into the park and explore other areas within the nature center, increasing their confidence in the outdoors.

Additionally, research has shown that nature play and naturally inspired playgrounds promote many long and short-term benefits to users and the community. Nature play helps children reduce obesity, build mental, physical, and emotional health and skills, learn appropriate risk taking, and develop a deep connection with nature.

2. Explain how this project fits as part of other projects planned for this same site in the next three years.

This project will cap off a very busy improvement cycle at Springbrook Nature Center. The City of Fridley has been upgrading the building and front 7-acres of Springbrook Nature Center since 2016. This project will elevate the Nature Play Area from a popular amenity to a destination in and of itself.

3. Describe the process that led to the development of this proposal and how the public was involved.
 - Who was involved (include any state, local, and federal agency professionals, subject matter experts, Native American tribes, and members of the public)?
 - What information was made available and what opportunity to be involved in planning and developing your proposal was provided?
 - How were they able to review the completed proposal?
 - Describe any public meetings held and/or formal public comment periods, including dates and length of time. Were formal comments received and did you provide written responses?

This project was initiated by the staff of Springbrook Nature Center and partnered by a formed committee consisting of members of the Springbrook Nature Center Foundation Board of Directors and interested volunteers and community members. The public was allowed to comment on the types of play features they would like to see through a public survey open from May 2022 through September of 2022.

ITEM 7 – AVAILABILITY FOR PUBLIC USE

All facilities within the park must be designed and available for general public use and open during typical park hours. This includes restrooms, picnic shelters, campgrounds, playgrounds and other structures. For parks that include marina or campground facilities, a minimum of 50% of the berths/campground spaces must be available for short-term rental and an equitable method of allocating long-term rentals shall be used. All personal property must be removed at the end of each use season.

State the specific hours of operation and any current or anticipated programmed use for the facilities proposed to be funded with this application. Saying the park will be open during normal park hours is not specific. Also describe any arrangements with schools, local organizations, clubs, or city programs for the use of the facilities. Explain how this may impact facility availability to the general public.

Describe what fees, if any, will be charged for use of the park facilities and/or access to the park.

Springbrook Nature Center is a public park with no admission for access to the interpretive center, trails, nature-play area or amphitheater. The Nature Play Area is open year-round from sunrise to sunset. This space may also be used by environmental education classes taught by Nature Center Naturalists but that will not restrict access to the public.

ITEM 8 - STATEMENT OF ACCESSIBILITY

All facilities improved with this grant project must meet current Americans with Disabilities (ADA) standards and the final guidelines for Outdoor Developed Areas. In addition, all critical existing components of the park listed below must be accessible to persons with disabilities.

Critical components include:

- Accessible parking spaces serving each area of the park.
- Restrooms, if provided, must be accessible.
- Drinking water, if provided, must be accessible.
- Access routes to all recreation facilities must be provided. For this program, an access route must be a minimum of five feet wide, slip resistant, firm and stable.

If the restrooms and/or drinking water are not accessible to persons with disabilities or access routes are not provided to all facilities, you will need to include these costs in your Cost Breakdown.

The following guidelines will help you design your facilities. Copies can be ordered from the U.S. Access Board at (800) 872-2253 or downloaded from their website at [United States Access Board](#).

1. [ADA Accessibility Standards for Buildings and Facilities](#)

(For buildings and certain recreation facilities including playgrounds, recreational boating facilities, and fishing piers)

2. [Final Accessibility Guidelines for Outdoor Developed Areas September 26, 2013](#)

(For outdoor developed areas such as campgrounds, picnic areas, trails, and beaches. These guidelines, developed for federal facilities subject to the Architectural Barriers Act, are to be used for facilities improved by this Outdoor Recreation Grant Program.)

How is the proposed project addressing access requirements under the ADA Standards, Final Accessibility Guidelines for Outdoor Developed Areas and all critical components identified above? **Be specific for each proposed facility and existing critical components.**

The trail leading to the Nature Play Area is an ADA compliant trail (paved and graded). Within the play area, the ground surface will be covered with engineered wood fiber, which meets the ADA standards for mobility and impact attenuation. All playground equipment will be ADA compliant, with each piece of equipment chosen to appeal to as many individuals as possible. Universal design principals were used in the planning of this playground space, paying special attention to intuitive usability, flexibility in play, and inclusivity for all kinds of users.

ATTACHMENT A - APPLICANT'S RESOLUTION

A copy of this approved resolution, with no wording changes, must be included with the application.

BE IT RESOLVED that <CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER> act as legal sponsor for the project contained in the Outdoor Recreation Grant application to be submitted on <DAY / MONTH / YEAR> and that <TARA ROGNESS> is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of <CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER>.

BE IT FURTHER RESOLVED that the applicant maintains an adequate Conflict of Interest Policy and, throughout the term of the contract, will monitor and report any actual or potential conflicts of interest to the State, upon discovery.

BE IT FURTHER RESOLVED that < CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER > has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that < CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER > has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

BE IT FURTHER RESOLVED that < CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER > has or will acquire fee title or permanent easement over the land described in the boundary map or recreational site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the State, < CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER > may enter into an agreement with the State for the above-referenced project, and that < CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER > certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that <TARA ROGNESS> is hereby authorized to execute such agreements as necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the < City Council, County Board, etc.> of < CITY OF FRIDLEY/SPRINGBROOK NATURE CENTER > on <DAY / MONTH / YEAR>.

SIGNED:

(Signature)

WITNESSED:

(Signature)

(Title)

(Date)

(Title)

(Date)

ATTACHMENT B – MAPS

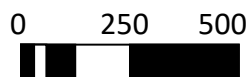
1. **Location Map:** The location map shows the location of the park within your community. The map should identify the main roads to access the park.
2. **Boundary Map:** The map must clearly indicate the area to be acquired and/or developed as well as the proposed boundary of the larger park/recreation area that would be subject to the perpetual protection provisions, all known outstanding rights and interests in the area held by others, total acres within the boundary, and a north arrow. The Boundary Map will become part of the grant contract, so it is important to have an accurate map.

Include the following information on your boundary map:

- Draw and label the complete park boundary in red. This boundary must include all contiguous lands currently owned by the applicant and managed for public recreation and any additional land to be acquired with this grant.
 - Indicate any rights-of-ways, easements, reversionary interests, etc. to the park area, including overhead utility lines.
 - Geographic reference point such as a section corner or designated road intersection.
 - Acreage of the park and/or each parcel to be acquired.
 - North arrow
 - Signed and dated by the applicant.
3. **Recreational Site Plan.** The Recreational Site Plan must be drawn to scale, all existing facilities in the park and all acquisition and/or development listed in the Cost Breakdown. All facilities must be identified with legible labels. Instructions for the site plan are below.

Include the following information on your site plan:

- Title "Recreation Site Plan" and the project name.
- Entrance to the park and location of existing or proposed public parking facilities.
- Location of all existing and planned recreation and support facilities such as restrooms, shelters, and potable water.
- All lakes, rivers, streams and wetlands and adjacent land uses.
- Access routes to all existing and proposed facilities.
- North arrow and graphic bar scale using the example below:



A text scale such as 1" = 500' is not acceptable.

Color Coding for map/plan

- Red Park boundary.
- Green Existing facilities that will remain.

- Yellow Acquisition and/or development of facilities accomplished with this grant.

ATTACHMENT C – PHOTOS

Please include photos of each existing recreational facilities/structures and all buildings. Below each photo, indicate the year the facility/building was constructed and if it will remain as is, be renovated or be removed.

ATTACHMENT D – PLANS

Please submit all applicable plan(s) according to the directions provided below.

Buildings, Shelters and Restrooms Plans

For all proposed buildings, shelters, and restrooms that will be constructed or renovated with grant funds submit the following.

1. Front and side views
2. A floor plan with all dimensions

If you are renovating a building, shelter, and restrooms, a current and renovated floor plan must be submitted.

Trail, Walkway and Access Route Plans

For all proposed trails, walkways, and access routes that will be constructed or renovated with grant funds, submit the following:

1. A typical cross section of the trail
2. The trail width, surfacing and base materials

For the purposes of this grant program, a multi-purpose trail should be designed to a minimum 8 feet width. In some cases, this minimum width may not be adequate and a width of 10 feet or more may be appropriate.

All walkways and access routes connecting park facilities from trail and/or parking lots must be a minimum of 5 feet wide.

All trails and access routes must be firm, stable, and slip resistant.

Playground Plans

Priority will be given to playground designs that provide a high degree of safety and accessibility. The facility should be designed to provide an integrated play setting for both children and parents/care providers of all abilities.

Playground facilities must be, at a minimum, designed using the [ADA Accessibility Standards, Chapter 10, 1008 Play Areas](#). Applications that do not include enough information to determine the degree of accessibility and safety typically do not score high enough for funding.

The playground plan must legible and include the following:

1. Show all the proposed playground components and all existing components that will remain. Label each component with its name and the height of its useable surfaces.
2. Identify all type(s), depth(s) and location(s) of the fall-protection surfacing.

Fishing Pier Plans

Fishing pier plans must show the dimensions of the pier, height(s) of the railings and edge protection all in accordance with [ADA Standards Chapter 10, 1005 Fishing Piers and Platforms](#).

Campground Plans

All new and existing campgrounds must adhere to the [Local Grants Program Campground](#) and the state laws and rules set by the Minnesota Department of Health. A summary of these requirements is available at Summary of [General Requirements for Recreational Camping Areas](#). Grantees must submit plans and receive approval for the development of a recreational camping area to the MN Department of Health or your local health authority before construction begins.

Upon completion of the campground, a license application, license fee and inspection by the area health inspector is required. A copy of the license must be submitted with your final payment request.

For all proposed campgrounds constructed or renovated with grant funds must submit the following:

1. Show all campground sites to scale.
2. Highlight ADA sites unless all sites provide universal access with accessible surfacing, tables, grills and fire ring. At a minimum, ADA sites should include one or more of each camping type provided (e.g., drive through, electric or primitive).

ATTACHMENT E – APPRAISAL(S) <Only for proposals acquiring land>

If your application includes acquisition of land, you must include an appraisal report by a general real property appraiser licensed by the State of MN that meets the [Uniform Appraisal Standards for Federal Land Acquisition \(UASFLA\)](#). These are federal standards (sometimes called ‘yellow book’). The appraisal report must include the DNR and the National Park Service as intended users. The landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property. Appraisals must have an effective date within six months of the application deadline.

If your application is selected for funding, you may be required to submit a technical review of the appraisal report conducted by an appraiser who is not associated with the original appraiser and who is qualified to perform technical reviews under the UASFLA and 49 CFR Part 24.104. See [UASFLA](#) Section C-1 for further guidance on technical reviews.

To ensure the appraiser understands the appraisal requirements, we suggest using the sample engagement letter provided below.

Sample Appraiser Engagement Letter

<<Date>>

<<Appraiser Name>>

<<Appraiser Address>>

Re: <<Title of Acquisition>>

Dear <<Appraiser Name>>:

<<Applicant Name>> is pleased to submit to you this letter of engagement. It outlines our understanding regarding the terms and conditions under which you are directed to complete a fair market value appraisal of the <<Title of Acquisition>>, containing approximately <<___>> acres located in <<County>> County, Minnesota, with an address of <<address>>.

The appraisal will establish the fair market value of the land together with improvements of contributory value, if any. The estate to be appraised is Fee Simple Title. The appraisal will be performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA). In addition to <<Applicant Name>>, the Minnesota Department of Natural Resources and the National Park Service must be named as intended users. Any technical corrections to the appraisal report required by <<Applicant Name>> and/or the State in the course of their review and acceptance will be performed within the fee set forth below. You will provide <<___>> copies of the appraisal report to <<Applicant Name>>.

The appraisal will be completed on or before <<Completion Date>>. The cost of the appraisal will not exceed <<Appraisal Cost>>, including expenses. Payment in full will be made by <<Applicant Name>> subject to receipt of an invoice from you.

Please indicate your acceptance of this engagement with a signature in the space provided at the bottom of this letter and return a copy to me. I will contact you regarding notice to proceed.

Sincerely,

<<Applicant Contact>>

<<Applicant Name>>

<<Accepted this <<Acceptance Date>>

<<Appraiser Name>>

<<Appraiser's Business Name >>

By: _____

Its: _____

Photos of Existing Nature Play Area and Proposed Expansion Space



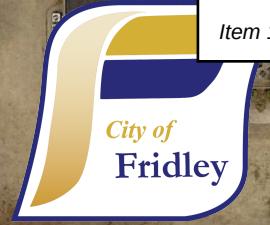
Figure 1 Nature Play Area, installed in 2017, will be renovated and rocks and logs moved to other areas, new equipment to be installed



Figure 2 Nature Play Area, installed in 2017, equipment here will remain as is.



Figure 3 Nature Play Area, installed in 2017, Rock and Water Features - All to remain



Evergreen Boulevard NW

85th Avenue NE

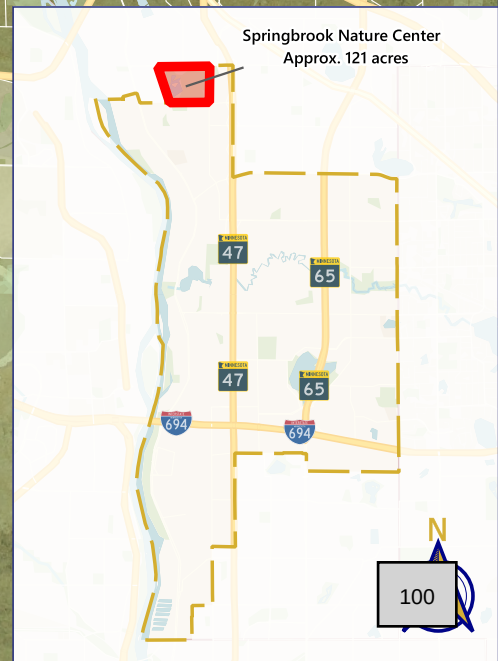
-Overhead Utilities-

Approximate Expansion Area

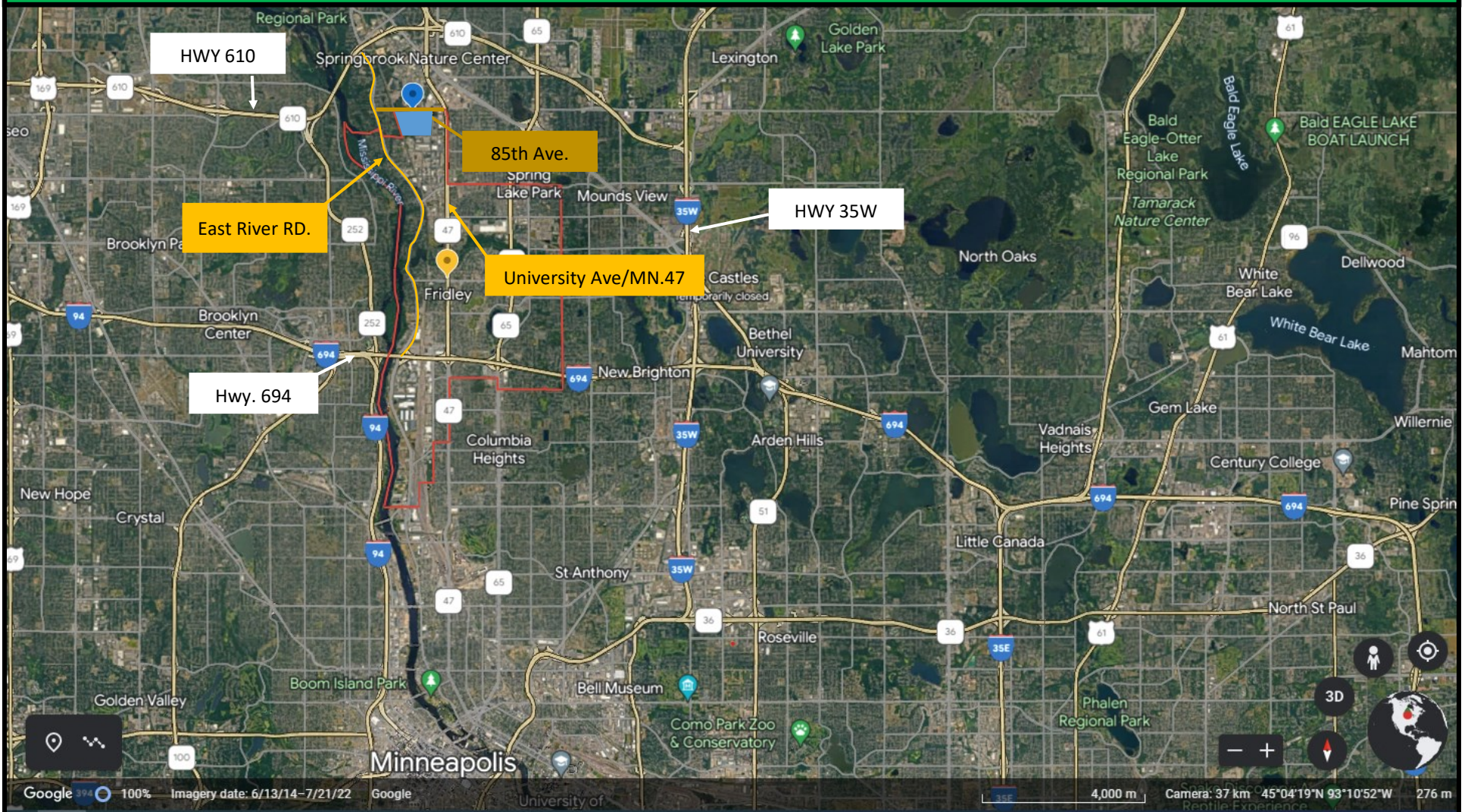
Current Nature Play Area

0 50 100 150 200 ft

Map Date: 3/23/2023



Springbrook Nature Center Map 1





March 21, 2023

Wetlands

- | | | |
|--------------------------------|-----------------------------------|----------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| | Freshwater Pond | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Minnesota-Wisconsin Ecological Services Field Office
 3815 American Blvd East
 Bloomington, MN 55425-1659
 Phone: (952) 858-0793 Fax: (952) 646-2873



In Reply Refer To:
 Project Code: 2023-0056055
 Project Name: MN

March 15, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

We recommend running the project (if it qualifies) through our **Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key"))**. A [demonstration video](#) showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of “no effect” or “may affect, not likely to adversely affect.” In each case, the Service has compiled and analyzed the best available information on the species’ biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a “Not Likely to Adversely Affect” (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a “May Affect” determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for “May Affect” determinations unless otherwise indicated in your output letter.

Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review. If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of “There are no listed species found within the vicinity of the project,” then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No**

Effect determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

If any of the above activities are proposed, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the northern long-eared bat 4(d) D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/ Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys helps to determine if prohibited take might occur and, if not, will generate an automated verification letter. The 4(d) D-key streamlines consultation under the 2016 range-wide programmatic biological opinion for the 4(d) rule.

Please note: On November 30, 2022, the Service published a proposal final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act. On January 26, 2023, the Service published a 60-day extension for the final reclassification rule in the Federal Register, moving the effective listing date from January 30, 2023, to March 31, 2023. This extension will provide stakeholders and the public time to preview interim guidance and consultation tools before the rule becomes effective. When available, the tools will be available on the Service's northern long-eared bat website (<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>). Once the final rule goes into effect on March 31, 2023, the 4(d) D-key will no longer be available (4(d) rules are not available for federally endangered species) and will be replaced with a new Range-wide NLEB D-key (range-wide d-key). For projects not completed by March 31, 2023, that were previously reviewed under the 4(d) d-key, there may be a need for reinitiation of consultation. For these ongoing projects previously reviewed under the 4(d) d-key that may result in incidental take of the northern long-eared bat, we recommend you review your project using the new range-wide d-key once available. If your project does not comply with the range-wide d-key, it may be eligible for use of the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024. Again, when available, these tools (new range-wide d-key and framework) will be available on the Service's [northern long-eared bat website](#).

Whooping Crane

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States](#)."

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically

authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

State Department of Natural Resources Coordination

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

Minnesota

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: Review.NHIS@state.mn.us

Wisconsin

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: DNRERReview@wi.gov

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

PROJECT SUMMARY

Project Code: 2023-0056055

Project Name: MN

Project Type: Recreation - Maintenance / Modification

Project Description: The Nature Play expansion will occur with in Springbrook Nature Center's 7 acre entrance area and will be revitalizing and adding onto the existing Nature Play area. The new foot print to the nature play area will be 0.67 acres and new areas will be replacing existing turf grass. Now trees will be taken down during the expansion or revitalization. The project time frame is to complete Grant applications my March 31st 2023, secure funding by May 2023, and order equipment by June 2023 and install in April or May 2024.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.123994100000004,-93.2734417370647,14z>



Counties: Anoka County, Minnesota

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

-
1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Dec 1 to Aug 31

NAME	BREEDING SEASON
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Western Grebe <i>aechmophorus occidentalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the

FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point

within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no

data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPAC USER CONTACT INFORMATION

Agency: Fridley city
Name: Cody Rossetti
Address: 100 85th ave N.E.
Address Line 2: Springbrook Nature Center
City: Fridley
State: MN
Zip: 55432
Email: cody.rossetti@fridleymn.gov
Phone: 7635723588



AGENDA REPORT

Meeting Date: March 27, 2023

Meeting Type: City Council Meeting

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Ordinance No. 1406, Public Hearing and First Reading to Create Title No. 3 (Health, Safety, and Welfare) of the Fridley City Code and the Chapters Contained Therein, Amending the Fridley City Code Chapter 209, Fees, and Amending the Fridley City Code Chapter 203, Administrative Citations

Background

Pursuant to Minnesota Statute (M.S.) § 415.02 and Fridley City Charter (Charter) § 1.02, the Fridley City Council (Council) may codify and publish ordinances that carry the force and effect of law for the City of Fridley (City), which may be arranged as the Fridley City Code (Code). At its August 23, 2021, meeting the Fridley City Council adopted Resolution No. 2021-67 formally authorizing recodification.

When the Council approved recodification it directed ample opportunity for public input and transparency. This is enabled by discretionary public hearings for the Council to receive comment on the proposed amendments to the Code. On March 13, 2023, the Council approved Resolution No. 2023-26 (Exhibit A), which scheduled a public hearing to consider Ordinance No. 1406 at this evening's meeting. A notice of public hearing was published in the City's Official Publication and posted on the City's website.

At four Conference Meetings in 2022 and this year, the Council heard presentations from staff on proposed changes to chapters of the Code related to health, safety, and welfare, which are grouped together to create Title No. 3. Ordinance No. 1406 proposes amending or adding the following chapters to the Code:

- | | |
|---|---|
| • Animal Control | • False Alarms |
| • Boats and Watercraft | • Fire Prevention |
| • Civil Defense | • Liquor Consumption Use or Display |
| • Curfew | • Sexually Oriented Businesses |
| • Dangerous Weapons | • Snowmobile Regulations |
| • Disposition | • Solid Waste Disposal and Recycling Collection |
| • Drugs, Paraphernalia, and Prohibited Substances | • Trespassing. |

To aid in communicating the details of proposed updates to the Code, staff developed Recodification Reports that will accompany certain chapters of Code as they go through the recodification process. The

Vision Statement

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

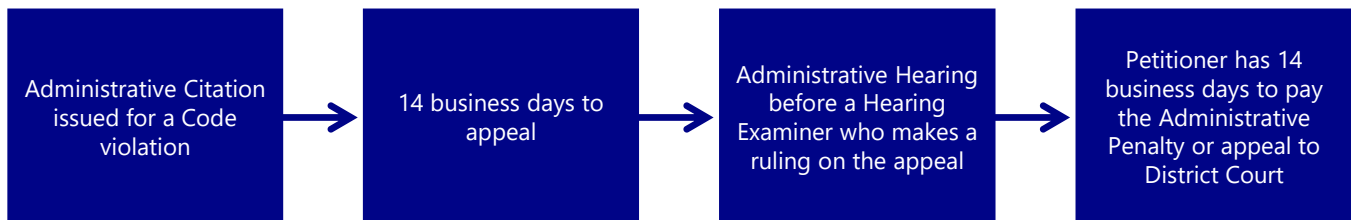
reports will illuminate substantive changes to the Code. Ten reports are included to supplement Ordinance No. 1406 (Exhibits B-K)

Ordinance No. 1406 proposes repeal of the following chapters from the Code because they were either obsolete or combined with other chapters in the title:

- Air Quality
- Barbiturate Drugs
- Codeine Drugs
- Drugs and Paraphernalia
- Public Safety Department
- Fire Department Service Charges
- Glues and Related Substances
- Public Sanitation Facilities.

Ordinance No. 1406 proposes a revision to Chapter 209, Fees, to make certain structural changes that coincide with the Title.

The ordinance also includes a revision to Chapter 203, Administrative Citations to consolidate the City's appeal processes into one chapter that will be referred to throughout the Code. Chapter 203 will now be called Appeals and Administrative Citations. As staff worked through the chapters of Title No. 3, it became clear that there were several different processes for appealing City decisions related to the Code's enforcement. Staff and the City Attorney worked to revise the chapter to incorporate and consolidate appeal processes into one chapter. The chapter lays out the below process for appeals:



If a chapter of the Code has a varying appeal process due to State law or other Code requirements, those exceptions are specified in that chapter. For example, if a petitioner wanted to appeal an Administrative Citation related to the zoning chapters of the Code, those chapters outline a process by which an appeal would be heard by the Planning Commission. If an appeal of the Planning Commission's decision was requested, the appeal would then be heard by the Council for a final determination. There are chapters of the Code where an appeal would go immediately to the Council (e.g., an appeal of a Reasonable Accommodation application) and those exceptions are specified in those chapters. In other words, Chapter 203 provides a "default" appeal process for the Code.

Financial Impact

None.

Vision Statement

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

Recommendation

Staff recommend the City Council open the public hearing, take comment, then close the public hearing.

Staff recommend the City Council approve a first reading of Ordinance No. 1406.

Focus on Fridley Strategic Alignment

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

Attachments and Other Resources

- Ordinance No. 1406
- Exhibit A: Resolution No. 2023-26
- Exhibit B: Chapter 300 Recodification Report
- Exhibit C: Chapter 301 Recodification Report
- Exhibit D: Chapter 302 Recodification Report
- Exhibit E: Chapter 303 Recodification Report
- Exhibit F: Chapter 304 Recodification Report
- Exhibit G: Chapter 307 Recodification Report
- Exhibit H: Chapter 309 Recodification Report
- Exhibit I: Chapter 316 Recodification Report
- Exhibit J: Chapter 317 Recodification Report
- Exhibit K: Chapter 319 Recodification Report

Vision Statement

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

Ordinance No. 1406

Creating Title No. 3 (Health, Safety, and Welfare) of the Fridley City Code and the Chapters Contained Therein, Amending the Fridley City Code Chapter 209, Fees, and Amending the Fridley City Code Chapter 203, Administrative Citations

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Section 1

That the Fridley City Code Chapter 101, Animal Control, be hereby amended as follows:

Fridley City Code Chapter ~~101.300~~ Animal Control

300.01 Purpose

The Fridley City Council (Council) finds that animals are an important part of the community in that they provide companionship, recreation, and protection for many citizens. The Council further finds that, if not properly treated and controlled, animals can become a nuisance and a hazard to persons and property and that, therefore, the reasonable regulation of animals is necessary to provide for the public health, safety, and general welfare in the City of Fridley (City).

~~101.01~~300.02 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. — Accredited Institution~~

~~An educational institution holding accredited status which has been licensed or registered by the Minnesota Office of Higher Education at the time the registrant obtained his or certificate.~~

~~2. — Animal: every living creature except the human race.~~

~~3. — Animal Control Authority: the Fridley Public Safety Department is hereby designated as the Animal Control Authority.~~

~~4. — Animal Control Officer: any individual designated by the City Manager or their designee to enforce the provisions of this Chapter, including all City community service officers and police officers.~~

5.——Animal Shelter: any premises designated by the City Council for the purpose of impounding and caring for animals held under the authority of this Chapter, receiving registrations, license applications, and proof of vaccinations for such animals, and issuing licenses and tags for such animals. The facility may be owned by the City or may be a contracted shelter service.

6.——Animal Tag: ~~an tag provided to individuals who are issued a license to maintain an animal.~~

7.——Apiary: the assembly of one or more colonies of bees on a single lot.

8.——Apiary Site: the lot upon which an apiary is located.

9.——Beekeeper: a person who owns or has charge of one or more colonies of honeybees or a person who owns or controls a lot on which a colony is located whether or not the person is intentionally keeping honeybees.

10.——Beekeeping Equipment: anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

6.——Birds: any of the class of warm-blooded vertebrates distinguished by having the body more or less covered with feathers and the forelimbs modified as wings.

7.——Cat: any animal of the ~~feline~~ Felis catus species.

8.——Chicken: ~~A chicken (Gallus gallus domesticus) a domesticated type of fowl that serves as an egg or meat source.~~

9.——Clucking : ~~the sound uttered by a hen when laying eggs, brooding, or in calling her chicks.~~

10.——Coop: the structure for the housing of ~~chickens~~ poultry permitted by this Chapter.

11.——Colony: an aggregate of honeybees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs and honey.

12.——Crowing: the sound uttered by a rooster. ~~is the 'singing' of the rooster. Roosters crow for many reasons including: reacting to a disturbance, reacting to almost any kind of sound, guarding their territory, feeling threatened, a predator 'trespassing' on their territory, or just communicating with other chickens.~~

13.——Cruelty or Torture: every act, omission or neglect whereby unnecessary or unjustifiable pain, suffering or death ~~shall~~ will be caused or permitted.

14.——Dangerous Dog: any dog which has been declared to be a dangerous dog pursuant to this Chapter and Minnesota Statutes (M.S.) Sections §§ 347.50 to 347.565 as may be amended from time to time.

15.—Dog: any animal of the canine species.

16.Great Bodily Harm: great bodily harm ~~shall~~will have the meaning provided in Minnesota Statute M.S. § 609.02, subd. 8, as amended from time to time.

17.—Hen: a female chicken.

18.—Hive: the receptacle inhabited by a colony.

19.Honeybee: all life stages of the common domestic western honeybee (~~apis mellifera~~Apis mellifera). This definition does not include wasps, hornets, African subspecies or Africanized hybrids.

20.—~~Kennel: place where two or more dogs, cats, or any combination thereof are kept:~~

~~1. For the business of selling, boarding for a fee, breeding for sale, training or some other enterprise intended primarily for profit making purposes; and~~

~~2. are licensed by the Minnesota Board of Animal Health.~~

21.—Livestock: horses, cattle, goats, ~~rabbits~~, sheep, swine, ~~fowl~~, and other animals used for utility.

22.—License: the authority to keep an animal within the City of ~~Fridley~~.

23.—Licensee: any person who has applied and received approval of a City license.

24.—Multiple Pet Location: any residential lot where an occupant of the residence ~~desires to keep~~keeps more than three dogs, cats or any combination thereof that are at least six months of age as pets.

25.—Nucleus Colony: small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose, and containing no supers.

26.—Owner: the license holder or any other person or persons, firm, association, organization or corporation owning, keeping, possessing, having an interest in, having custody or control of or harboring a dog. Any person keeping or harboring a dog for five consecutive days is an owner thereof for the purposes of this Chapter.

27.—Pet Shop

~~Any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding animals of any species.~~

28.—Potentially Dangerous Dog: any dog which has been declared to be a potentially dangerous dog pursuant to this Chapter and ~~Minnesota Statutes M.S. Section §§~~ 347.50 to 347.565, as amended from time to time.

Poultry: A domesticated chicken fowl of the species Gallus gallus and domesticated duck fowl of the Mallard (Anas platyrhynchos) and Muscovy Duck (Cairina moschata).

29.—Proper Enclosure: ~~A proper enclosure a~~ structure where an animal is confined, held, or kept ~~meeting the requirements of shall have the meaning provided in M.S. Minnesota Statute Section §~~ 347.50, subd. 4, as amended from time to time.

30.—Provocation: provocation ~~shall~~ will have the meaning provided in ~~M.S. Minnesota Statute Section §~~ 347.50, subd. 8, as amended from time to time.

31.—Queen: an adult mated female that lives in a honeybee colony or hive that is usually the mother of most, if not all, of the bees in the beehive. A queen is developed from larvae selected by workers bees and specifically fed in order to become sexually mature.

32.—Rodents: a destructive or nuisance animal including such animals as rats, mice, moles, voles and other wild animals that are dangerous to the welfare of the public.

33.—Rooster: ~~A rooster is~~ a male chicken.

34.—Run: a fully enclosed and covered area attached to a coop where the ~~chickens~~ poultry can roam unsupervised.

Service Animal: a dog or other animal approved by the American Disabilities Act that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the animal must be directly related to the person's disability.

40.—Substantial Bodily Harm: substantial bodily harm ~~shall~~ will have the meaning provided in ~~Minnesota Statute M.S. §~~ 609.02, subd. 7a, as amended from time to time.

36.—Super: a box that holds the frames where bees will store the honey for harvest.

37.—Swarming: the process where a queen bee leaves a colony with a large group of worker bees in order to form a new honeybee colony.

Tag: an item provided to individuals as proof that they have been issued a license to maintain an animal.

38.—Under strict control refers to a dog or cat and is defined as:

A.—1. The animal may not leave the property;

~~B.~~ 2. If the animal is let outside, the owner must be present at all times and it must be either inside a fenced in yard or on a leash;

~~C.~~ 3. The animal may run free inside the residence; however, the animal must be contained or put into a separate room when visitors are present; and

~~D.~~ 4. The animal's owner must immediately notify the Public Safety Department if the animal shows any sign of illness or aggression.

39.—Unusual Aggressive Behavior: any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs. Provocation is an act that an adult could reasonably expect may cause a bee to sting or attack.

40.—Veterinary Hospital: any establishments maintained and operated by a licensed veterinarian for the diagnosis, care and treatment of diseases and injuries of animals.

41.—Waterfowl: includes these species of birds commonly known as geese, ducks, gulls and swans and any other waterfowl falling under the jurisdiction of the United States Fish and Wildlife Service. (Ref 1259)

42.—Wild Animals: all living creatures not human, wild by nature.

~~101.02.~~ 300.03 Taking Wild Animals ~~and Birds~~

1. Taking Wild Animals ~~and Birds~~ (Ref Ord 1227)

Except as provided in Section ~~101.02.2~~ 300.03 (2) regarding nuisance wildlife control measures, it ~~shall~~will be unlawful for any person to hunt, take, shoot, trap, kill, injure or attempt to injure any wild animal ~~or bird~~ within the City of ~~Fridley~~ by use of a firearm, bow and arrow, trap, poison or any other means. Nothing in this Section, however, ~~shall~~will prevent property owners or their agents from eradicating rodents on their property through the use of traps, poisons or other such lawful means, nor ~~shall~~will it prevent an agent of the City from trapping, immobilizing or killing a wild animal ~~or bird~~ for reasons of public safety or for reasons of humane destruction following injury.

2. Nuisance Wildlife Control Measures

(a) It ~~shall~~will be unlawful to hunt, take, shoot, trap, or kill any wild animal ~~or bird~~ within the City of ~~Fridley~~ without first creating a wildlife control plan and having met the following conditions: ~~obtained a temporary nuisance wildlife control permit from the City. No permit shall be issued except upon the review and approval of a nuisance wildlife control plan and then only under the following conditions:~~

(1) ~~A special permit, authorizing~~ Authorization of wild animal or bird removal shall must first be secured from the Minnesota Department of Natural Resources and any federal agency mandated to regulate the taking of the species to be removed as may be required.

(2) An indemnification agreement ~~shall~~ must be submitted holding harmless the City of Fridley from any suits arising from any damages resulting from the City's approval of the nuisance-wildlife control program plan.

(b) In addition to any other requirements as may be deemed necessary, the nuisance wildlife control plan ~~shall~~ must at a minimum:

(1) Include a site plan of the property upon which nuisance wild animals ~~or birds~~ are to be taken;

(2) Identify the species and number of wild animals ~~or birds~~ to be taken and the method of disposal;

(3) Describe the proposed manner of taking and incorporate appropriate safety standards as identified by the Minnesota Department of Natural Resources and public safety officials;

(4) Provide complete identification, credentials and qualifications of all persons involved in the taking;

(5) Identify the measures to be used to secure the property from public intrusion during any taking of the wildlife.

(c) The City Manager or their designee has the authority to approve, modify or deny a nuisance wildlife control plan, taking into account the health, safety and welfare of the public.

(d) No person ~~shall~~ will intentionally disrupt a nuisance wildlife control ~~program plan~~ conducted pursuant to this Section by any means including but not limited to the use of noise, lights, chemicals, or by the intrusion into a restricted area where a nuisance wildlife control ~~program plan~~ is taking place.

3. Prohibition of ~~Waterfowl~~ Wildlife Feeding

(a) It ~~shall~~ will be unlawful to provide food (including food by-products, garbage or animal food) to ~~waterfowl wildlife on City of Fridley owned park land in the City.~~ This ~~shall~~ includes placing food or allowing food to be placed on the ground, shoreline, waterbody, or any structure, unless such items are screened or protected in a manner that prevents ~~waterfowl wildlife~~ from feeding on them. Small backyard birdfeeders are exempt from this prohibition and must be placed at least six feet above ground level.

(b) This prohibition ~~shall~~does not apply to veterinarians, Animal Control Officer, or county, State or Federal game officials who in the course of their duties have ~~waterfowl~~any wildlife in custody or under their management.

(c) This prohibition ~~shall~~does not apply to persons authorized by the City of Fridley to implement the Canada Goose management program and any future ~~waterfowl~~wildlife management programs approved by the City Council.

(d) This prohibition ~~shall~~does not apply to any food placed upon the property for purposes of trapping or otherwise taking ~~waterfowl~~wildlife, where such trapping or taking is pursuant to a permit issued under Section ~~401.02.2300.03 (2)~~. ~~(ref 1260)~~

~~401.03~~300.04 Livestock Control

1. License Requirement

(a) No person shall will engage in the keeping, raising, feeding or caring for livestock within the in the City limits of Fridley without first having obtained a license to do so.

(b) Any person keeping, raising, feeding, or caring for horses, cattle, goats, sheep, or swine must provide no less than one acre of open, unused land for each animal.

2. License Procedure

(a) A license to keep livestock ~~shall~~will be granted only after written application, signed by the applicant, is filed with the City Manager or their designee. The application ~~shall~~must state the applicant's full name and address and contain the number and species of the livestock to be kept and a scaled site plan of the premises showing the adjoining property and fence lines.

(b) The City Manager or their designee, ~~shall~~will review the application and site plan and inspect the property to determine the possible effects on adjoining properties, housing facilities, sanitation control and the effect on the general health, safety and welfare of the public. When the City Manager or their designee, has determined that the applicant has substantially demonstrated that there will be no adverse effects upon adjoining properties, housing facilities, sanitation control, as well as the general health, and has otherwise met all other licensing requirements the City Manager or their designee ~~shall~~will issue the license. ~~(Ref 1324)~~

(c) An applicant may appeal the denial, revocation, or non-renewal of a license issued under this Section pursuant to the appeal procedures set forth in Section 300.21 of this Chapter.

~~(c) Any person keeping, raising, feeding or caring for horses, cattle, goats, sheep or swine shall provide no less than one acre of open, unused land for each animal.~~

(d) The license term, license fee, and license renewal fee are established in the Fees chapter of the Code.

3. Manure Removal

Persons who keep ~~animals~~ livestock within the City ~~shall~~must not allow any odors which are offensive to the people inhabiting the City such that they constitute a nuisance as defined in Chapter 110, of the ~~City~~ Code. Organic matter ~~shall~~must not be allowed to accumulate for more than five business days at a time. However, organic matter ~~shall~~must be removed more often than one time per five business days if it is necessary to eliminate any odors that constitute a nuisance.

4. Housing

Proper housing in the form of barns, coops or hutches ~~shall~~must be provided in any area where livestock are permitted to roam. Such housing ~~shall~~must be adequately fenced to ensure that the livestock remain on the owner's premises. When livestock are kept in an area that abuts or adjoins a residential area on which dwellings are erected, there ~~shall~~must be a strip of land at least 30 feet wide between such abutting property and the area on which the livestock are kept.

5. Inspection

Any authorized Animal Control Officer ~~shall~~will, at any reasonable time, be permitted upon the premises where livestock are kept for the purpose of making an inspection to determine compliance with this Chapter.

101.04300.05. ChickensPoultry (Ref Ord 1349)

1. Purpose. The keeping of chickens or ducks on a small scale for the purpose of raising such animals to have access to fresh eggs, meat, or feathers is of growing interest in the community. This section addresses the City's desire to protect the health and safety of such animals and residents.

~~A. The purpose of this ordinance is to allow for the keeping of chickens on a small-scale basis and to address the negative impacts such as noise and odors that may result and that are atypical in urban areas.~~

~~B. The keeping of chickens, sometimes referred to as "urban chickens" or "city chickens" is a movement spreading across the state and country. The urban chicken movement allows for the keeping of chickens on a small scale for the purpose and desire of people to be closer to their food sources. This movement allows people to raise chickens in an urban environment to have access to fresh eggs on a regular basis for their own individual use and consumption.~~

2. License Required

(a) No person ~~shall~~may keep, harbor, maintain or allow the keeping of ~~chickens~~poultry on any property in the City without an approved license. If the applicant is a tenant, they must also provide proof of approval ~~of by the property~~ owner permitting the keeping of ~~chickens~~poultry on the property.

(b) Education and training on how to raise ~~chickens~~poultry is required for the individual prior to the issuance of the initial license by the City. At the time of application for licensing, the individual must submit proof of completion of an approved educational course on the care and keeping of ~~chickens~~poultry.

(c) The application for licensing must be upon a form provided by the City. The applicant must pay for a license fee as set forth in the Fees chapter of the Code. All required information must be complete, including the number and breed of ~~chickens~~poultry, a diagram or photograph of the proposed coop and run, description of sanitation control and a description on how ~~chicken~~poultry feed will be maintained or stored.

(d) A site plan of the property showing the location, size, and setback requirements of the proposed ~~chicken~~poultry coop and run ~~shall be~~is required.

(e) The property must be in compliance with all other applicable City regulations in order to receive approval and renewal.

(f) If the licensee fails to maintain the ~~standards of practice~~conditions set forth below subsequent to issuance of the license, the City Manager or their designee license may revoke the license.

~~(g) Within six months of the effective date of this Section, individuals who have been keeping chickens in the City must either apply for and receive a license or remove the chickens and structures from property.~~

~~(h)(g) The license shall be valid until April 30 of each calendar year following initial issuance and must be renewed prior to annual expiration by submitting a renewal form provided by the City and the required renewal fee. The license term, license fee, license renewal fee, and impound fee are established in the Fees chapter of the Code.~~

(h) An applicant or licensee may appeal the denial, revocation, or non-renewal of a license issued under this Section pursuant to the procedures set forth in Section 300.21 of this Chapter.

3. Location and Size of Coop and Run

- (a) Residents on properties zoned R-1, Single Family Residential may be permitted to keep and raise ~~chickens~~poultry as a hobby with a license and ~~shall~~ be limited to a maximum combination of six ~~chickens~~poultry per property.
- (b) Coop and run area must be located in the backyard and must be located a minimum of ~~30~~10 feet from all adjacent property lines and 30 feet from any neighboring structure.
- (c) Coop and covered run area ~~shall be~~ limited to no more than ~~60~~ 120 square feet.
- (d) Coop size ~~shall~~must not be ~~not~~ less than three square feet per bird, be weatherproof and fully enclosed.
- (e) The coop ~~shall~~must comply with current zoning and building codes. The coop ~~shall~~must be constructed with architecturally appropriate building materials including exterior grade siding and either a metal, composite or shingled roof. In the alternative, coop may be purchased from a commercial source that constructs structures specifically to be used as coops for ~~chickens~~poultry.
- (f) The run ~~shall~~must have a fence around the enclosure and ~~shall~~must be securely constructed with mesh type material.
- (g) The run ~~shall~~must have protective overhead netting or fencing to prevent the ~~chickens~~poultry from roaming freely and to protect them from other animals.
- (h) If the keeping of ~~chickens~~poultry has been discontinued for more than 12 consecutive months, the licensee must remove the coop and run and restore the site within five business days.

4. Conditions

- (a) ~~There shall be a maximum of six chickens kept on site at any one time.~~No more than six poultry may be kept on site at any one time.
- (b) ~~There shall be no roosters or loud clucking hens permitted on site.~~No roosters will be permitted.
- (c) ~~There shall be no chickens.~~No poultry are to be allowed or kept inside of any residential garage or dwelling unit.
- (d) ~~Chickens~~Poultry shallmust be secured inside of a shelter from sunset to sunrise each day to prevent nuisance noise and attraction of predators.
- (e) ~~Chickens~~Poultry shallmust be confined to the ~~chicken~~ coop and run area and may not roam free on the property.

(f) Housing facilities and grounds ~~shall~~must be maintained in a clean and sanitary condition, and kept in good repair. Flies, rodents, and noxious odors ~~shall~~must be controlled. Facilities ~~shall~~must be kept free of fecal matter and collected fecal matter ~~shall~~must be properly stored and disposed of weekly.

(g) If ~~chickens~~poultry are to be maintained during the winter months, the ~~chicken~~ coop ~~shall~~must be winterized to protect the ~~chickens~~birds in cold weather.

(h) ~~Chickens~~Poultry ~~shall~~must be fed within the confines of the ~~chicken~~ coop or run area. Feed ~~shall~~must be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.

(i) The raising of ~~chickens~~poultry for breeding purposes is prohibited on residentially used or zoned properties.

(j) There ~~shall~~will be no slaughtering or butchering of any ~~chickens~~poultry on residential properties within the City of ~~Fridley~~.

5. Inspection

As a part of the initial license application or annual renewal each resident must allow an inspection of the coop and run area by the City. The City Manager or their designee ~~shall have~~has the right to inspect any coop and run for the purpose of ensuring compliance with this Section ~~between 8 a.m. and 5 p.m. Monday through Friday~~ upon providing prior notice to the owner of the property. In the case of a complaint regarding the coop and run, the site may be inspected by the City without prior notice. In the event the licensee moves to a new residential lot within the City of ~~Fridley~~, the licensee is required to complete a new license application for the new location.

1. ~~Appeal and Hearing Procedure~~

~~(a) Licenses issued under this Section may be denied, revoked or non-renewed due to any of the following:~~

~~(1) The keeping of chickens in a manner which constitutes a nuisance to the health, safety or general welfare of the public;~~

~~(2) A chicken may be impounded by the City pursuant to City Code Section 300101.11 if it is found to be in violation of this Section. After being impounded for five business days without being reclaimed by the owner, it may be humanely euthanized or sold. A person reclaiming any impounded chickens shall pay the cost of impounding and boarding of the chicken(s).~~

~~(3) Fraud, misrepresentation, or a false statement contained in the registration application or during the course of the registered activity; or~~

~~(4) Any violation of the applicable provisions in this Chapter.~~

~~(b) Notice of approval, denial, revocation or non-renewal must be made in writing to the applicant. The applicant may request a hearing by submitting a written request to the City Manager or their designee within 14 business days of the date of the notification letter.~~

~~(c) The Planning Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the City Code. At the hearing, the applicant may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Planning Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant with a copy of the Planning Commission decision. The applicant may appeal the Commission's decision to the City Council by submitting a written request to the City Manager or their designee within 14 business days of the date of the Planning Commission decision.~~

~~401.05.300.06~~ Beekeeping (Ref Ord 1349)

1. Purpose

Honeybees are an asset to the community and important in the pollination of plants and production of honey and other products. The purpose of this Section is to allow for the hobby of keeping honeybees and to establish certain requirements for beekeeping within the City, to avoid issues which might otherwise be associated with beekeeping in populated areas.

2. Beekeeping License Required

(a) No person ~~shall~~may keep, harbor, maintain or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City without an approved license. If the applicant is a tenant, they must also provide proof of approval by the property owner permitting the keeping of bees on the property.

(b) Beekeeping training and education is required for the beekeeper prior to the issuance of the initial beekeeping license by the City. At the time of application for licensing, the beekeeper must submit a certificate of completion of an approved honeybee-keeping course ~~from an accredited Minnesota institution.~~

(c) The license application of licensing must be upon a form provided by the City. All required information must be complete. The license term, license fee, and license renewal fee are established in the Fees chapter of the Code.

(d) Each apiary site must apply for a license and receive ~~approval~~ a license from the City prior to bringing any honeybees into the City.

(e) The beekeeping license ~~shall~~will be valid until April 30 of each ~~calendar~~ year following initial issuance and must be renewed prior to annual expiration by submitting a renewal form provided by the City and paying the ~~required~~ renewal fee in the amount set forth in the Fees chapter of the Code.

~~(f) Upon receipt of an application for initial license, the City will send written notice to all owners of properties located within 200 feet of the property line of the apiary site identified on the application. Any objections must be made in writing and received within 14 business days of mailing the notice.~~

~~(g) The license may be denied if the City receives a written objection from a resident living within the designated notification area who provides reasonable evidence that he or she or a member of their household has an allergy to honeybee venom.~~

~~(h)~~(f) The property must be in compliance with all other applicable City regulations in order to receive approval and renewal.

~~(i)~~(g) If the licensee fails to maintain the ~~standards of practice~~conditions set forth in the Required Conditions Section ~~subsequent to~~after issuance of a beekeeping license, the City Manager or their designee may revoke the license.

~~(j) Beekeepers operating in the City prior to the effective date of this Section must either apply for and receive a license or remove the bees and structure within six months of the effective date.~~

(h) An applicant or licensee may appeal the denial, revocation, or non-renewal of a license issued under this Section pursuant to the procedures set forth in Section 300.21 of this Chapter.

3. Colony Location

(a) Residents on properties zoned R-1, Single Family Residential may be permitted to keep and raise honeybees as a hobby and ~~shall bear~~be limited to two colonies per property.

(b) Hives must be located in the backyard and must be located a minimum of ~~30~~10 feet from all property lines and 30 feet from any neighboring structure.

(c) If any licensed beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, that person ~~shall will~~ not be considered to be in violation of the colony density restrictions ~~in of~~ this Section if the following conditions are met:

- (1) The person temporarily houses the honeybees at an apiary site of a beekeeper licensed by the City;
- (2) The honeybees are not kept for more than 30 days; and
- (3) The site remains in compliance with the other provisions of this Section.

4. Required Conditions

(a) No more than two colonies may be kept on the property at ~~one~~ the same time.

(b) For each colony permitted to be maintained in this Section, there may also be maintained upon the same apiary lot, one nucleus colony in a hive structure not to exceed one standard nine and five-eighths inch depth box, ten frame hive body with a maximum of five supers.

(c) Honeybee colonies ~~shall must~~ be kept in hives with removable frames which ~~shall must~~ be kept in sound and usable condition.

(d) Each colony on the apiary site ~~shall must~~ be provided with a convenient source of water which must be located within 10 feet of each active colony.

(e) Materials from a hive such as wax combs or other materials that might encourage robbing by other bees ~~shall must~~ be promptly disposed of in a sealed container or placed within a building or other bee and vermin proof enclosure.

(f) Beekeeping equipment must be maintained in good condition, including keeping the hives free of chipped and peeling paint if painted, and any unused equipment must be stored in an enclosed structure.

(g) Hives ~~shall will~~ be continuously managed to provide adequate living space for their respective honeybees in order to prevent swarming.

(h) In any instance in which a colony exhibits unusual aggressive behavior, it ~~shall be is~~ the duty of the beekeeper to promptly re-queen the colony.

(i) Honey may not be sold from any residential property.

5. Inspection

As part of the initial application or annual renewal, each beekeeper must allow an inspection of the apiary site. The City Manager or their designee ~~shall have~~has the right to inspect any apiary for the purpose of ensuring compliance with this Section ~~between 8 a.m. and 5 p.m. Monday through Friday~~ upon providing prior notice to the owner of the apiary property. In the case of a complaint regarding the apiary, the apiary site may be inspected by the City without prior notice. In the event the licensee moves to a new residential lot within the City of Fridley, the licensee is required to complete a new license application for the new location.

6. ~~Appeal and Hearing Procedure~~

- (a) ~~Licenses issued under this Section may be denied, revoked or non-renewed due to any of the following:~~
 - (1) ~~The keeping of honeybees in a manner which constitutes a nuisance to the health, safety or general welfare of the public;~~
 - (2) ~~Fraud, misrepresentation, or a false statement contained in the license application or during the course of the licensed activity; or~~
 - (3) ~~Any violation of the applicable provisions in this Chapter.~~
 - (4) ~~Objection by a resident as stated in this Chapter.~~
- (b) ~~Notice of approval, denial revocation or non-renewal must be made in writing to the applicant and to any person opposing the initial application specifying the reason(s) for the action. The applicant or any person opposing the application may request a hearing by submitting a written request to the City Manager or their designee within 14 business days of the date of the notification letter.~~
- (c) ~~The Planning Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the City Code. At the hearing, the applicant and any person opposing the initial application may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Planning Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant and any opposing party with a copy of the Planning Commission decision. The applicant may appeal the Commission's decision to the city council by submitting a written request to the City Manager or their designee within 14 business days of the date of the Planning Commission decision.~~

It ~~shall be~~ unlawful for any person to own, keep, or harbor any animal which is considered a nuisance. ~~(Ref. 979.) For the purpose of this Chapter, an~~ An animal nuisance ~~shall~~will exist under any of the following conditions:

1. The animal is not confined to the owner's or custodian's property by adequate fencing or leashing.
2. The animal is off the premises of the owner or custodian and is not under the control of the owner or custodian by a leash. ~~Such leash shall not exceeding (8)~~ six feet in length. This provision is not applicable when an animal is in a motor vehicle.
3. The animal ~~commits~~ causes damage to the person or property of anyone other than the owner, or creates a nuisance, as defined in this Chapter or in Chapter 110, of the ~~City Code~~, upon the property of ~~one someone~~ other than the owner. This provision is not applicable when the animal is acting in defense of the owner, the owner's family or the owner's property.
4. A female animal is in heat and off the premises of the owner, unless confined while being transported to or from the premises of the owner. This provision is applicable when a female animal is in heat and is on the premises of the owner, but is not kept in a building or secure enclosure where it cannot be in contact with other males of its kind, except for planned breeding.
5. The animal barks, howls, cries, yelps, or makes any other noise habitually ~~and/or~~ repetitively that the person who owns, keeps, or harbors the animal knows, or has reasonable grounds to know that it will, or tend to, alarm, anger or disturb other persons residing in the vicinity thereof. ~~(Ref. 979.)~~
6. The animal chases vehicles or otherwise interferes with pedestrians, automobiles, bicycles, motorcycles, motor bikes or snowmobiles on public streets, alleys, properties or highways.
7. The animal is not currently vaccinated against rabies as evidenced by the certificate of an authorized veterinarian. ~~(Ref 1313)~~
8. ~~Any lot or premises on which four or more dogs or cats, or any combination of four or more dogs or cats, at least six months of age, are kept. Additional animals may be kept in nonresidential zones that meet the City's zoning requirements for a kennel license. (Ref 979.)~~
9. ~~Any person 18 years of age or older or the parents or guardians of any person under 18 years of age who owns, harbors or keeps a dog, allows such dog to run at large in the City. The age of such dog is irrelevant.~~
10. ~~8.~~ Any person having the custody or control of any animal does not clean up feces of the animal and dispose of such feces in a sanitary manner.

~~11-9.~~ Any person having the custody or control of any animal allows such animal to defecate on the private property of anyone other than the owner.

~~12-10.~~ When on a park or public land, any person having the custody or control of any animal does not immediately remove any feces left by such animal and dispose of such feces in a sanitary manner or does not have in possession a device or equipment for the picking up and removal of animal feces. The provisions of this Section ~~shall~~does not apply to a guide dog accompanying a blind person or dogs involved in public safety rescue activities.

~~13-11.~~ To allow an animal on the premises of any bathing beach or ~~the City Community Park,~~ whether ridden, lead, carried, or running at large. ~~(Ref. 979.)~~

~~401.07-300.08.~~ Dog Licensing

1. License

(a) No person ~~shall~~may own, keep or harbor any dog over the age of six months within the City unless they have registered and received a dog license from the City. A license ~~shall~~will be issued by the City upon the submission of a completed application, proof of rabies vaccination, payment of a license fee, and satisfaction of all of the requirements of this Chapter. The license ~~shall be~~is valid for the life of the dog, ~~and is transferable to a new owner, provided notice of the transfer is provided to the City Manager or their designee pursuant to this Chapter.~~ The license is not transferable.

(b) ~~The application shall include the owner's name, address, phone and e-mail address; the dog's name, age, breed, color, and sex; and proof of rabies vaccination. The application for licensing must be upon a form provided by the City. All required information must be complete.~~ No license ~~shall~~will be issued for a dog upon which proof of vaccination has not been provided at the time of the application.

(c) It ~~shall be~~is the owner's responsibility for maintaining current vaccinations at all times. The owner must provide proof of current rabies vaccination upon request or demand by ~~the City's~~ an agent of the City, the Animal Control Officer, Animal Control Authority, or an individual that may have been harmed, injured, or bitten by the dog.

(d) The license fees are established in the Fees chapter of the Code.

~~(1) licensing authority;~~

~~(2) Animal Control Officer;~~

~~(3) Animal Control Authority; or~~

~~(4) individual that may have been harmed, injured or bitten by the dog.~~

2. Tag

(a) An animal tag ~~shall~~will be issued by the City for all licensed dogs. The owner ~~shall~~will affix the tag to the collar or harness of the licensed dog in such a manner so that the tag may be seen. The owner ~~shall~~will see to it that the tag is constantly worn by the dog. In case any tag is lost, a duplicate may be issued by the City. A ~~fee~~charge, as provided by the Fees Chapter 14 of this Code, ~~shall~~will be ~~made~~assessed for each duplicate tag.

(b) It ~~shall be~~is unlawful for any person to do any of the following:

(1) counterfeit or attempt to counterfeit a dog tag;

(2) remove a valid tag for any purpose;

(3) to own, keep or harbor a dog wearing a counterfeit, fictitious, altered, or invalid license tag;

~~(4) to own or keep a license tag not issued in connection with the licensing or keeping of the dog wearing the same.~~

(c) Dog tags ~~shall~~are not be transferable to another dog and no refunds ~~shall~~will be made on a license fee because of transfer of the dog out of the City or death of the dog.

3. ~~Death of Dog~~

~~Any person to whom a dog license is issued must notify the City Manager or their designee in writing of the death of the dog for which the license was issued. Within 30 days of the death of the dog, if requested by the City Clerk or their designee, the owner shall execute an affidavit under oath setting forth the circumstances of the dog's death and disposition.~~

4.3. Transfer of Dog. City-issued dog licenses are not transferable to a new owner in the City.

~~(a) Transfer Within the City. Any person to whom a dog license is issued must notify the City Manager or their designee in writing of the transfer of the dog to a new owner, if applicable, and new location within the City where the dog will reside. Within 30 days of the transfer of the dog, if requested by the City Manager or their designee, the owner shall execute an affidavit under oath setting forth the complete name, address, and telephone number of the person to whom the dog has been transferred, if applicable, and the address within the City where the dog has been relocated.~~

~~(b) Transfer Outside the City. Any person to whom a dog licensed is issue must notify the City Manager or their designee in writing of the transfer of the dog to a new owner, if applicable, and new location outside of the City where the dog will reside. Within 30 days of the transfer~~

of the dog, if requested by the City Clerk, the owner shall execute an affidavit under oath setting forth the complete name, address, and telephone number of the person to whom the dog has been transferred (if applicable) and the address outside of the City where the dog has been relocated.

~~401.08~~ 300.09 Revocation

1. A dog license may be denied or revoked if:

(a) The person to whom such license is issued violates Section ~~401.06~~300.07 related to animal nuisance or violates Section ~~401.07~~300.08 related to dog licensing three times within a 12-month period or five or more times within the dog's lifetime; or

(b) The person to whom such license is issued violates the terms of ~~Minnesota Statutes~~M.S. Chapter 343 related to cruelty to animals;

(c) The person to whom such license is issued violates the terms of ~~Minnesota Statutes~~M.S. Chapter 347 or the ~~City Code~~ Section § 300.12 of this Code related to the regulation of potentially dangerous or dangerous dogs;

(d) The person violates any other provision of the ~~City Code~~, or other applicable law, rule, or regulation related to the keeping of animals;

(e) The Animal Control Officer determines that the dog poses a substantial risk to public safety or the wellbeing of the community.

2. An Animal Control Officer ~~shall~~will send written notice of the denial or revocation to the person to whom such license was issued. The notice ~~shall~~will state the basis for the denial or revocation and that an appeal hearing may be requested, in writing, addressed to the City Manager or their designee, within 14 business days of the date of the notice. The appeal ~~shall~~will be heard by the ~~City Council~~.

3. Any person whose dog license is denied or revoked ~~shall~~will, within 14 days of the date of the notice of denial or revocation, appeal the decision as required by Section ~~401.08~~300.21 remove the dogs permanently from the City, or euthanize of any and all dogs owned, kept or harbored by such person. No part of the license fee ~~shall~~will be refunded unless the person prevails on appeal. If ~~any member of a household~~an individual is prohibited from owning a dog by reason of license revocation, denial, or any other provision of this Chapter, ~~unless specifically approved with or without restrictions by the City~~, no person in the individual's household is permitted to own, keep or harbor a dog in the City, unless specifically approved with or without restrictions by the City.

4. If a dog license is denied or revoked by the City, no new dog license may be issued for a period of three years from date the license is denied or revoked, and any person who has had their dog

license revoked may not own a dog within the City without such license. Beginning three years after a revocation under this Section that prohibits a person from owning a dog, and annually thereafter, the person may request in writing that the City Manager or their designee review the prohibition. The City Manager or their designee may consider such facts as the seriousness of the violation or violations that led to the revocation, any criminal convictions, or other facts deemed appropriate. The City Manager or their designee may recommend that the City rescind the revocation entirely or rescind it with limitations. The City Manager or their designee also may recommend conditions a person must meet before the revocation is rescinded, including, but not limited to:

- (a) Evaluation by a certified applied animal behaviorist or a board-certified veterinary behaviorist and completion of any training or other treatment as deemed appropriate by that expert.
- (b) Spaying or neutering.
- (c) Secure, humane confinement in a manner that prevents escape and unsupervised contact with the public, ~~permits-allows~~ the dog adequate exercise and provides protection from the elements.
- (d) Direct supervision by an adult 18 years of age or older whenever the dog is on public property.
- (e) Successful completion of a dog handling course.
- (f) Muzzling in public, in a manner that prevents the dog from biting people and other animals but does not injure the dog or interfere with vision or respiration.
- (g) Implanting microchip identification in the dog and providing the City with the name of the microchip manufacturer and identification number of the microchip.

~~5.~~ If the City rescinds a person's license revocation and the person subsequently fails to comply with any limitations imposed by the Animal Control Authority or the person is convicted of any animal violation, the City may permanently prohibit the person from owning, keeping or harboring a dog within the City.

~~5.—6.~~ A dog license revocation is in addition to any penalty against a dog owner arising from a violation of this Chapter or State Statute.

~~101.09~~300.10. Exemptions

Section ~~101.07~~300.08 of this Chapter requiring a license and tag ~~shall~~does not apply to nonresidents of the City who are keeping dogs as ~~only domestic pets~~, provided that the ~~animals~~dogs of such

owners ~~shall~~must be kept in the City no longer than 30 days and ~~the~~they ~~animals~~ are kept under restraint. All other provisions of this Chapter ~~shall~~ apply to nonresidents and their ~~pets~~dogs.

~~401.10300.11.~~ Impounding

1. Generally

(a) Animal Control Officers may seize and impound any ~~animals~~dogs requiring licenses or tags found in the City without the licenses or tags and any animals which are found to be in violation of any of the other provisions of this Chapter. Animals may be impounded by the City in an Animal Shelter and confined in a humane manner. Impounded animals ~~may~~will be kept for ~~not more than~~at least five business days of the Animal Shelter, unless reclaimed by their owners.

(b) If an animal is found at large and the owner or custodian can be identified, the Animal Control Officer may proceed against the owner for violation of this Chapter.

(c) The Animal Control Officer may enter upon any public or private premises by warrant or as otherwise provided by law when such officer is in reasonable pursuit of their duties.

(d) Upon receiving any animal as provided in this Chapter, the Animal Shelter personnel who receive animals ~~shall~~must check for identification on each animal, identify the owner by the identification whenever possible, and promptly notify the owner of the location of the animal by the most expedient means. The Animal Shelter and Public Safety Department ~~shall~~will maintain a record of animals so impounded.

2. Impounding Potentially Dangerous or Dangerous Dog

The Animal Control Officer may seize and impound any dog which is determined to be a potentially dangerous dog or dangerous dog pursuant to ~~Minnesota Statute~~State law and this Section under the following conditions:

(a) The dog inflicted substantial bodily harm on a human in public or private property without provocation;

(b) The dog inflicted multiple bites on a human on public or private property without provocation;

(c) The dog bit multiple human victims on public or private property in the same attack without provocation;

(d) The dog bit a human on public or private property without provocation in an attack where more than one dog participated in the attack;

(e) The dog had been declared dangerous, the owner's right to an appeal under this Section has been exhausted or expired and the owner has failed to comply with the provisions of this Section or the provisions of ~~Minnesota State Statutes~~ M.S. §§ 347.50 through 347.56; or

(f) A potentially dangerous or dangerous dog commits a subsequent act or acts described in ~~Section 101.01(14), 101.06(1), 101.06(2), and 101.06(6), 300.02, and 300.07 of this Code.~~

3. Claiming an Impounded Animal

(a) In the instance of ~~animals-dogs~~ for which the owner does not have a required license or tag, ~~the Animal Shelter shall not return such animal to the owner until~~ must obtain a license ~~has been applied for and a tag has been purchased from the City~~ immediately.

(b) The owner of an impounded animal ~~shall~~ must pay the ~~Animal animal Shelter-shelter~~ an impounding fee. The Animal Shelter ~~shall~~ must turn over to the City any impounding fees received. The City ~~shall~~ will place such fees in the General Fund of the City.

(c) If a rabies vaccination is required and the owner cannot produce proof that the animal has had a current rabies vaccination, the ~~Animal animal Shelter-shelter~~ shall must ensure that ~~such the~~ dog or other animal is vaccinated for rabies as a condition of release to the owner, the animal's owner ~~shall~~ must pay to the Animal Shelter the cost of the immunization.

(d) The owner of an impounded animal ~~shall~~ will be liable for and must pay the ~~Animal animal Shelter-shelter~~ the cost of ~~feed-food~~ and care for each day the animal is impounded in the animal shelter.

(e) Unless otherwise determined by the Animal Control Authority, a dog impounded pursuant to ~~Section 101.10(2) above~~ this Chapter ~~shall~~ will not be released from impound until the dog owner satisfies the requirements of this Chapter and ~~Minnesota Statutes~~ State law related to the registration and keeping of potentially dangerous or dangerous dogs, as verified by an Animal Control Officer.

4. Unclaimed Impounded Animals

Any impounded animal not claimed within five business days of the ~~Animal animal Shelter-shelter~~ shall will become the property of the ~~Animal animal Shelter-shelter~~ and may be disposed of or sold in a manner permitted by law. The licensed owner ~~shall~~ will be liable to the ~~Animal animal Shelter-shelter~~ for costs incurred in confining and disposing of the animal.

~~101.11 Potentially Dangerous Dogs and Dangerous Dogs~~

~~1. Adoption of State Law~~

~~Minnesota Statutes Sections 347.50 through 347.565, are hereby adopted. Every provision contained in the foregoing sections is hereby adopted and made a part of this Chapter by reference as if fully set forth herein. In the event of conflict between State law and the provisions of this Chapter, the more restrictive provision shall apply.~~

~~2. Declaration of Potentially Dangerous or Dangerous Dog~~

~~An officer of the Animal Control Authority or any other duly appointed animal control officer shall be responsible for declaring a dog as potentially dangerous or dangerous, in accordance with all applicable laws, rules, and regulations.~~

~~3. Notice of Declaration~~

~~Upon declaration by the City that a dog is potentially dangerous or dangerous, the City shall provide notice within five business days of this declaration by delivering or mailing the notice to the owner of the dog, or by posting a copy of the notice at the place where the dog is kept, or by delivering it to a person residing on the property. The notice shall include:~~

~~(a) A description of the potentially dangerous or dangerous dog; the authority for and purpose of the potentially dangerous or dangerous dog declaration and seizure, if applicable; the time, place, and circumstances under which the dog was declared potentially dangerous or dangerous; and the telephone number and contact person where the dog is kept;~~

~~(b) A statement that the owner of the dog may request a hearing before the Hearing Examiner concerning the potentially dangerous or dangerous dog declaration and that failure to do so within 14 days of the date of the notice will terminate the owner's right to a hearing under this Section;~~

~~(c) A form to request a hearing under this subsection; and~~

~~(d) A statement that all actual costs of the care, keeping, and disposition of the dog are the responsibility of the person claiming an interest in the dog, except to the extent that a court or Hearing Examiner finds that the seizure or impoundment was not substantially justified by law.~~

~~4. Administrative Appeal of Declaration~~

~~An owner may appeal a declaration that its dog is potentially dangerous or dangerous by submitting a written request for a hearing, on a form provided by the City, to the City Manager or their designee stating that the owner contests the declaration accompanied by a non-refundable hearing fee, made payable to the City of Fridley, within 14 business days of the service of the potentially dangerous or dangerous dog declaration. Such requests for appeal will be handled according to this Section.~~

~~(a) Untimely Appeals: An owner's right to appeal or otherwise contest the potentially dangerous or dangerous dog declaration shall be deemed waived if the owner fails to serve a written request for appeal within 14 business days of the receipt of the notice. The owner of a dog which has been declared a potentially dangerous or dangerous dog must comply with the applicable requirements set forth in this Chapter and Minnesota Statutes Sections 347.50 through 347.565.~~

~~(b) Timely Appeals: If a timely appeal is filed from a declaration that a dog is potentially dangerous or dangerous, the owner must immediately comply with the requirements of Minnesota Statutes Section 347.52, paragraphs (a) and (c), and until such time as an opinion is rendered.~~

~~(c) Hearing Process: If a timely appeal is filed, a hearing shall be held within 14 business days after the City's receipt of the appeal and the following procedures shall be followed:~~

~~(1) The City shall refer the matter to an impartial Hearing Examiner to conduct the appeal.~~

~~(2) Both parties may be represented by Counsel, shall have the opportunity to present testimony, be able to call and question witnesses and introduce any exhibits; however, strict rules of evidence shall not apply. All persons giving testimony will be sworn under oath and subject to the penalty of perjury. The dog may not be brought to the hearing. The records of the Animal Control Officer shall be admissible for consideration without further foundation. The Hearing Examiner shall receive and give weight to the evidence, including hearsay evidence.~~

~~(3) The hearing shall be recorded with an audio recording device and a full record of the proceedings shall be maintained by the City according to the Minnesota Government Data Practices Act.~~

~~(4) The Hearing Examiner has the authority to do any of the following, or a combination thereof:~~

~~((a)) Uphold the declaration and require the owner to comply with all provisions of this subsection within 14 business days; or~~

~~((b)) Overturn the declaration and make findings that no violation has occurred; or~~

~~((c)) May elevate the designation from potentially dangerous to dangerous dog based upon evidence presented at the hearing; or~~

~~((d)) May elevate the designation from dangerous dog to destruction based upon evidence presented at the hearing.~~

~~(5) Failure to appear at the scheduled hearing shall result in a default judgment against the party who fails to appear. If the owner fails to appear, the declaration shall be upheld and the fee for the cost of the hearing shall be refunded to the owner. The hearing date or time may be rescheduled only one time, and not within the 72 hours immediately preceding the hearing. Cancellations for any reason within the 72 hours of the scheduled hearing will result in the forfeiture of the non-refundable fee. If the City fails to appear, the declaration shall be dismissed, and the filing fee shall be refunded to the owner.~~

~~(6) The Hearing Examiner shall issue a written decision within 10 business days of the hearing. The decision shall be delivered to the dog's owner by hand delivery or registered mail as soon as practical and a copy must be provided to the Fridley Public Safety Department. The decision of the Hearing Examiner is final.~~

~~5. Exemption~~

~~The provisions of this Section do not apply to the following:~~

~~(a) Dogs used by law enforcement officials for police work.~~

~~(b) Dogs may not be declared potentially dangerous or dangerous if the threat, injury or damage was sustained by a person:~~

~~(1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog; or~~

~~(2) Who was provoking, tormenting, abusing or assaulting the dog or who can be known to have repeatedly in the past, provoked, tormented, abused or assaulted the dog; or~~

~~(3) Who was committing or attempting to commit a crime.~~

~~6. Notification~~

~~Following the exhaustion of all appeal rights, notice of a potentially dangerous or dangerous dog declaration will be sent to each residence located within 350 feet of the dog's residence, and to each public or private school located within 1,000 feet thereof.~~

~~7. Potentially Dangerous or Dangerous Dog Declaration Review~~

~~Beginning six months after a dog is declared a potentially dangerous or dangerous dog, the owner may request annually that the Animal Control Authority review the designation. A request for review of the designation must be submitted on the form supplied by the City. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the City Manager or their designee finds sufficient evidence that the~~

~~dog's behavior has changed, the City may rescind the potentially dangerous or dangerous dog declaration. The owner of the dog shall be notified in writing of the review results within 10 business days of the request.~~

~~8. Potentially Dangerous Dog and Dangerous Dog Registration~~

~~No person may own a dog that has been determined to be a potentially dangerous or dangerous dog pursuant to this Chapter or Minnesota Statute 347.50 unless the dog is annually registered. This registration requirement is in addition to the owner obtaining a dog license as required in this Chapter. Registration must be completed within 14 business days from the owner's receipt of notice of declaration of a potentially dangerous or dangerous dog unless a timely appeal has been filed. The Animal Control Authority shall issue a certificate of registration to the owner of a potentially dangerous or dangerous dog if the owner presents sufficient evidence of the following.~~

~~(a) A proper enclosure exists for the potentially dangerous or dangerous dog and the premises are posted with a clearly visible sign that includes a warning symbol of a potentially dangerous or dangerous dog on the property, including a warning symbol to inform children. The warning symbol must be the uniform symbol issued by the City that was provided by the Commissioner of Public Safety. Prior to the issuance of any tags for a new registration of a potentially dangerous or dangerous dog, a pre-license inspection of the premises to ensure compliance with this Code is required. The City shall be allowed at any time to inspect the dog, the proper enclosure and all places where the dog is kept.~~

~~(b) The owner must present a certificate of liability insurance by an insurance company authorized to conduct business in this state, which specifically states that the owner is insured for any personal injuries inflicted by the potentially dangerous or dangerous dog in the amount of at least \$300,000 per occurrence.~~

~~(c) The owner has paid the annual potentially dangerous or dangerous dog registration fee that shall be included in the City's fee schedule, in addition to the regular dog licensing fee described in this Chapter.~~

~~(d) The owner has microchip identification implanted in the potentially dangerous or dangerous dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. All costs related to the purchase and implantation of the microchip must be paid by the dog's owner.~~

~~(e) The owner provides proof that the dog has been sterilized. If the owner does not sterilize the dog within 30 days of being notified of this requirement, the City may seize the dog and have it sterilized at the owner's expense.~~

~~(f) The Owner has obtained a valid dog license, as required in this Chapter.~~

9. Potentially Dangerous and Dangerous Dog Requirements

(a) ~~An owner of a properly registered potentially dangerous or dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the physical restraint of a responsible person. Electronic perimeter fences shall not be considered to satisfy these confinement requirements for a potentially dangerous or dangerous dogs. The muzzle must be constructed and worn in a manner that will prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration. Prior to the issuance of any tags for a renewal registration of a potentially dangerous or dangerous dog, a pre-license inspection of the premises to ensure compliance with this Section may be required. The city shall be allowed at any time to inspect the dog, the proper enclosure and all places where the dog is kept.~~

(b) ~~The owner of a potentially dangerous or dangerous dog for which registration is required under this Section shall pay an annual registration fee until the dog is deceased or is determined to be no longer potentially dangerous or dangerous. If the dog is removed from the jurisdiction, it must be registered as a potentially dangerous or dangerous dog in its new jurisdiction, pursuant to the laws and procedures in place in the new jurisdiction.~~

(c) ~~An owner of a potentially dangerous or dangerous dog must notify the Animal Control Authority in writing of the death of the dog or its transfer to a new location where the dog will reside within 30 business days of the death or transfer, and must, if requested by the Animal Control Authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred or the address where the dog has been relocated.~~

(d) ~~The owner of a potentially dangerous or dangerous dog must have the dog sterilized at the owner's expense. If the owner does not have the animal sterilized within 30 business days, the Animal Control Authority shall seize the dog and have it sterilized at the owner's expense.~~

(e) ~~A person who owns a potentially dangerous or dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.~~

(f) ~~A person who transfers ownership of a potentially dangerous or dangerous dog must notify the new owner that the Animal Control Authority has identified the dog as potentially dangerous or dangerous. The current owner must also notify the Animal Control Authority in writing of the transfer of ownership and provide the Animal Control Authority with the new owner's name, address, and telephone number.~~

~~(g) No person shall remove a microchip from a potentially dangerous or dangerous dog.~~

~~(h) The City may require that the owner and its potentially dangerous or dangerous dog attend and complete an approved obedience class. All costs related to the approved obedience class must be paid by the dog's owner.~~

~~(i) A potentially dangerous dog or dangerous dog registered under this Section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.~~

~~(j) It shall be unlawful for the owner of a potentially dangerous or dangerous dog to fail to comply with the requirements set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment in accordance with this Chapter.~~

~~(k) No more than one potentially dangerous or dangerous dog shall be housed at the same address. For purposes of apartments and other multi-unit dwellings, each dwelling unit shall be considered a separate address.~~

~~(l) It shall be unlawful to allow a potentially dangerous or dangerous dog to be on City-owned or maintained property, including but not limited to parks and trails, regardless of whether the animal is properly restrained. This prohibition shall not apply to streets and sidewalks, insofar as the potentially dangerous or dangerous dog is handled in accordance with the requirements of State law and this Chapter.~~

~~(m) Failure to comply with any of the requirements of this Chapter, including but not limited to registration of or keeping of potentially dangerous or dangerous dogs, may lead to the immediate revocation of a dog license and seizure of the potentially dangerous or dangerous dog.~~

~~10. Confiscation and Reclamation of Potentially Dangerous and Dangerous Dogs~~

~~An Animal Control Officer shall immediately seize and impound any potentially dangerous or dangerous dog if:~~

~~(a) The owner fails to validly register the dog under this Section within 14 business days of its designation as a potentially dangerous or dangerous dog.~~

~~(b) The owner fails to present a certificate of liability insurance by an insurance company authorized to conduct business in this state under this Section within 14 business days of its designation as a potentially dangerous or dangerous dog.~~

~~(c) The dog is not maintained in the proper enclosure.~~

~~(d) The dog is outside the proper enclosure and not under the physical restraint of a responsible person as required under Minnesota State Statute 347.52 and this Section.~~

~~(e) The dog is not sterilized within 30 days, pursuant to Minnesota State Statute 347.52, paragraph (d).~~

~~(f) The owner of a potentially dangerous or dangerous dog is convicted of a misdemeanor for violating the provisions of this Section and the person is charged with a subsequent violation relating to the same dog. If the owner is convicted of the offense for which the dog was seized, the district court may order destruction of the dog and the owner must pay for the costs of confining and euthanizing the dog.~~

~~(g) The owner fails to obtain or maintain a valid dog license, as required by this Chapter, for the potentially dangerous or dangerous dog.~~

~~(h) The owner fails to comply with any of the provisions of this Chapter related to the keeping of a dog within the City.~~

~~(i) A potentially dangerous or dangerous dog seized under this Section may be reclaimed by the owner of the dog by presenting proof of compliance with State law and this Chapter to the City and payment of all costs associated with the confiscation and confinement of the dog, including the impoundment fee set forth in Chapter 11 of this Code and all impoundment costs. A dog not reclaimed under this subdivision within seven business days may be disposed of in a manner permitted by law, and the owner is liable to the Animal Control Authority for costs incurred in confining and euthanization of the dog.~~

~~11. Destruction of the Dog in Certain Circumstances~~

~~(a) The Animal Control Authority may euthanize a dog in a proper and humane manner under the following conditions:~~

~~(1) The dog inflicted substantial bodily harm on a human on public or private property without provocation;~~

~~(2) The dog inflicted multiple bites on a human on public or private property without provocation;~~

~~(3) The dog bit multiple human victims on public or private property in the same attack without provocation; or~~

~~(4) The dog bit a human on public or private property without provocation in an attack where more than one dog participated in the attack.~~

~~(5) The dog has been declared dangerous, the owner's right to appeal under this Section has been exhausted or expired and the owner has failed to comply with the provisions of this Section or the provisions of Minnesota State Statutes 347.50 through 347.56; or~~

~~(6) The owner of a dangerous dog that commits a subsequent act or acts described in Section 101.01(14), 101.06(1), 101.06(2), 101.06(6).~~

~~(b) The Animal Control Authority will not euthanize the dog until the dog's owner has had the opportunity for a hearing before the Hearing Examiner. The exemptions set forth in Section 101.11.5 of this Section apply to this provision. The Animal Control Authority, after having been advised of the existence of such animal as defined in this Section, shall proceed as follows:~~

~~(1) The dog's owner shall be notified in writing within five business days as to the reason the animal is subjected to disposition under this Section and, where applicable, the dates, times, and places of animals or persons bitten, attacked, injured or disfigured or of other violations. The City shall provide notice of this disposition by delivering or mailing the notice to the dog's owner, or by posting a copy of the notice and a form to request a hearing under this subsection at the place where the dog is kept, or by delivering it to a person residing on the property. The dog's owner shall be given 14 business days to request a hearing for determination as to the disposition of the dog and that failure to do so within 14 business days of the notice will terminate the owner's right to a hearing under this Section.~~

~~(2) If the dog's owner does not request a hearing within 14 business days of the notice, the Animal Control Authority shall make an appropriate order including euthanization of the dog. The dog's owner shall immediately make the dog available to the animal control officer for the ordered disposition.~~

~~(3) If the dog's owner requests a hearing for determination as to the disposition of the dog, the hearing shall be held before the Hearing Examiner at a date not more than 14 business days after demand for the hearing. The records of the Animal Control Authority shall be admissible for consideration without further foundation. After considering all evidence, the Hearing Examiner shall make an appropriate order within 10 business days of the hearing, including euthanization of the dog. The dog's owner shall immediately make the dog available to the animal control officer for the ordered disposition.~~

~~(4) Any person who harbors, hides or conceals an animal which has been ordered into custody for destruction or other proper disposition shall be guilty of a misdemeanor.~~

~~12. Restrictions on Future Ownership~~

~~(a) Convictions. A person may not own a dog if they are prohibited under Minnesota State Statute 347.542. This prohibition applies to any member of that same person's household.~~

~~(b) Non-compliance. An owner of a potentially dangerous or dangerous dog that fails to comply with the requirements of this Section or State law may be prohibited or restricted from future ownership or custody of other dogs.~~

~~(c) The owners of dogs found to be potentially dangerous or dangerous by another city or jurisdiction, must notify the Public Safety Department within 14 business days of moving into the city, and must follow the requirements of Minnesota Statutes Sections 347.50 through 347.565 and this Section.~~

~~13. List Posted~~

~~For the purposes of public notification and public safety, the City may post a list of potentially dangerous and dangerous dogs on the City's website.~~

~~14. Violation; Misdemeanor~~

~~Any violation of the provisions of this Chapter shall constitute a misdemeanor offense.~~

300.12 Potentially Dangerous Dogs and Dangerous Dogs

1. Adoption of State Law

M.S §§ 347.50 - 347.565, are hereby adopted. Every provision contained therein are made a part of this Chapter. In the event of conflict between State law and the provisions of this Chapter, the more restrictive provision will apply.

2. Potentially Dangerous Dogs and Dangerous Dogs

All of the provisions and requirements detailed in State law for Dangerous Dogs, also apply to Potentially Dangerous Dogs in the City. A "Declared Dog" for the purposes of this Section is a Dangerous Dog or a Potentially Dangerous Dog.

3. Notice of Declaration of Potentially Dangerous Dog or Dangerous Dog

Upon declaration by the City of a Potentially Dangerous or Dangerous Dog, the City will provide notice of the declaration by delivering or mailing the notice to the owner of the dog, or by posting a copy of the notice at the place where the dog is kept, or by delivering it to a person residing on the property.

4. Appeals

(a) Any person contesting a declaration by the City that their dog is a Declared Dog, or a citation or other decision associated with this Chapter may file an appeal pursuant to the Appeals and Administrative Citations chapter of the Code.

(b) If a timely appeal is filed regarding a declaration that a dog is a Declared Dog, the owner must immediately comply with the requirements of M.S. § 347.52, paragraphs (a) and (c), and until such time as a decision is rendered by the Hearing Examiner or the Council if an appeal is taken pursuant to paragraph (c) below.

(c) 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 may affirm, repeal, or modify that decision.

5. Registration. In addition to the registration requirements of M.S. § 347.51 the following are required in the City:

(a) No person may own a Declared Dog unless the dog is annually registered with the City.

(b) Registration of a Declared Dog must be accompanied by a City dog license.

(c) Prior to the issuance registration, an inspection of the premises by the City is required in order to ensure compliance with this Section. The City must be allowed at any time to inspect the dog, the proper enclosure, and all places where the dog is kept.

(d) Payment of a Declared Dog registration fee is required. The amount of the fee is set forth in the Fees chapter of the Code.

6. Additional Requirements. In addition to the requirements of M.S. § 347.52, the following are required in the City with respect to Declared Dogs:

(a) If a Declared Dog is kept on the property outside of a proper enclosure, the dog must be muzzled. The muzzle must be constructed and worn in a manner that will prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration.

(b) If a Declared Dog is kept on the property outside of a proper enclosure, the dog must be restrained by a substantial chain or leash not exceeding six feet in length and under the physical restraint of a responsible person.

(c) Electronic or invisible perimeter fences will not be considered a proper enclosure for a Declared Dog.

(d) The City may require a Declared Dog and its owner attend and complete an obedience class that has been approved by the City's animal control officer. All costs related to the approved obedience class must be paid by the dog's owner.

(e) No more than one Declared Dog may be housed at the same address. For purposes of apartments and other multi-unit dwellings, each dwelling unit will be considered a separate address.

(f) Declared Dogs are restricted from entering any City-owned or maintained property, including but not limited to parks and trails, regardless of whether the dog is properly restrained. This prohibition does not apply to streets and sidewalks, insofar as the Declared Dog is handled in accordance with the requirements of State law and this Chapter.

(g) If an owner of a Declared Dog fails to comply with any requirements set forth in this Section, the dog will be subject to immediate seizure and impoundment in accordance with State law.

7. List Posted

For the purposes of public notification and public safety, the City may post a list of Declared Dogs on the City's website.

101.12-300.13 Animal Bites, Quarantine

1. Any person who has been bitten or has knowledge of a human being who has been bitten by a dog, cat, raccoon, skunk, or other species susceptible to rabies ~~shall~~must immediately notify the Animal Control Officer or Public Safety Department. Whenever such an animal has bitten any person, the owner or custodian of the animal, after being so notified by the Animal Control Officer or the ~~Police Department~~Public Safety Department, ~~shall~~will immediately cause said animal to be quarantined at the City of Fridley contracted Animal Shelter or at a licensed veterinary hospital or kennel for a period of 10 days after such person has been bitten. During the quarantine period, said animal ~~shall~~will be kept under observation to determine its condition and if it is found to be sick or diseased, the operator of the quarantine facility ~~shall~~will immediately report the condition of the animal in writing to the Public Safety Department ~~the condition of the animal~~. The Animal Control Officer ~~shall~~will then take necessary steps to determine if the animal is suffering from rabies.

2. During the quarantine period the animal ~~shall~~must not be removed from the designated quarantine facility except by special written permission from the Minnesota Livestock Sanitary Board and the Animal Control Officer. The owner of an animal ~~shall~~will be responsible for the cost of quarantine.

3. The quarantine required by this Section ~~shall~~will not be necessary and the requirements ~~shall~~will be waived if the custodian or owner of the animal, immediately upon notification that their

animal has bitten someone, presents to the Animal Control Officer or Public Safety Department, the certificate of an authorized veterinarian that the animal was currently vaccinated for rabies prior to the date of the biting. Such animal ~~so exempt shall~~ will be quarantined on the premises of the owner, under strict control, for a period of 10 days for the purpose of observation for symptoms of disease. The Animal Control Officer is authorized to conduct a midterm and ~~terminal~~ end-term examination of the animal.

4. It ~~shall be~~ is unlawful for any person, other than an Animal Control Officer, to kill or destroy any animal found running at large in the City. No Animal Control Officer or other person ~~shall~~ will kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine, and the diagnosis of rabies made.

~~401.13300.14~~ 14 Prohibited Animals

1. No person ~~shall~~ will keep or allow to be kept in the City:

(a) Any animal of a vicious nature or with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(b) Any animal which attacks a human being or a domestic animal on two or more occasions without provocation or on a single occasion where substantial bodily harm on a human being is inflicted without provocation; or

(c) Any non-domesticated animal not naturally tame or gentle, but is of wild nature or disposition, including any of the following:

(1) Any animal or species prohibited by State or Federal law, ~~federal or Minnesota Law~~.

(2) Any non-domesticated animal or species, including, but not limited, to the following:

((a)) Any skunk, whether captured in the wild, domestically raised, ~~descended or not descended, de-scented or not de-scented~~, vaccinated against rabies or not vaccinated against rabies;

((b)) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated house cats;

((c)) Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domesticated dogs;

((d)) Any poisonous snake, pit viper or constrictor, such as a rattle snake, coral snake, water moccasin, cobra, boa constrictor or python;

((e)) Any raccoon; or

((f)) Any other animal which is not listed explicitly above, but which can reasonably be defined by the terms in Section ~~101.11~~300.12 of this Code, including bears and badgers.

Upon conviction for the violation of this Section, the court may in addition to imposition of sentence, direct the Animal Control Officer to take the animal in question into custody and forthwith dispose of it in a humane manner. (~~Ref. 979.~~)

2. These restrictions do not apply to a properly registered potentially dangerous or dangerous dog that is being maintained in accordance with all applicable requirements of this Chapter and State law.

~~101.14~~ Complaints

~~Any person complaining to the Public Safety Department that an animal is allegedly running at large or otherwise constituting a danger or nuisance shall identify themselves upon request and shall make every reasonable attempt to assist the authorities in identifying the animal and its owner or custodian.~~

~~101.15~~Muzzling

~~Whenever the prevalence of hydrophobia renders such action necessary to protect the public health, safety and welfare, the Mayor shall issue a proclamation ordering every person owning or keeping an animal susceptible to rabies confined securely on their premises unless it is muzzled so that it cannot bite. No person shall violate the proclamation, and any unmuzzled animal running at large during the time fixed in the proclamation shall be immediately put to death by the Animal Control Officer without notice to the owner.~~

~~101.16~~300.15 Multiple Pet Location

1. License Requirement

No person ~~shall~~will keep or maintain more than three ~~or more~~ dogs or cats, or any combination of dogs or cats that are at least six months of age as pets on a residential lot in the City without obtaining a multiple pet location license.

2. License Application

Application for a multiple pet location license ~~shall~~must be made on forms provided by the City. Such application ~~shall~~will contain the following information:

(a) The name, address, e-mail, and phone number of the applicant of the multiple pet location.

(b) A site plan showing the location of the structures and fencing for the housing or shelter and run for the exercise of the dogs and/or cats. If the dogs and/or cats are to be kept primarily within the home or other building of the residence of the applicant or of any other person, it should be listed in the application, ~~the application shall so state.~~

(c) The maximum number and type of breed(s) of dogs, cats or any combination thereof, to be kept on the premises.

(d) Method to be used in keeping the premises in a sanitary condition.

(e) Method to be used in keeping the dogs and/or cats quiet.

(f) An agreement by the applicant that the premises may be inspected by the City at all reasonable times.

(g) Payment of a license fee in the amount set forth in the Fees chapter of the Code.

3. Issuance of License

The City Manager or their designee ~~shall~~ will have discretion in determining whether ~~or not~~ to issue ~~or deny~~ a license. In making such determination, the City ~~shall~~ will take into consideration the conditions listed below and with particularity, any violations during the previous license period. In the event the licensee moves to a new ~~residential residence lot~~ within the City of Fridley, the licensee is required to complete a new application for the new location.

4. Conditions

(a) Housing facilities and grounds ~~shall~~ must be maintained in a clean and sanitary condition and kept in good repair. Facilities and grounds ~~shall~~ must be kept free of fecal matter, ~~and collected~~ Collected fecal matter ~~shall~~ must be properly disposed of weekly so as not to create a public nuisance as defined in ~~Chapter 110~~ the Public Nuisance chapter of this Code.

(b) The premises for keeping of dogs ~~and/or~~ cats ~~shall~~ must be fenced. The fencing must be of such quality and design so that it will contain the dogs ~~and/or~~ cats.

(c) If dogs and cats are to be maintained outside during the winter months, the housing or shelter ~~shall~~ must be winterized to protect the dogs or cats from the harsh elements of the cold.

(d) Animal feed ~~shall~~ must be stored in leak-proof containers with tight-fitting covers to prevent attracting vermin so as not to create a public nuisance as defined in ~~Chapter 110~~ the Public Nuisance chapter of this Code.

(e) The animals are maintained in a manner that they do not become a public nuisance as defined in ~~Section 101.06300.07 of this~~ this Chapter of the Code.

5. Multiple Pet License Fee

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

6. Inspection

As a part of the initial license application or annual renewal, ~~the applicant~~ each resident must allow an inspection of the animal housing facilities and grounds by the City. The City Manager or their designee ~~shall will~~ have the right to inspect the property for the purpose of ensuring compliance with this Section ~~between 8 a.m. and 5 p.m. Monday through Friday~~ upon providing prior notice to the owner of the property. In the case of a complaint regarding the multiple pet location, the site may be inspected by the City without prior notice.

7. ~~Appeal and Hearing Procedure~~ Denial, Impounding and Notification Procedure

(a) Licenses issued under this Section may be denied, revoked or non-renewed by the City due to any of the following:

(1) The keeping of dogs or cats in a manner which constitutes a nuisance to the health, safety or general welfare of the public;

~~(2) A dog or cat may be impounded by the city pursuant to City Code Section 101.11 if it is found to be at large in violation of this Section. After being impounded for five business days without being reclaimed by the owner, it may be humanely euthanized or sold. A person reclaiming an impounded dog or cat shall pay the cost of impounding and boarding of the dog or cat.~~

~~(3)~~ (2) Fraud, misrepresentation, or a false statement contained in the license application or during the course of the licensed activity; or

~~(4)~~ (3) Any violation of the applicable provisions in this Chapter.

(b) A dog or cat may be impounded by the City pursuant to Chapter 300.12 if it is found to be at large in violation of this Section. After being impounded for five business days without being reclaimed by the owner, it may be humanely euthanized or sold. A person reclaiming an impounded dog or cat will pay the cost of impounding and boarding of the dog or cat.

~~(b)~~ (c) Notice of approval, denial revocation or non-renewal of the license by the City must be made in writing to the applicant specifying the reason(s) for the action. ~~The applicant may request a hearing by submitting a written request to the City Manager or their designee within~~

~~14 business days of the date of the notification letter.~~ The applicant may appeal the City's determination by following the procedures set forth in the City-Issued License Appeals Process section of this Chapter.

~~(c) The Planning Commission shall hold a hearing on a contested approval, denial, revocation, or non-renewal. The appeal process to be used shall be the same process described in Section 128.06 of the City Code. At the hearing, the applicant may speak and may present witnesses and other evidence. Upon the conclusion of the hearing, the Planning Commission shall issue a written decision that includes findings of fact. The City shall provide the applicant with a copy of the Planning Commission decision. The applicant may appeal the Commission's decision to the City Council by submitting a written request to the City Manager or their designee within 14 business days of the date of the Planning Commission decision.~~

~~401.17~~300.16 Animal Control Officer

1. Appointment

The City may appoint such person, persons or firm as the City may deem necessary and advisable as Animal Control Officer. Such appointees ~~shall~~will work under the supervision of the Fridley Public Safety Department and ~~shall~~will be responsible for the enforcement of this Chapter.

2. Duties

Animal Control Officers are authorized to enforce the provisions of this Chapter and other related ordinances, Chapters and statutes pertaining to animal control, including the issuance of citations.

3. Unlawful Acts

It ~~shall be~~is unlawful for any unauthorized person to ~~break into an animal shelter, or attempt to do so, or to take or set free any animal taken by the Animal Control Officer in the enforcement of this Chapter, or in any way interfere with, hinder or molest such Officer in the discharge of their~~ duty~~duties~~ under this Chapter.

~~401.18~~300.17 Guard Dogs

1. Businesses located within the City and maintaining a guard dog for security purposes ~~shall~~must post notice at the entrance to the premises warning of the presence of said dog.

2. Businesses maintaining a guard dog ~~shall~~must file with the City a release authorizing Public Safety Department to shoot said dog in an emergency situation, if necessary, in order to allow the Public Safety Department to gain admittance to the premises in the performance of their duties.

~~101.19~~300.18 ~~SEEING EYE DOGS~~ Service Animals

Whenever ~~A blind person~~ an individual accompanied by a ~~"seeing eye" or guide dog~~ service animal presents themselves for accommodation or service on any public transit vehicle or to any restaurant, store or other place of business open to the public, it ~~shall be~~ is unlawful for the owner, manager, operator or any employee of such vehicle or place of business to refuse admission to the ~~dog~~ service animal or ~~service to the blind person~~.

~~101.20~~300.19 Cruelty to Animals

~~Minnesota Statutes Sections~~ M.S. §§ 346.20 through 346.34-44 are hereby adopted by reference and ~~shall be~~ are in full force and effect, in the City of ~~Fridley~~ as if set out here in full.

~~101.21~~300.20 Relation to Other Law

The prohibitions contained in this Chapter ~~shall be~~ are in addition to any State or Federal law regarding the same or related subjects.

300.21 Appeals

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.

~~101.22~~ Penalties

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

~~101.23~~300.22 Fees

~~The fees for this Chapter shall be as provided in Chapter 11 of this Code.~~ The fees for this chapter are set in the Fees chapter of the Code.

Section 2

That the Fridley City Code Chapter 112, False Alarms, be hereby amended as follows:

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

~~112.01-301.01~~ Purpose and Intent

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

~~112.02-301.02~~ Definitions

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

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

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

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

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

~~112.03-301.03~~ Exceptions

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

~~112.04-301.04~~ Fees

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

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

false alarms for suppression systems shared by numerous tenants, will be assessed to the property owner.

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

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

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

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

~~112.05.301.05~~ Liability of City

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

Section 3

That the Fridley City Code Chapter 103, Dangerous Weapons, be hereby amended as follows:

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

302.01 Purpose

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

~~103.01.302.02~~ Definitions

~~A dangerous weapon is any~~ Dangerous weapon: any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other

device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The term "~~dangerous weapon~~" includes, but is not limited to, the following:

1. All firearms
2. Bows and arrows, and cross bows
3. All instruments used to expel, at high velocity, pellets of any kind including, but not limited to, B-B guns and air rifles
4. Sling shots
5. Black jacks, nunchakus, clubs or like objects
7. Daggers, dirks, and knives
8. Wrist rockets
9. Any explosive
10. Fist-load weapons, including but not limited to, sap gloves, knuckle gloves, knuckles made of brass, metal, wood, plastic or any other material capable of causing injury.

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

1. The entire exterior surface of such object is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink or bright purple, either singly or as the predominant color in combination with other colors in any pattern, or such object is constructed entirely of transparent or translucent materials which permit unmistakable observation of the object's complete contents; and
2. Such object has a blaze orange extension that extends at least six millimeters from the muzzle end of the barrel of such object which is as an integral part of the object and is permanently affixed.

~~403.02~~302.03 Prohibited Acts

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

1. Recklessly handles or uses a dangerous weapon, facsimile firearm, or explosive so as to endanger the safety of another.

2. Aims any dangerous weapon or facsimile firearm, whether loaded or not, at or toward any human being.

3. Manufactures or sells for any unlawful purpose any weapon known as a sling shot, black jack, nunchakus, club, wrist rocket, bow and arrow, crossbow, or like object.

4. Manufactures, transfers or possesses ~~metal knuckles~~ any fist-load weapon or a switch blade knife opening automatically.

5. Possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another.

6. Sells or has in their possession any device designed to silence or muffle the discharge of a firearm that is not lawfully possessed under federal law.

7. Possesses a dangerous weapon or facsimile firearm, in a motor vehicle, except a pocket knife with a blade under three ~~(3)~~ inches, unless contained in a secure area not immediately available to vehicle occupants.

8. As a parent or guardian, permits a child under ~~fourteen~~ (14) years of age to handle or use a dangerous weapon or facsimile firearm, of any kind or any ammunition or explosive outside of the parent's or guardian's presence.

9. Sells, gives, loans or furnishes in any way, any deadly weapon to a person under the age of ~~eighteen~~ (18) years without written consent of such minor's parent or guardian, or of a police officer or magistrate.

10. Sells, or offers for sale, any facsimile firearm.

~~103.03.302.04~~ Minor in Possession

1. No person under the age of ~~fourteen~~ (14) years shall handle or have in their possession or under their control any dangerous weapon or facsimile firearm, except while accompanied by or under the immediate charge of their parent or guardian and which weapon would not otherwise be prohibited.

2. Nothing in this Section prohibits minors from participating in a state approved firearms safety class or other city approved formal course of instruction.

~~103.04.302.05~~ Exceptions

Nothing in this Chapter shall be construed to prohibit:

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

~~103.05.302.06 Discharge Permits Authorized Discharge~~

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

~~103.06 FEES~~

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

~~103.07. Violations~~

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

Section 4

That the Fridley City Code Chapter 106, Civil Defense, be hereby amended as follows:

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

~~106.01.303.01 Policy and Purpose~~

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

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

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

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

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

106.02.303.02 Definitions

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

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

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

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

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

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

~~106.03~~ 303.03 Establishment of an Emergency Management Organization

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

~~106.04~~ 303.04 Powers and Duties of Director

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

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

2. The Director shall make such studies and surveys of manpower to determine the Emergency Management ~~Organization~~Division's adequacy for emergency management and to plan for its most efficient use in time of an emergency.

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

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

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

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

and command. The Director may dismiss any emergency volunteer at any time and require that person to surrender any equipment and identification furnished by the City.

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

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

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

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

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

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

~~406.05~~ 303.05 Emergency Preparedness Workers

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

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

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

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

~~106.06.303.06~~ Local Emergencies

1. A local emergency may be declared only by the Mayor ~~of Fridley~~ or their legal successors pursuant to Chapter 2 of the Fridley City Charter. It shall not be continued for a period in excess of three days except by or with the consent of the ~~city~~ Council. ~~Any order, or proclamation A resolution declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the city clerk/Records Coordinator, properly noticed and filed with the City Clerk in accordance to State law.~~

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

3. Direct command of an emergency is controlled by the City's Emergency Operations Plan, as amended from time to time.

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

~~106.07.303.07~~ Emergency Regulations

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

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

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

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

~~106.08-303.08~~ Procedure

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

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

~~406.09~~303.09 Conformity of Cooperation

Every officer and agent of the City shall cooperate with the federal and state authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this Chapter and of all regulations made thereunder shall be subject to all applicable and controlling provisions of federal and State laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith. The Public Safety Director may appoint any qualified person holding a position in any agency created under federal or State authority for emergency purposes as a special police officer of the City, with such police powers and duties within the City incident to the functions of that person's position, not exceeding those of a regular police officer of the City, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the Public Safety Director and such police officers of the City as are designated.

~~406.10~~303.10 Governmental Function

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

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

~~406.11~~303.11 Political Participation

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

~~406.11~~ Penalties

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

Section 5

That the Fridley City Code Chapter 107, Disposition of Certain Property, be hereby amended as follows:

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

304.01 Purpose

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

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

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

~~107.02.304.03~~ Storage Fees for Seized Motor Vehicles

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

Section 6

That the Fridley City Code Chapter 801, Curfew, be hereby amended as follows:

Fridley City Code Chapter 305 Drugs, Paraphernalia, and Prohibited Substances

305.01 Purpose

The purpose of this Chapter is to protect and promote the public health, safety, and general welfare of citizens within the City of Fridley (City) by deterring the use and availability of drugs, paraphernalia, and prohibited substances.

305.02 Definitions

The definitions listed in Minnesota Statute (M.S.) § 152.01 are hereby adopted.

305.03 Prohibited Acts

1. It is unlawful for any person to grow, cultivate, manufacture, possess, constructively possess, sell, give away, barter, exchange, distribute, or otherwise transfer any controlled substance, except on a lawful prescription by a person licensed by law to prescribe and administer controlled substances.

2. It is unlawful for any person to manufacture, possess, constructively possess, sell, give away, barter, exchange, distribute, or otherwise transfer any equipment, products, or materials of any kind, except those items used in conjunction with permitted uses of controlled substances under M.S. § Chapter 152 or the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in:

(a) Manufacturing a controlled substance

(b) Injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance

(c) Testing the strength, effectiveness, or purity of a controlled substance, except for products that detect the presence of fentanyl or a fentanyl analog in a controlled substance

(d) Enhancing the effect of a controlled substance.

3. It is unlawful for any person to possess any controlled substance in any container other than the original container in which it was delivered and bearing the pharmacist's original label

identifying the prescription, until such controlled substance is used in accordance with such prescription.

4. It is unlawful for any person to inhale, breathe, drink, be or become intoxicated by reason of inhaling, breathing or drinking any substance commonly known as glue, adhesive, cement, mucilage, dope, solvents, lacquer, drugs, fingernail polish and lacquer, nail polish remover or thinners for the above named substances, canned air, gas dusters, or any substances containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, difluoroethane, nitrous oxide, or any other substance which contains ketones, aldehydes, organic acetates, ether, chlorinated-hydrocarbons, or any other similar ingredient which releases toxic vapors for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner change, distort or disturb the balance, coordination or the audio, visual or mental processes.

5. It is unlawful for any person to, for the purpose of violating or aiding another to violate any provision of this chapter, intentionally possess, buy, sell, transfer possession, or receive possession of any substances containing the substances defined in § 305.03 (4).

6. It is unlawful for any retail establishment selling products containing the intoxicating substances defined in § 305.03 (4) to sell such products from a self-service display.

Section 7

That the Fridley City Code Chapter 801, Curfew, be hereby amended as follows:

Fridley City Code Chapter ~~801.306~~ Curfew

~~801.01.306.01~~ Findings and Purpose

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

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

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

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

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

~~801.02.306.02~~ Definitions

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

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

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

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

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

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

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

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

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

~~801.03.306.03~~ Prohibited Acts

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

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

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

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

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

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

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

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

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

801.04.306.04 Defenses-Exceptions

1. It is an affirmative defense for a juvenile to prove that:

(a) the juvenile was accompanied by his or her parent, guardian, or other responsible adult.

(b) the juvenile was engaged in a lawful employment activity or was going to or returning home from his or her place of employment.

(c) the juvenile was involved in an emergency situation.

(d) the juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or civic organization.

(e) the juvenile was on an errand at the direction of a parent or guardian.

(f) the juvenile was exercising First Amendment rights protected by the United States constitution or Article 1 of the Constitution of the State of Minnesota.

(g) the juvenile was engaged in interstate travel.

(h) the juvenile was on the public right of way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.

(i) the juvenile is a legally emancipated minor.

2. It is an affirmative defense for a proprietor of an establishment to prove that:

(a) the proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof and age. Proof of age may be established pursuant to ~~Minn. Stat.~~ M.S. 340A.503, subd. 6, or other verifiable means, including but not limited to, school identification cards and birth certificates.

(b) the proprietor or employee promptly notified the ~~City of Fridley police department~~ Police Division that a juvenile was present on the premises of the establishment during curfew hours.

~~801.05. PENALTY~~

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

Section 8

That the Fridley City Code Chapter 129, Trespassing, be hereby amended as follows:

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

~~129.01.~~307.01 Purpose

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

~~129.02.~~307.02 Definitions

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

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

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

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

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

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

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

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

1. ~~Verbatim copies of Sections 129.05 and 129.06~~ Printed copies of the Prohibited Conduct and Penalties sections of this Chapter.
2. The name, date of birth, and address of the person to whom the notice is issued and the name of the person's custodial parent or guardian if the person is a juvenile.
3. A description of the specific conduct that forms the basis for the issuance of the notice.
4. A description of the specific covered premises or portion thereof to which the notice applies.

5. The period during which the notice is in effect, including the date of its expiration.

6. The name, title, address, and telephone number of a person with authority to modify, amend, or rescind the notice.

7. The method by which the notice was served upon the person to whom it was issued.

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

1. A statement that the individual must leave the property and may not return.

2. A description of the specific conduct that forms the basis for the issuance of the notice.

3. A description of the specific covered premises or portion thereof to which the notice applies.

4. The period during which the notice is in effect, including the date of its expiration.

~~129.03.307.03~~ Issuance of Trespass Notice

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

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

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

~~129.04.307.04~~ Coverage of Trespass Notice Issued by Property Manager or Tenant

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

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

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

~~129.05.~~307.05 Prohibited Conduct

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

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

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

~~129.06.~~ Violations

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

~~129.07.~~307.06 Additional Provisions

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

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

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

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

~~129.08.~~ Severability

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

Section 9

That the Fridley City Code Chapter 127, Sexually Oriented Businesses, be hereby amended as follows:

Fridley City Code

~~Chapter 127. Sexually Oriented Businesses~~Chapter 308 Adult Entertainment Establishments

~~127.01.308.01~~ Purpose and Intent

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

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

The provisions of this ~~ordinance~~Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ~~ordinance~~Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Minnesota Statute (M.S.) Chapter 617 is hereby adopted.

~~127.02.308.02~~ Definitions

Adult Entertainment Establishment: A business that is open only to the adults and that presents live performances that are distinguished or characterized by an emphasis on the depiction of sexual conduct or nudity or a business that sells, offers to sell, or displays devices which simulate human genitals or devices which are designed for sexual stimulation.

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

1. ~~Adult book and/or media store: an establishment which excludes minors or which has a substantial portion of its stock in trade or stock on display books, magazines, films, videotape, or other media which are characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."~~

~~2. Adult cabaret: an establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of "specified sexual activities" or "specified anatomical areas.~~

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

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

~~5. Adult mini-motion picture theater~~

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

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

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

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

~~8. Adult motion picture theater: a theater in an enclosed building, from which minors are excluded, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.~~

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

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

~~(a) Less than completely and opaquely covered:~~

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

~~(2) buttock;~~

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

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

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

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

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

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

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

~~127.03.308.03 Application of this Ordinance~~

Except as in this ~~ordinance~~ Chapter specifically provided, no structure ~~shall~~ may be erected, converted, enlarged, reconstructed, or altered, and no structure or land ~~shall~~ may be used, for any purpose nor in any manner which is not in conformity with this ~~ordinance~~ Chapter. No Adult

Entertainment Establishment Sexually Oriented Business shall ~~may~~ engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by any ~~ordinance of the City of Fridley chapter of the Fridley City Code (Code), the laws of the State of Minnesota, or the United States of America or any other State or federal regulation.~~ Nothing in this ~~ordinance Chapter~~ shall ~~may~~ be construed as authorizing or permitting conduct which is prohibited or regulated by ~~other statutes or ordinances~~ any other City, State, or federal regulation, including but not limited to ~~statutes or ordinance~~ prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.

~~127.04.308.04~~ Non-Conforming Uses

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

~~127.05.308.05~~ Location

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

~~127.06.308.06~~ Hours of Operation

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

~~127.07.308.07~~ Operation

1. An establishment operating as a ~~an Adult Entertainment Establishment Sexually Oriented Business~~ shall ~~must~~ prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of M.S. Chapter 617 or other applicable ~~Federal or State Statutes or local ordinances.~~ State or federal regulation.
2. All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall ~~must~~ be visible from a public right-of-way.

3. The layout of the display areas ~~shall~~must be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes, or any other material.

4. Illumination of the premises exterior ~~shall~~must be adequate to observe the location and activities of all persons on the exterior premises.

~~127.08.308.08~~ Signs

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

~~127.09.308.09~~ Licenses

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

1. Licenses Required

(a) A person is in violation of the ~~City Code~~ if ~~he they~~ operates a ~~Sexually Oriented Business~~an Adult Entertainment Establishment without a valid license, issued by the City.

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

(c) The applicant must be qualified according to the provisions of this Chapter and the premises must be inspected and found to be in compliance with ~~the law by the health department, fire department, and building official~~State and County regulations, and inspection requirements established by the City.

(d) Application for license ~~shall~~must be made only on the forms provided by the City. ~~Four (4) complete copies of the application shall be furnished to the office of the City Clerk containing~~ A completed application must include the address and legal description of the property to be used; the names, addresses, phone numbers of the owner, lessee, if any, and the operator or manager; the name, address, and phone number of two persons, who ~~shall~~must be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator

has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place, and nature of such crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything ~~incident~~ incidental to the establishment, maintenance and operation of the business.

(e) If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it ~~shall~~ must submit along with its application, accurate and complete business records showing the names and addresses of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business and, in the case of a corporation, the names and addresses of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation.

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

2. Issuance of License

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

(1) An applicant is under 18 years of age.

(2) An applicant or an applicant's spouse is overdue in ~~his~~ their payment to the City, County, or State of taxes, fees, fines, or penalties assessed against ~~him~~ them or imposed upon ~~him~~ them in relation to a ~~Sexually Oriented Business~~ Adult Entertainment Establishment.

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this ~~chapter~~Chapter, other than the offense of operating a ~~Sexually Oriented Business~~an Adult Entertainment Establishment without a license, within two years immediately preceding the application. The fact that a conviction is being appealed ~~shall~~will have no effect.

(5) An applicant is residing with a person who has been denied a license by the City to operate a ~~Sexually Oriented Business~~an Adult Entertainment Establishment within the preceding 12 months, or residing with a person whose license to operate a ~~Sexually Oriented Business~~an Adult Entertainment Establishment has been revoked within the preceding 12 months.

(6) The premises to be used for the ~~Adult Entertainment Establishment~~Sexually Oriented Business have not been approved by the ~~County Health Department or City health department, fire department, and the building official~~ as being in compliance with applicable laws, and ordinances; ~~such~~Such inspections ~~shall~~must be completed within ~~thirty~~(30) days from the date the application was submitted, provided that the application contains all of the information required by this ~~ordinance~~Chapter. If the application is deficient, the inspections ~~shall~~must be completed within ~~thirty~~(30) days from the date the deficiency has been corrected.

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

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

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

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

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

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

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

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

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

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

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

(e) The ~~Fridley~~City Council (Council) ~~shall~~must act to approve or disapprove the license application within 120 days from the date the application was submitted, provided that the application contains all of the information required by this ~~ordinance~~Chapter. If the application is deficient, the Council ~~shall~~must act on the application within 120 days from the date that the deficiency has been corrected.

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

3. Fees

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

4. Inspection

(a) An applicant or ~~license~~license holder ~~shall~~must permit representatives of the ~~police department~~Public Safety Department, Building Inspection Division, and County Health

Department, ~~fire department~~, and ~~housing and building inspection division~~, to inspect the premises of a ~~Sexually Oriented Business~~ Adult Entertainment Establishment for the purpose of ensuing compliance ~~with the law~~, at any time it is occupied or open for business.

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

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

5. Expiration of License

(a) Each license ~~shall~~ will expire one year from the date of issuance and may be renewed only by making application as provided in ~~Section 127.09.04~~ Section 308.09 (1). ~~Application for renewal should be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.~~

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

6. Suspension

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

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

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

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

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

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

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

7. Revocation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Transfer of License

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

9. Appeals

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

(b) Within 14 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.

127.10. Severability

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

Section 10

That the Fridley City Code Chapter 121, Liquor Consumption Use or Display, be hereby amended as follows:

Fridley City Code Chapter ~~121.309~~ Liquor Consumption, Use or Display

309.01 Purpose

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

~~121.01~~309.02 Definitions

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

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

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

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

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

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

~~121.02~~309.03 Prohibited Use or Consumption

1. No person shall consume an alcoholic beverage in any parking area connected with or a part of the land area of a premises which has been issued an intoxicating liquor license, wine license or a license to sell 3.2% malt liquor, under ~~Chapter(s) 602 or 603~~ the 3.2% Malt Liquor or Intoxicating Liquor chapters of the Fridley City Code (Code), including any parking area connected with or a part of the land area of the premises of any private bottle club, fraternal organization or other private club, defined in ~~Chapter 605~~ the Intoxicating Liquor chapter of the Fridley City Code, located within the City, except as permitted by Section ~~121.02.3~~ 309.03 (3).

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

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

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

~~121.03 Penalties~~

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

~~121.04 Severability~~

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

Section 11

That the Fridley City Code Chapter 108, Fire Prevention, be hereby amended as follows:

Fridley City Code Chapter ~~108~~ 316 Fire Prevention

316.01 Purpose

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

316.02 Definitions

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

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

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

Bon Fire: an outdoor fire utilized for recreational purposes.

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

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

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

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

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

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

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

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

108.01.316.03 Adoption of Minnesota State Fire Code

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

Appendix D: Fire Apparatus Access Roads

Appendix E: Hazard Categories

Appendix F: Hazard Ranking in Accordance with NFPA 704

Appendix O: Fires or Barbecues on Balconies or Patios.

108.02. Application, Administration and Enforcement316.04 Administration

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

316.05 Inspection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~E.(e)~~ E.(e) Flammable and Combustible Liquids: ~~to~~ repair or modify a pipeline for the transportation of flammable or combustible liquids; to install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used; and ~~to~~ install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank.

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

~~G.(g)~~ G.(g) Industrial Ovens: ~~to install~~installation of industrial ovens covered by MSFC Chapter ~~24~~30.

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

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

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

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

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

4. ~~Commence~~ Commencement of Work Prior to the Issuance of a Construction Permit. If work for which a permit is required by this Section ~~108.02.3~~ has been commenced without first obtaining the required permit, a special investigation shall be made by the Fire Chief or their designee before a permit may be issued for the work. An investigation fee will be charged for the investigation. The investigation fee shall be equal to the permit fee for the permitted activity and shall be collected in addition to the required permit fee.

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

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

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

~~108.04.316.07~~ Portable Fire Extinguishers

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

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

~~108.05.316.08~~ Fire Lanes

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

2. Fire Lane Sign Specifications

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

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

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

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

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

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

~~108.06.316.09~~ Fire Alarm and Detection Systems

Fire alarm and detection systems shall be required in occupancies as specified in the MSFC and this ~~code~~Chapter. All fire alarm and detection systems shall be installed and maintained in accordance with ~~National Fire Protection Association (NFPA)~~ Standard 72, National Fire Alarm Code and the MSFC.

1. Local Protective Alarms in Multiple Family Residential Buildings. ~~Group R2 apartment buildings and condominiums located in the City of Fridley having more than four (4) dwelling units and less than seventeen (17) dwelling units or having three (3) stories in height shall be equipped with a local protective system installed and maintained in accordance with National Fire~~

~~Protection Association (NFPA) Standard 72, National Fire Alarm Code.~~ A fire alarm system shall be installed in accordance with MSFC §§ 907.2.9.1 through 907.2.9.1.2 in Group R-2 occupancies where:

- (a) Any sleeping unit or dwelling unit is located two or more stories above the story containing the lowest level of exit discharge;
- (b) Any sleeping unit or dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit;
- (c) The building contains more than 16 dwelling units or sleeping units; or
- (d) The building is used as a congregate living facility, dormitory, convent, monastery, fraternity, sorority, group home, or shelter and has an occupant load of 20 or more.

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

~~408.07.316.10~~ Deliberate or Negligent Burning

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

~~408.08.316.11~~ Removal or Tampering with Equipment

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

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

~~408.09.316.12~~ Removal of or Tampering with Appurtenances

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

~~408.10.316.13~~ Obstruction of Egress

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

~~408.11.316.14~~ Fires or Barbecues on Balconies or Patios

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

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

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

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

~~408.12.316.15~~ Fire Apparatus Access Roads

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

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

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

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

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

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

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

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

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

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

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

5. Aerial Fire Apparatus Access Roads

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

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

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

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

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

408.13.316.16 Open Burning

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

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

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

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

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

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

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

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

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

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

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

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

3.2. Exemptions. The following types of open burning shall be exempt from the prohibition of ~~Section 108.13.1316.16(1):~~

~~A.(a)~~ Recreational fires subject to the conditions of this Section 108.13-12.

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

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

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

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

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

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

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

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

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

5.4. Prohibited Materials.

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

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

6.5. Procedure for Permit Issuance.

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

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

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

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

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

7.6. Denial of Permit.

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

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

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

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

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

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

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

~~B.(b)~~ Any person aggrieved by the denial of a burning permit by the Fire Chief or their designee may appeal that decision to the Fridley City Council (Council) by submitting a written request or appeal to the Fire Chief's office within ~~ten~~ 14 business days after the date of the denial. The Fire Chief shall submit the appeal request to the City Manager for placement on the next available ~~agenda~~ Council agenda for consideration by the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~108.14. Violations and Penalties~~

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

~~108.15 Fire Code Optional Appendices~~

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

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

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

~~Appendix E: Hazard Categories.~~

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

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

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

316.17 Fees

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

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

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

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

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

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

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

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

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

(g) Fires as a Result of Negligence. Any incident response to a fire that resulted from an act of negligence as defined in the False Alarms chapter of the Code. Examples of an act of negligence would include but not be limited to: methamphetamine labs, commercial and industrial operations where hot work is performed, and reasonable care is not exercised and burning of debris by contractors or property owners or occupants that results in subsequent fires to wild land or structures. An invoice will be sent to the person responsible for the negligent fire. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

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

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

Section 12

That the Fridley City Code Chapter 701, Boats and Watercraft, be hereby amended as follows:

Fridley City Code Chapter ~~701~~317 Boats and Watercraft

317.01 Purpose

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

~~701.01. Watercraft Regulations~~

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

~~701.02.~~317.02 ~~Definition~~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.—Boat: Every boat, houseboat, barge, vessel, raft, canoe, or other watercraft used as a support in or upon the water.~~

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

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

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

317.03 Watercraft Regulations

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

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

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

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

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

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

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

8. No person under the age of 12 years may operate any watercraft unless accompanied by an adult. No owner of such a watercraft, may permit or allow a person under the age of 12 to operate or run such a watercraft unless accompanied by an adult.

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

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

~~701.03. Public Nuisance~~

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

~~701.04. Underage~~

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

~~701.05. Control~~

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

~~701.06. Swimming Area~~

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

~~701.07. Maximum Length~~

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

~~701.08. Motorboats~~

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

~~701.09. Sailboats~~

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

~~701.10. Nighttime Operation~~

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

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

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

~~701.12. Penalties~~

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

Section 13

That the Fridley City Code Chapter 703, Snowmobile Regulations, be hereby amended as follows:

Fridley City Code Chapter ~~703.~~318 Snowmobile Regulations

318.01 Purpose

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

~~703.01.~~318.02 Definitions

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

- ~~1.~~ Snowmobile: A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.
- ~~2.~~ Person: An individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

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

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

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

~~703.02.318.03~~ Operation Prohibited

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

1. On any street, highway or public right-of-way within the ~~city limits of Fridley City.~~
2. On any public lands, waters and property under the jurisdiction of the City of Fridley unless specifically authorized by the Fridley City Council.
3. On land of another person, without lawful authority or consent of the owner, occupant or lessee.

703.03. ~~Exemptions~~Exceptions

The provisions of this Chapter ~~shall do~~ not apply to emergency vehicles, non-government vehicles operated under the direction of the Public Safety Director during emergencies, or vehicles operated by other governmental bodies within the course and scope of their official duties.

~~703.04. Penalties~~

~~Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code, except that an owner of a snowmobile bearing his registration number that is operated upon the roadway of any trunk, county state aid, or county highway may be fined not to exceed \$300.00.~~

Section 14

That the Fridley City Code Chapter 113, Solid Waste Disposal and Recycling Collection, be hereby amended as follows:

Fridley City Code
Chapter ~~113-319~~ Solid Waste Disposal, Organics, Yard Waste and Recycling Collection
Management

319.01 Purpose

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

~~113.01.319.02~~ Definitions

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

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

Bulk Container: Any container larger than one cubic yard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~b2.~~ Collected separately from mixed municipal solid waste and are governed by the licensing provisions of ~~Section~~ M.S. § 115.93;

c3. Delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the Minnesota Pollution Control Agency's Class I or Class II, or equivalent,

compost manufacturing standards and where process rejects do not exceed ~~fifteen (15) percent~~15 percent% by weight of the total material delivered to the facility; and

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

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

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

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

~~113.03-319.04~~ Frequency of Collection

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

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

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

~~113.05-319.06~~ Containment of Yard Waste

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

~~113.06-319.07~~ Containment of Organics

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

113.07. 319.08 Container Screening/Placement

1. Commercial Establishments and Multiple Dwelling Units

~~(a) Commercial Establishments and Multiple Dwelling Units. Except as otherwise specified in this paragraph, Any bulk container or dumpster~~ used for the storage of mixed municipal solid waste, recyclables, yard waste, or organics must be screened from view of the public right-of-way, public park, or residential area. Any bulk container or dumpster located inside a building for collection of mixed municipal solid waste must be made out of metal for fire safety. Laundry rooms must have metal cans with metal lids for collection of mixed municipal solid waste. Recycling, yard waste, and organics containers less than one ~~(4)~~ cubic yard in capacity do not need to be screened from view of the public right-of-way, provided there are less than six ~~(6)~~ containers at a given location, but containers must be placed on a paved surface. Baled recyclables must be stored out of view from the public right-of-way other than ~~a 24-hour time period~~ before a scheduled collection.

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

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

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

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

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

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

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

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

3. Accessibility

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

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

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

2.4. Residential Properties

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

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

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

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

6. Container Removal

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

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

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

~~113.09.319.09~~ Yard Waste Sorting and Disposal

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

~~113.10.319.10~~ Composting

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

1. Only the following materials may be placed in a compost area: grass clippings, leaves, herbaceous garden wastes, raw fruit and vegetable food scraps, chipped tree waste, sawdust, evergreen cones and needles, or additional materials that are approved by the City. Under no circumstances may any of the following items be placed in a residential or public compost area: meat, bones, grease, eggs, dairy products, or human or pet feces.
2. A compost area must be fully confined within a fenced area or enclosed structure.
3. A compost area must be located and designed so that seepage from the compost will not funnel off into public or private streets, storm sewers, drainage ditches, water retention basins, wetlands, streams, lakes, or ponds. No compost area may be placed within ~~twenty-five (25)~~ feet of any body of water or area designated as flood plain, shore land or state protected wetlands.
4. A compost area may not be located in any front yard and must be at least five ~~(5)~~-feet from any side or rear lot line and be no closer than 20 feet from any dwelling unit located on adjacent property.
5. A residential compost area may not exceed ~~5~~-five cubic yards in volume and may not exceed five ~~(5)~~-feet in height.

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

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

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

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

~~113.12~~19.11 Recycling Collection

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

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

~~2. b. Multiple Dwelling Units.~~ Owners of multiple dwelling structures of 13 or more units ~~shall~~ must provide at least ~~monthly~~ biweekly collection of at least four ~~(4)~~ broad categories of recyclables by a City-licensed ~~recycling collector~~ hauler with a minimum service capacity of 10 gallons per dwelling unit per week. Recycling categories include, but are not limited to, paper, glass, plastic, and metal. ~~Containers designated for the collection of recyclables at a multiple dwelling unit must be clearly labeled as to what materials may be placed in it and the containers must be placed in a location that is as convenient to use as the mixed municipal solid waste collection dumpster or container on site. Recycling containers must also be kept accessible year-round, including the removal of snow within 24 hours after a snowfall of more than three (3) inches.~~ Owners must also keep recycling carts or dumpsters clean and free from contamination, such as mixed municipal solid waste or organics.

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

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

~~113.13.319.12~~ Organics Collection

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

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

~~113.14.319.13~~ Scavenging

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

319.14 Solid Waste Abatement Program and Fee

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

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

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

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

~~Class I: Residential Solid Waste Collection~~

~~Class II: Commercial Solid Waste Collection~~

~~Class III: Recycling Collection~~

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

~~Class V: Yard Waste Collection~~

~~Class VI: Organics Collection~~

Class A: Residential Mixed Municipal Solid Waste

Class B: Commercial Mixed Municipal Solid Waste

Class C: Residential Recycling

Class D: Commercial Recycling

Class E: Residential Yard Waste

Class F: Commercial Yard Waste

Class G: Residential Organics

Class H: Commercial Organics

Class I: Construction and Demolition Waste

3. License Application Procedures

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

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

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

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

4. Limitations on Number of Licenses

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

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

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

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

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

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

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

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

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

(f) Licenses are non-transferable;

(b) Class C: Residential Recycling License.

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

(c) Class G: Residential Organics License.

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

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

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

5.7. Vehicles

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

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

c-(c) Each vehicle licensed for hauling mixed municipal solid waste, yard waste, organics, or recycling must have a tight cover that is operated and maintained as to prevent offensive

odors or spillage. The loading space of every vehicle licensed ~~hereunder by the City~~ shall must be leak proof. Every vehicle ~~shall must~~ be equipped with the necessary hand tools for cleaning up spills. Every vehicle licensed ~~hereunder by the City~~ shall must be kept well painted, clean and in good repair. Every such vehicle used for collecting mixed municipal solid waste, yard waste, organics, or recyclables ~~shall must~~ be cleaned every week, or more often if necessary, to prevent persistent odors.

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

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

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

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

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

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

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

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

11. Revocation of License. Any license issued hereunder by the City may be revoked or suspended by the City Council City Manager or their designee for any of the following causes following a hearing before the City Council upon due notice to the licensee, stating the time and place of such hearing, together with a statement of the violation alleged to be the cause for the revocation or suspension of the license. Notice to the licensee will include a statement of the violation(s), notice of revocation or suspension of the license, and notice of appeal procedures. Grounds for revocation include, but are not limited to:

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

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

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

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

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

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

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

12. Appeals.

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

(b) Within 14 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.

~~113.16. FEES~~

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

~~113.17. Penalties~~

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

Section 15

That the Fridley City Code Chapter 109, Air Quality, be hereby amended as follows:

~~FRIDLEY CITY CODE CHAPTER 109. AIR QUALITY (Ref. 458, 800)~~

~~109.01. AIR QUALITY STANDARDS~~

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

~~109.02. PENALTIES~~

~~Any violation of this Chapter is a misdemeanor and shall be subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code. Each day that a violation~~

continues to exist shall constitute a separate violation. Such penalties may be imposed in addition to revocation or suspension of permit and in addition to abatement of a nuisance.

Section 16

That the Fridley City Code Chapter 102, Public Safety Department, be hereby amended as follows:

FRIDLEY CITY CODE CHAPTER 102. PUBLIC SAFETY DEPARTMENT

(Ref. 33, 504, 575, 605, 641, 791, 1018, 1168, 1250, 1346; 1359
and Resolutions adopted January 7, 1952 and August 4, 2017)

102.01. CREATION.

There is hereby created a Public Safety Department for the City of Fridley.

102.02. PURPOSE

The Public Safety Department shall be responsible for the equal protection of all persons and property, fair and just enforcement of all applicable laws of the State of Minnesota and ordinances of the City, prevention of fires, removal of fire hazards, rendering of firefighting, preservation of the public peace and order, prevention and detection of crime, apprehension of offenders, rendering of Emergency Management Services, and development of education and training for employees, volunteers, and citizens of the City respecting matters involving in particular all the foregoing purposes, and in general, the safety and wellbeing of the community at large.

The Public Safety Department shall consist of a Police Department Division, a Fire Department Division and an Emergency Management Division.

1. Police Division. The Police Department Division consists of a Police Chief and such other members as may be determined from time to time. The Director of Public Safety may serve as Police Chief. The Police Chief and other personnel of the Police Department Division are appointed by the City Manager for an indefinite period. The Police Department Division shall be under the direct supervision of the Police Chief who shall be responsible to and under the direct supervision of the Director of Public Safety.
2. Fire Division. The Fire Department Division consists of a Fire Chief and such other subordinate officers and firefighters as may be determined from time to time. The Director of Public Safety may serve as Fire Chief. The Fire Chief and other personnel of the Fire Department Division are appointed by the City Manager for an indefinite period. The Fire Department Division

~~shall be supervised by the Fire Chief who shall be responsible to and under the direct supervision of the Director of Public Safety.~~

- ~~3. Emergency Management Division. The Emergency Management Division consists of an Emergency Management Director who shall be responsible for the duties and responsibilities as specified in Chapter 106. The Emergency Management Director may be the Police Chief or Fire Chief and shall be appointed by the City Manager.~~

~~102.04. DIRECTOR OF PUBLIC SAFETY~~

~~The Public Safety Department shall be under the direction and supervision of a Director of Public Safety who shall be appointed by and subject to the supervision and direction of the City Manager.~~

~~102.05 DUTIES OF PUBLIC SAFETY~~

~~The Director of Public Safety shall be responsible to the City Manager and also serve as the City's Emergency Management Director. The Director of Public Safety will be responsible for all aspects of public safety including all fire and police activities relating to the fair and just enforcement of all laws; City Charter provisions, Minnesota Statutes, City ordinances and the preservation of justice, law and order in the City; the direction of Emergency Management activities within the City and the assignment of personnel within the Public Safety Department; developing and implementing procedures and policies pertaining to all fire and police activities; and developing selection procedures for personnel of the department with assistance from both the Police Chief and Fire Chief~~

Section 17

That the Fridley City Code Chapter 116, Public Sanitation Facilities, be hereby amended as follows:

FRIDLEY CITY CODE
CHAPTER 116. PUBLIC SANITATION FACILITIES
(Ref. 828)

~~116.01. DEFINITIONS~~

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

- ~~1. — Dwelling Unit.~~

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

- ~~2. — Public Sanitation Facilities.~~

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

~~3. — Public Steam Bath.~~

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

~~4. — Public Heat Bathing Room.~~

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

~~5. — Public Rest Room.~~

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

~~6. — Public Bathing Room.~~

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

~~7. — Public Exercise Room.~~

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

~~8. — Public Portable Rest Room.~~

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

~~116.02. LICENSE REQUIRED~~

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

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

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

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

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

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

~~116.03. FEE~~

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

~~116.04. EXEMPTIONS~~

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

~~116.05. APPLICATION~~

~~The application for a public steam bath, public heat bathing room, public suntanning room, and public portable rest room license shall be made on forms furnished by the City and shall set forth such information as the City shall require. Such application for the issuance of such licenses, their maintenance, termination and administration shall be in accordance with and subject to all conditions of Chapter 11 of this Code, and the requirements of this Chapter. The application may be denied upon failure to meet any of these requirements.~~

~~116.06. REVOCATION~~

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

~~116.07. CONSTRUCTION REQUIREMENTS~~

1. ~~Generally.~~

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

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

~~2. — Public Suntanning Rooms.~~

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

~~3. — Public Rest Rooms.~~

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

~~4. — Public Portable Rest Rooms.~~

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

~~116.08. MAINTENANCE~~

~~1. — Generally.~~

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

~~2. — Public Rest Rooms.~~

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

~~3. — Public Portable Rest Rooms.~~

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

~~116.09. PORTABLE REST ROOMS REQUIRED~~

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

~~116.10. APPROVAL~~

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

~~116.11. INSPECTION~~

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

~~116.12. TEMPORARY CLOSING~~

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

~~116. 13. PENALTIES~~

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

Section 18

That the Fridley City Code Chapter 117, Drugs and Paraphernalia, be hereby amended as follows:

FRIDLEY CITY CODE
CHAPTER 17. DRUGS AND PARAPHERNALIA
(Ref. 527)

~~117.01. POSSESSION OF DRUGS RESTRICTED~~

~~No person shall possess, sell, distribute, administer, dispense, furnish, use or prescribe any cocaine or opium or any of their derivatives, or any cannabis indica or cannabis sativa or marijuana, or any of their derivatives (hereinafter called "drugs"), except as provided in Section 117.02.~~

~~117.02. DOCTORS TO COMPLY WITH FEDERAL LAW~~

~~Any manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, public or private hospital, sanitarium or institution maintained or conducted in whole or in part for the treatment of disability or disease or inebriety or drug addiction, may purchase, receive, possess, sell, distribute, prescribe, administer or dispense such drugs provided all the provisions and requirements of the Act of Congress of December 17, 1914, known as the Harrison Narcotic Law, as the same exists and may be amended, have been complied with.~~

~~117.03. POSSESSION OF INJECTION IMPLEMENTS~~

~~No person, except dealers in surgical instruments, apothecaries, physicians, dentists, veterinarians, nurses, attendants and interns of hospitals, sanitariums or any other institution in which persons are treated for disability or disease, shall at any time have or possess any hypodermic syringe or needle or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections and which is possessed for that purpose, unless such possession be authorized by the certificate of a physician issued within a period of one (1) year prior to any time of such possession.~~

~~117.04. POSSESSION OF OPIUM-SMOKING PARAPHERNALIA PROHIBITED~~

~~No person shall use, possess or have under his or her control for use any stem, bowl, lamp, yen hock or other opium-smoking paraphernalia or accessories used for smoking or inhalation of opium.~~

~~117.05. DISTRIBUTORS EXCEPTED~~

~~The provisions of Sections 117.01, .02, .03 and .04 shall not apply to common carriers or persons engaged in the business of operating a warehouse or their employees engaged in lawful distribution or storage of the drugs and materials mentioned in said sections, or to public officers or employees while engaged in the performance of their official duties, or to the temporary incidental possession thereof by employees or agents of persons lawfully entitled to such possession.~~

~~117.06. MENACE TO PUBLIC WELFARE~~

~~Any possession, sale, distribution, prescription, administration, dispensation or use of such drugs, injection implements, or opium-smoking paraphernalia contrary to the provisions of this Chapter is hereby declared to be dangerous to the public health and a menace to the public welfare.~~

~~117.07. FRAUDULENT RECEIPT OF DRUGS~~

~~No person shall fraudulently obtain any such drugs by any deceit, misrepresentation, subterfuge or concealment of material fact or the use of a false name or address in order to obtain treatment in the course of which such drugs may be prescribed.~~

~~117.08. PENALTIES~~

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

Section 19

That the Fridley City Code Chapter 118, Barbiturate Drugs, be hereby amended as follows:

~~FRIDLEY CITY CODE CHAPTER 118. BARBITURATE DRUGS (Ref. 528)~~

~~118.01. DEFINITIONS~~

~~1. Prohibited Drug.~~

~~A. Barbitol and any derivative thereof including, but not limited to, the following: diethylbarbituric acid; anynalkyl, aryl, metallic or a halogenated derivative of barbituric acid; veronal (barbitone); seasonal; total; dial; neonal (soneryl); sandoptal; amytal; phenobarbital (luminal); phandorn; noctal; allonal (which contains allylisopropylbarbituric acid in combination with amidopyrine); medianl; and any preparation, mixture or other substance containing any of the foregoing substances.~~

~~B. Amphetamine and any derivatives thereof including, but not limited to, such substances as follows: desoxyephedrine (methamphetamine) mephentermine, pipradol, phenmetrazine, methyphendiate or any salt mixture or optical isomer which has a stimulating effect on the central nervous system.~~

~~2. Deliver.~~

~~To sell, offer for sale, barter, exchange, administer, dispense, give away, distribute, or supply in any other manner. The term deliver as herein defined shall include the attempt to do such acts as well as the actual completed commission thereof.~~

~~3. Patient.~~

~~As the case may be: (1) The individual for whom a prohibited drug is prescribed or to whom a prohibited drug is administered; or (2) The owner or agent of the owner of any animal for which a prohibited drug is prescribed or to which a prohibited drug is administered.~~

4. ~~Person.~~

~~An individual, corporation, partnership or association.~~

5. ~~Practitioner.~~

~~A person licensed by law to prescribe and administer any of the prohibited drugs as defined above.~~

6. ~~Pharmacist.~~

~~A person duly licensed and registered with the Minnesota State Board of Pharmacy as a registered pharmacist.~~

7. ~~Prescription.~~

~~A written or oral order by a practitioner to a pharmacist for a prohibitive drug or stimulant for a particular patient, which specifies the date of its issue, the name and address of such practitioner, the name and address of the patient (and, if such barbituate or stimulant is prescribed for an animal, the species of such animal), the name and quantity of the prohibited drug prescribed, the directions for use of such drug, and in the case of a written order, the signature of such practitioner. An oral order by a practitioner for a prohibited drug must be promptly reduced to writing by the pharmacist~~

8. ~~Manufacturer.~~

~~Persons other than pharmacists who prepare drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.~~

9. ~~Wholesaler.~~

~~Persons engaged in the business of distributing prohibited drugs to persons included in any of the classes named in Section 118.03.~~

10. ~~Warehouse Operator.~~

~~Persons who store prohibited drugs for others and who have no control over the disposition of such prohibited drugs or stimulants except for the purpose of such storage.~~

~~118.02. UNLAWFUL POSSESSION, DELIVERY OR PURCHASE~~

~~It is unlawful for any person to have in possession, purchase, or to deliver, any prohibited drug, as defined in Section 118.01 hereof, except on a lawful prescription by a practitioner.~~

~~118.03. EXCEPTED LAWFUL BUSINESSES AND PROFESSIONS~~

Section 118.02 of this Chapter shall not apply to the following in the ordinary course of their trade, business or profession provided, however, this exception shall not be a defense to the doing of acts prohibited in Section 118.02 or 118.04 hereof. _____

1. _____ Practitioners.
2. _____ Pharmacists.
3. _____ Manufacturers.
4. _____ Pharmacists as manufacturers.
5. _____ Wholesalers.
6. _____ Warehouse Operator.
7. _____ Person engaged in transporting such prohibited drugs as agent or employee of a practitioner, pharmacist, manufacturer, warehouse operator, wholesaler or common carrier.
8. _____ Public officers or public employees in the performance of official duties requiring possession or control of such prohibited drugs, or persons aiding such officers or employees in the performance of such duties.
9. _____ Any patient as herein defined with respect to procuring, possession and use of a prohibited drug in accordance with the terms of a prescription and prescribed treatment.
10. _____ Persons who procure, possess or use such drugs for the purpose of lawful research, teaching or testing, and not for sale
11. _____ Lawfully licensed and registered hospitals or bona fide institutions wherein sick or injured persons are cared for and treated, or by bona fide hospitals for the treatment of animals.

118.04. UNLAWFUL PROCUREMENT, PURCHASE, DELIVERY OR POSSESSION

No person shall possess, control, purchase, or deliver a prohibited, drug, or attempt to do any of the same, by any of the following: _____

1. _____ Fraud, deceit, misrepresentation or subterfuge.
2. _____ The forgery or alteration of a prescription.
3. _____ The concealment of a material fact.

4. ~~— The use of a false name or the giving of a false address.~~

5. ~~— Making a false statement in any prescription, order, report, or record relative to a prohibited drug.~~

6. ~~— Falsely assuming the title of, or falsely representing any person to be a manufacturer, wholesaler, warehouse operator, pharmacist, practitioner or other person described in Section 118.03.~~

7. ~~— Making, issuing or uttering any false or forged prescription.~~

~~118.05. CONFISCATION AND DISPOSITION~~

~~Any prohibited drugs found in the possession of any person convicted of a violation of this Chapter shall be confiscated and shall be forfeited to the Chief of Police who shall make proper and timely disposition thereof by destroying them.~~

~~118.06. USE OF ORIGINAL CONTAINERS AND LABELS REQUIRED~~

~~Any person having possession of any prohibited drugs by lawful prescription of a practitioner, while such prohibited drugs are lawfully in such person's possession, shall keep such prohibited drugs in the original container in which they were delivered until used in accordance with such prescription, and shall not remove the pharmacist's original label identifying the prescription from such original container.~~

~~118.07. PENALTIES~~

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

Section 20

That the Fridley City Code Chapter 119, Glues and Related Substances, be hereby amended as follows:

~~FRIDLEY CITY CODE CHAPTER 119. GLUES AND RELATED SUBSTANCES (Ref. 529)~~

~~119.01. PURCHASE, SALE AND POSSESSION~~

~~The inhaling, breathing or drinking of certain substances, commonly known as glue, is prohibited and the purchase, sale and possession thereof are regulated as follows:~~

1. ~~— Inhaling, Breathing, Drinking of Certain Substances Prohibited.~~

~~No person shall inhale, breathe, drink, be or become intoxicated by reason of inhaling, breathing or drinking any substance commonly known as glue, adhesive, cement, mucilage, dope, solvents, lacquer, drugs, fingernail polish and lacquer, nail polish remover or thinners for the above named substances, or any substances containing toluol, hexane, trichloroethylene, acetone, touene, ethyl acetate, methyl ethyl ketone, trichoroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which contains ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons, or any other similar ingredient which releases toxic vapors for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner change, distort or disturb the balance, coordination or the audio, visual or mental processes.~~

~~2. — Purchase, Sale or Possession Regulated.~~

~~No person shall, for the purpose of violating or aiding another to violate any provisions of this Chapter, intentionally possess, buy, sell, transfer possession or receive possession of any glue containing the intoxicating substances listed in Section 119.01.1.~~

~~3. — Self-service Display Prohibited.~~

~~Retail establishments selling glue containing the intoxicating substances defined in Section 119.01.1 shall not sell such glue from a self-service display~~

~~119.02. PENALTIES~~

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

Section 21

That the Fridley City Code Chapter 120, Codeine Drugs, be hereby amended as follows:

FRIDLEY CITY CODE
CHAPTER 120. CODEINE DRUGS
(Ref. 530)

~~120.01. REGULATION OF SALE AND POSSESSION~~

~~The sale and possession of codeine shall be regulated as follows:~~

~~1. — Sales of Codeine Prohibited. No person shall administer, dispense, sell, barter, exchange, offer for sale, give away, distribute, deliver or supply, in any manner, when that person knows or can with reasonable diligence ascertain that such acts will provide more than six grains of codeine, or any of its salts, within forty-eight (48) consecutive hours to the person to whom or for whose use~~

~~preparation is administered, dispensed, sold, bartered, exchanged or offered for sale except pursuant to a lawful prescription issued by a practitioner duly licensed under the laws of the State of Minnesota.~~

~~2. — Purchase and Possession Prohibited.~~

~~No person shall, within forty-eight (48) consecutive hours, purchase or have in his or her possession more than six grains of codeine or any of its salts, except pursuant to a lawful prescription issued by a practitioner duly licensed under the laws of the State of Minnesota.~~

~~120.02. PENALTIES~~

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

Section 22

That the Fridley City Code Chapter 131, Fire Department Service Charges, be hereby amended as follows:

~~FRIDLEY CITY CODE CHAPTER 131. FIRE DEPARTMENT SERVICE CHARGES~~

~~131.01 PURPOSE AND INTENT~~

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

~~131.02 Definitions~~

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

- ~~1. "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes any vehicle propelled or drawn by a self-propelled vehicle. This includes semi-trailers. It does not include snowmobiles, manufactured homes, all terrain vehicles or park trailers.~~
- ~~2. "Motor Vehicle Owner" means any person, firm, association, or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days.~~
- ~~3. "Excavator" means a person who conducts excavation.~~

4. ~~"Underground Pipeline Utility" means an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute gas, oil, petroleum products, and other similar substances.~~
5. ~~"Person" means the state, a public agency, a local governmental unit, an individual, corporation, partnership, association, or other business or public entity or a trustee, receiver, assignee, or personal representative of any of them.~~

~~131.03 CONFLICTS~~

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

~~131.04 EMERGENCY RESPONSE SERVICE CHARGES~~

4. ~~The collection service charges shall be as authorized in Minnesota Statute 366.011.~~
5. ~~Collection of unpaid service charges shall be as authorized in Minnesota Statute 366.012.~~
 - (a) ~~The service charges shall be as follows:~~
 - ~~Vehicle Accident~~
 - i. ~~Any incident response to an accident involving a motor vehicle where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the patients. This would include but not be limited to:~~
 1. ~~Extrication~~
 2. ~~Medical Care~~
 3. ~~Absorbing Liquid Spills~~
 4. ~~Vehicle System Safety~~
 5. ~~Vehicle Stabilization~~
 - ii. ~~An invoice for \$400 will be sent to the motor vehicle owner or owner's insurance company. In the event the owner cannot provide insurance information and is charged for the offense, the city shall collect the fee through the criminal process as defined in the Minnesota State Statutes.~~
 - iii. ~~If there is more than one motor vehicle involved for which fire department service is provided, each motor vehicle owner or insurer will be invoiced an equal share of the \$400 service charge. (Ref 1229)~~
 - ~~B. Fires Along a Railroad Right of Way or Operating Property~~

(a) ~~Any incident response to a fire or fire hazard emergency caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property as defined in Minnesota Statute 219.761.~~

(b) ~~An invoice will be sent to the railroad responsible for the railroad right-of-way or operating property. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

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

(b) ~~Any incident response to a grass fire within the right-of-way of a trunk highway or outside of the right-of-way of a trunk highway if the fire originated within the right-of-way of a trunk highway as defined in Minnesota Statute 161.465.~~

(c) ~~An invoice will be sent to the commissioner of transportation. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

D. ~~Technical Rescue~~

1. ~~Any incident response to a rescue on the water, ice, confined space, trench, high or low level where specialized equipment and training are required and where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions of the persons in need of rescue.~~

2. ~~An invoice will be sent to the persons, corporation or business owner receiving rescue service. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

E. ~~Underground Pipeline Utility Breaks~~

1. ~~Any incident response to an underground pipeline utility break if caused by an excavator or person other than a homeowner or resident.~~

2. ~~An invoice will be sent to the excavator or person responsible for the pipeline utility break. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.~~

F. ~~Hazardous Material~~

1. ~~Any incident response to the release of hazardous material from it's container, or the threat of a release of a hazardous material from it's container, chemical reaction, or other potential emergency as the result of a hazardous material where the Fire Department is able to render aid, provide assistance, or otherwise improve the conditions or protect the public.~~

2. — An invoice will be sent to the person responsible for the hazardous material or transportation of the hazardous material. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident, specialized equipment and materials used on the incident.

G. — Fire as the Result of Negligence

- (1) — Any incident response to a fire that resulted from an act of negligence as defined in City Ordinance Chapter 108.06. Examples of this would include but not be limited to methamphetamine labs, commercial and industrial operations where hot work is performed and reasonable care is not exercised, and burning of debris by contractors or homeowners that results in subsequent fires to wild land or structures.
- (2) — An invoice will be sent to the person responsible for the negligent fire. The invoice amount will follow the Incident Invoice Schedule based on the number of hours on the incident.

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

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

131.05 INCIDENT INVOICE SCHEDULE

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

Section 23

That the Fridley City Code Chapter 209 Fees, be hereby amended as follows:

Fridley City Code Chapter 209 Fees

209.12 Fees

1. Administrative Fees

Code	Subject	Fee
203	Administrative Hearing	\$200
608	Lodging Tax	3% of rent charged
102.02304	Seizure fee for motor vehicles – Each vehicle – Each vehicle when vehicle owner or lien holder refuses to repossess their own vehicle	\$200 assessed \$400 assessed
102.02304	Storage fee for seized motor vehicles	\$10 per day for each day or part of a day the seized motor vehicle is held at a storage facility or impound lot. The total storage fees assessed on any one motor vehicle shall not exceed \$500 or 50% of the value of the motor vehicle as determined by competent authority, whichever is less.
	Text Amendment to the City Code Application	\$1,500

2. Building and Inspection Fees

(a) Building Permit Fees

Code	Subject	Fee
206	Valuation \$1 to \$500	\$23.50
206	Valuation \$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000

206	Valuation \$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$100 or fraction thereof, to and including \$25,000
206	Valuation \$25,001 to \$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
206	Valuation \$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000
206	Valuation \$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000
206	Valuation \$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
206	Valuation \$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof
206	Inspections outside of normal business hours (minimum charge – two hours)	\$50 per hour
206	Re-inspection fees assessed under provisions of Section 108	\$50 per hour
206	Inspections for which no fee is specifically indicated (minimum charge one-half hour)	\$50 per hour
206	Additional plan review required by changes, additions or revisions to approved plans (minimum charge one-half hour) or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee involved.	\$50 per hour
206	For use of outside consultants for plan checking and inspections, or both	Actual costs which include administrative and overhead costs
206	Residential Mobile Home Installation	\$100

206	Surcharge on Residential Building Permits.	A surcharge of \$5 shall be added to the permit fee charged for each residential building permit that requires a state <u>State</u> licensed residential contract
115	Swimming Pools, Public – Per outdoor pool – Per indoor pool	\$250 \$350 + 25% of base per added pool enclosed area

(b) Electrical Permit Fees

Code	Subject	Fee
Residential, Commercial, Multi-Family		
206	0 to 400 Amp Power Source	\$50 each
206	401 to 800 Amp Power Source	\$100 each
206	Over 800 Amp Power Source	\$150 each
206	0 to 200 Amp Circuit or Feeder	\$8 each
206	Over 200 Amp Circuit or Feeder	\$30 each
Over 200 Volts		
206	0 to 400 Amp Power Source	\$100 each
206	401 to 800 Amp Power Source	\$200 each
206	Over 800 Amp Power Source	\$300 each
206	0 to 200 Amp Circuit or Feeder	\$16 each
206	Over 200 Amp Circuit or Feeder	\$60 each
206	Panel Changes (reconnect existing circuit or feeder for panelboard replacement)	\$100 each
206	New 1 and 2 Family Homes up to 25 Circuits, 3 Trips	\$175 each
206	New Multi-Family Dwelling unit (with up to 20 circuits and feeders per unit)	\$100 per dwelling unit
206	New Multi-Family Dwelling Unit (additional circuits over 20 per unit)	\$8 per feeder or circuit
206	Existing Multi-Family Dwelling Unit (up to 10 feeders or circuits are installed or extended)	\$100 per unit
206	Existing Multi-Family Dwelling Unit (where less than 10 feeders or circuits are installed or extended)	\$8 per feeder or circuit
206	Additional circuits over 25 per unit	\$8 each
206	Circuits extended or modified	\$8 each
206	Retrofitting of existing lighting fixtures	\$1 each
206	Manufactured Home Park Lot Supply + Circuits	\$50 per pedestal
206	Separate Bonding Inspection	\$40
206	Pools plus circuits	\$80
206	Inspection of concrete encased grounding electrode	\$40

206	Technology circuits and circuits less than 50 volts	\$1 per device
206	Traffic Signals, Street, Parking and Outdoor Lighting Standards	\$5 each
206	Transformers for light, heat and power (0 to 10 KVA)	20 each
206	Transformers for light, heat and power (more than 10 KVA)	\$40 each
206	Transformers for electronic power supplies and outline lighting	\$5.50 each
206	Additional Inspection trip(s), re-inspections	\$40 each
Minnesota Solar PV System Electrical Inspection Fee Chart		
206	0 – 5,000 watts (5 kw)	\$60
206	5,001 – 10,000 watts (5 kw – 10 kw)	\$100
206	10,001 – 20,000 watts (10 kw – 20 kw)	\$150
206	20,001 – 30,000 watts (20 kw – 30 kw)	\$200
206	30,001 – 40,000 watts (30 kw – 40 kw)	\$250
206	40,001 and larger watts (40 kw)	\$250
	– Each additional 10,000 watts	\$25
206	Plan review fee	\$80 per hour

(c) Mechanical Permit Fees

Code	Subject	Fee
206	Residential minimum fee	\$15 or 5% of cost of improvement, whichever is greater
206	Furnace	\$35
206	Gas Range	\$10
206	Gas Piping	\$10
206	Air Conditioning	\$25
206	Other	1% of value of appliance
206	Commercial minimum fee	\$35
206	All work	1.25% of value of appliance
206	Inspections outside of normal business hours (minimum charge two hours)	\$50 per hour
206	Re-inspection fees assessed under provisions of Chapter 108 of the Code	\$50 per hour
206	Inspections for which no fee is specifically indicated (minimum charge one-half hour)	\$50 per hour
206	Additional plan review required by changes, additions or revisions to approved plans	\$50 per hour

	(minimum charge one-half hour). Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
206	For use of outside consultants for plan checking and inspections, or both	Actual cost including administrative and overhead costs

(d) Moving of Dwelling or Building Fees

Code	Subject	Fee
206	For Principle <u>Principal</u> Building into City	\$300
206	For Accessory Building into City	\$42
206	For moving any building out of City	\$20
206	For moving through or within the City	\$20

(e) Plumbing Permit Fees

Code	Subject	Fee
206	Minimum Fee	\$15 or 5% of cost of improvement, whichever is greater
206	Each fixture	\$10
206	Old opening, new fixture	\$10
206	Beer Dispenser	\$10
206	Blow Off Basin	\$10
206	Catch Basin	\$10
206	Rainwater Leader	\$10
206	Sump or Receiving Tank	\$10
206	Water Treating Appliance	\$35
206	Water Heater Electric	\$35
206	Water Heater Gas	\$35
206	Backflow Preventer	\$15
206	Other	Commercial 1.25% of value of fixture or appliance

206	Inspections outside of normal business hours (minimum charge two hours)	\$50 per hour
206	Re-inspection fee	\$50 per hour
206	Inspections for which no fee is specifically indicated (minimum charge one-half hour)	\$50 per hour
206	Additional plan review required by changes, additions or revisions to approved plans (minimum charge one-half hour) or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	\$50 per hour
206	Use of outside consultants for plan checking and inspections, or both	Actual cost including administrative and overhead costs

(f) Pollution Monitoring Registration Fees

Code	Fee
206	Each pollution monitoring location shall require a site map, description and length of monitoring time requested. Pollution monitoring location shall mean each individual tax parcel. There shall be an initial application and plan check fee of \$25.
206	The applicant for a Pollution Control Registration shall provide the City with a hold harmless statement for any damages or claims made to the City regarding location, construction, or contaminates.
206	An initial registration fee of \$50 is due and payable to the City of Fridley at or before commencement of the installation.
206	An annual renewal registration fee of \$50 and annual monitoring activity reports for all individual locations must be made on or before September 1 of each year. If renewal is not filed on or before October 1 of each year the applicant must pay double the fee.
206	A final pollution monitoring activity report must be submitted to the City within 30 days of termination of monitoring activity.

(g) Wrecking Permit Fees

Code	Fee
206	For any permit for the wrecking of any building or portion thereof, the fee charged for each such building included in such permit shall be based on the cubical contents thereof and shall be at the rate of \$1.25 for each 1,000 cubic feet or fraction thereof.
206	For structures which would be impractical to cube, the wrecking permit fee shall be based on the total cost of wrecking such structure at the rate of \$6 for each \$500 or fraction thereof.
206	In no case shall the fee charged for any wrecking permit be less than \$20.

3. Community Services Fees

(a) Recreation Division

(1) Program fees are listed in the City's bi-monthly Parks and Recreation Brochure and on the City's website.

(2) Administrative Fees

Item	Category-A (Fridley Youth Athletics)	Category-B (Residents and community groups)	Category-C (Non- residents)
Additional maintenance staff	City staff hourly rate	City staff hourly rate	City staff hourly rate
Chalk	Market rate	Market rate	Market rate
Concession area for Community Park	\$175 per day	\$175 per day	\$175 per day
Damage deposit for multiple day rentals	\$200	\$200	\$200
Lights	\$20 per field	\$20 per field	\$20 per field
Locates for electrical or irrigation heads	Market rate	Market rate	Market rate
Portable restrooms	Market rate	Market rate	Market rate
Scoreboard and press box at Community Park	\$20 per field	\$20 per field	\$20 per field
Shelter rental for Commons Park and Flanery Park	\$65 per day	\$65 per day	\$100 per day
Vendor fee (concession space)	\$100 per day	\$100 per day	\$100 per day

(3) Event Fees

Code	Subject	Fee
508	Parade	
	01. Application	\$100
	02. Daily	\$700
23	Public Dance	
	01. Application	\$75

(4) Outdoor Field Rental Fees

Use	Category A (Fridley Youth Athletics)	Category B (Residents and community groups)	Category C (Non- residents)
Baseball, softball, and football fields	\$0 per hour	\$20 per hour	\$40 per hour
Commons Park baseball and softball fields	\$80 per weekend \$40 per day	\$100 per weekend \$50 per day	\$200 per weekend \$100/day
Community Park Softball Complex	\$500 per weekend \$250 per day	\$1,000 per weekend \$500 per day	\$2,000 per weekend \$1,000 per day
Hockey rink	\$0 per hour	\$20 per hour	\$20 per hour
Soccer field	\$0 per hour	\$30 per hour	\$60 per hour
Tennis or pickleball court	\$0 per hour	\$20 per hour	\$40 per hour
Volleyball court	\$0 per hour	\$20 per hour	\$40 per hour

(5) Picnic Shelter Rental Fees

Park	Resident	Non-Resident	Deposit
Flanery and Commons Parks			
1-50 guests	\$65 plus tax	\$100 plus tax	\$50
51-150 guests	\$105 plus tax	\$150 plus tax	\$50
Special Use Permit	\$265 plus tax	\$450 plus tax	\$50
Moore Lake			
A. 1-50 guests	\$35 plus tax	\$75 plus tax	\$50
B. 51-150 guests	\$75 plus tax	\$115 plus tax	\$50
C. Special Use Permit	\$235 plus tax	\$425 plus tax	\$50

(6) Springbrook Nature Center Program Fees

Program	Fee
60 Minute naturalist-led program	\$4 per student
90 Minute naturalist-led program	\$6 per student
60 Minute naturalist-led program at another location	\$150
1) Additional program at same site	\$50
Summer Camp	
2) Resident	\$155 per five-day program
3) Non-resident	\$165 per five-day program
Birthday Party Program	\$125

(7) Springbrook Nature Center Room Rental Fees

Program/Amenity	Fee
Amphitheater	
A. Resident	\$225 per room per hour plus tax
B. Non-resident	\$300 per room per hour plus tax
C. Non-profit group (proof of status must be provided)	\$225 per room per hour plus tax
Classroom (\$50 refundable damage deposit due at time of booking)	
D. Resident	\$30 per room per hour plus tax
E. Non-resident	\$50 per room per hour plus tax
F. Non-profit group (proof of status must be provided)	\$30 per room per hour plus tax
Pavilion Activity Center Outdoor (\$100 refundable damage deposit due at time of booking)	
G. Resident	\$65 plus tax
H. Non-resident	\$100 plus tax
I. Non-profit group (proof of status must be provided)	\$65 plus tax
Pavilion Activity Center Indoor (\$100 refundable damage deposit due at time of booking)	
J. Resident	\$65 plus tax
K. Non-resident	\$100 plus tax
L. Non-profit group (proof of status must be provided)	\$65 plus tax

Pavilion Activity Center Entire (\$100 refundable damage deposit due at time of booking)	
M. Resident	\$130 plus tax
N. Non-resident	\$200 plus tax
O. Non-profit group (proof of status must be provided)	\$130 plus tax
Portable public address (PA) system	\$50 per day plus tax

4.3. Engineering Fees

(a) Rights-of-Way Fees

Code	Subject	Fee
407	Rights-of-Way	
	– Registration	\$50
	– User Fee (residential, commercial or industrial)	\$50
	– Excavation Permit	\$350
	– Obstruction Permit	\$50
	– Small Wireless Facility Permit	\$150
	– Permit Extension Fee	\$20
	– Delay Penalty	\$125 week
	– Mapping Fee	\$50 if data is not in City format and City GIS compatible
	– Degradation Fee	Restoration cost per square foot for the area to be restored

(b) Land Alterations, Excavating, or Grading Fees Including Conservation Plan Implementation Fees

Code	Subject	Fee
206	50 cubic yards or less	\$40
206	51 to 100 cubic yards	\$47.50
206	101 to 1,000 cubic yards	\$47.50 for the first 100 cubic yards plus \$10.50 for each additional 100 cubic yards or fraction thereof
206	1,001 to 10,000 cubic yards	\$167 for the first 1,000 cubic yards plus \$9 for each additional 1,000 cubic yards or fraction thereof
206	10,001 to 100,000 cubic yards	\$273 for the first 10,000 cubic yards plus \$40.50 for each additional 10,000 cubic yards or fraction thereof

206	100,001 cubic yards or more	\$662.50 for the first 100,000 cubic yards plus \$22.50 for each additional 100,000 cubic yards or fraction thereof
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(c) Land Alteration Plan Checking Fees

Code	Subject	Fee
206	50 cubic yards or less	No fee
206	51 to 100 cubic yards	\$23.50
206	101 to 1,000 cubic yards	\$37
206	1,001 to 10,000 cubic yards	\$49.25
206	10,001 to 100,000 cubic yards	\$49.25 for the first 10,000 cubic yards plus \$24.50 for each additional 10,000 cubic yards or fraction thereof
206	100,001 to 200,000 cubic yards	\$269.75 for the first 100,000 cubic yards plus \$13.25 for each additional 10,000 cubic yards or fraction thereof
206	200,001 cubic yards or more	\$402.25 for the first 200,000 cubic yards plus \$7.25 for each additional 10,000 cubic yards or fraction thereof

(d) Water and Sewer Fees

Code	Subject	Fee
205.30	Automatic Meter Reading Device Permit	\$25 per stationary device
206	Hydrant Rental Agreement Service Charge (for use of hydrant only City does not supply hose)	\$50
206	Water Usage Metered Minimum	\$1.30/1,000 gallons used \$20
206	Tanker	\$20 per fill
206	Water Taps	See Engineering
206	Permanent Street Patch – First 5 square yards – Over 5 square yards	\$300 \$30 per square yard
206	Temporary Street Patch (November 1 through May 1) – First 5 square yards – Over 5 square yards	\$400 \$40 per square yard plus cost of permanent street patch
206	Water Meter Repair – Weekend and Holidays	\$125

206	Water Connections Permit	\$50
206	Sewer Connections Permit	\$50
206	Inspection Fee for Water/Sewer Line Repair	\$40

5.4. Fire Department Division Fees

(a) Fire Department Division Fees Found in Code

Code	Subject	Fee
<u>412301</u>	False Alarms	\$50 for sixth false alarm in single calendar year and for each subsequent false alarm in calendar year an additional \$25 shall be added (e.g., seventh false alarm \$75, eighth false alarm \$100, etc.) \$150 for the third false alarm in 365 days. \$25 will be added for each subsequent false alarm (e.g., fourth false alarm will be \$175, fifth false alarm will be \$200, etc.).
<u>408316</u>	Fire Department Division Plan Review Fee	65% of the Fire Permit Fee
<u>316</u>	Fire Division User Surcharges – Engine Crew of Four – Ladder Truck Crew of Four – Grass Truck Crew of Four – Rescue Truck Crew of Two – One Fire Crew – One Fire Officer	<u>\$400 per hour</u> <u>\$500 per hour</u> <u>\$150 per hour</u> <u>\$100 per hour</u> <u>Current Hourly Wage</u> <u>Current Hourly Wage</u>
<u>316</u>	Fire and Life Safety Inspection of Commercial and Rental Dwellings – Initial inspection – Compliance check – Every subsequent compliance reinspection for • Single occupancy • Two or more occupancy	<u>\$0</u> <u>\$0</u> <u>\$100</u> <u>\$300</u>

(b) Fire Department Division Fees Directed by the Minnesota State Fire Code (MSFC)

MSFC Section	Type of Activity	Stipulations	Fee
105.7.1	Automatic Fire Extinguishing Systems 1. Kitchen Hood Extinguishing Systems 2. Fire Sprinkler Systems 3. Other Special Extinguishing Systems	Inspection and testing Inspection and testing Inspection and testing	See Below
105.7.4	Compressed Gasses and Systems Install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify systems	Final inspection required per MSFC	\$ 235
105.7.7	Fire Alarm, Detection and Related Alarm or Detection Equipment Install or modify new and existing systems	Final inspection and testing required	See Below
105.7.8	Fire Pumps and Related Equipment Install or modify fire pumps, related fuel tanks, jockey pumps, controllers and generators	Final inspection and testing required	See Below
105.7.9	Flammable and Combustible Liquids 1. Install or modify a pipeline 2. Install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar activities where flammable or combustible liquids are produced, processed, transported, stored, dispensed or used	Final inspection requirements as defined by 2020 MSFC requirements. UGST or AGST storage tank removal must be witnessed by Fire Marshal.	\$150 \$150

	3. Install, alter, remove, abandon, place temporarily out of service or otherwise dispose of a flammable or combustible liquid tank		\$200
105.7.13	Hazardous Materials Install, repair damage to, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by MSFC Chapter 27	Final inspection required when hazardous materials in use or storage exceed amounts shown in the MSFC Table	\$ 200
105.7.15	Industrial Ovens Installation of industrial ovens regulated by MSFC Chapter 21	Final inspection required per MSFC	\$ 165
105.7.16	LP Gas Installation of or modification to an LP Gas system	Final inspection required per MSFC and National Fire Protection Association Chapter 58	\$ 200
105.7.9	Private Fire Hydrants Installation of or modification of private fire hydrants	Final inspection and testing	\$ 145
105.7.23	Spraying or Dipping Install or modify a spray room, dip tank or booth	Final inspection required per MSFC	\$ 200
105.7.24	Standpipe System Installation, modification, or removal from service of a standpipe system	Final inspection and testing	See Below
105.7.25	Temporary Membrane Structures, Tents and Canopies To construct an air-supported temporary membrane structure, tent (≥ 200 ft ²) or canopy (≥ 400 ft ²).	Final inspection required per MSFC	\$ 145

(c) Fire Department Division Fees for Fire Sprinkler, Fire Extinguishing Systems, Fire Alarm Systems or Standpipe Systems

Fees for Automatic Fire Extinguishing Systems, (~~MSFC 105.7.1~~); Fire Alarm, Detection and related equipment, (~~MSFC 105.7.3~~); Fire Pumps or related equipment, (~~MSFC 105.7.4~~); and Standpipe Systems (~~MSFC 105.7.11~~) are calculated on project valuation from the 1997 UBC

Permit Fee Schedule as shown below, plus the State of Minnesota Surcharge Fee on sprinkler permits:

Total Valuation	Fee
\$ 1 to \$ 500	\$23.50
\$ 501 to \$ 2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$ 2001 to \$ 25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$ 25,001 to \$ 50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$ 50,001 to \$ 100,000	\$643.75 for the first \$50,000 plus \$ 7 for each additional \$1,000, or fraction thereof, to and including \$ 100,000
\$ 100,001 to \$ 500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$ 500,000
\$ 500,001 to \$ 1,000,000	\$3233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$ 1,000,000
\$ 1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

(d) Fire Department Division Fees for Permitted Business Operations

MSCF Section	Description	Fee
105.6.1	Aerosol products	\$145
105.6.2	Amusement buildings	\$75
105.6.3	Aviation facilities	\$120
105.6.4	Carnivals and fairs	\$200
105.6.5	Battery and energy systems	\$95
105.6.6	Cellulose nitrate film	\$95
105.6.7	Combustible dust-producing ops	\$200
105.6.8	Combustible fibers	\$145
105.6.9	Compressed gases	\$150

105.6.10	Covered mall buildings	\$95
105.6.11	Cryogenic fluids	\$95
105.6.12	Cutting and welding	\$95
105.6.13	Dry cleaning plants	\$145
105.6.14	Exhibits and trade shows	\$200
105.6.15	Explosives	\$200
105.6.16	Fire hydrants and valves	\$75
105.6.17	Flammable and combustible liquids	\$200
105.6.18	Floor finishing	\$95
105.6.19	Fruit and crop ripening	\$120
105.6.20	Fumigation and thermal insecticide fog	\$95
105.6.21	Hazardous materials	\$145
105.6.22	Hazardous Production Materials Facility	\$145
105.6.23	High piled storage	\$200
105.6.24	Hot work operations	\$95
105.6.25	Industrial ovens	\$145
105.6.26	Lumber yards and woodworking plants	\$200
105.6.27	Liquid or gas fueled vehicle/equipment in Group A	\$95
105.6.28	LP Gas	\$95
150.6.29	Magnesium	\$95
105.6.30	Miscellaneous combustible storage	\$145
105.6.31	Open burning	\$95
105.6.32	Open flames and candles	\$95
105.6.33	Organic coatings	\$145
105.6.34	Places of assembly	\$135
105.6.35	Private fire hydrants	\$75
105.6.36	Pyrotechnic special effects material	\$95
105.6.37	Pyroxylin plastic	\$145
105.6.38	Refrigeration equipment	\$95
105.6.39	Repair garages or service stations	\$120
105.6.40	Rooftop heliports	\$95
105.6.41	Spraying or dipping	\$145
105.6.42	Storage of scrap tires/tire byproducts	\$120
105.6.43	Temporary tents and canopies	\$95
105.6.44	Tire rebuilding plants	\$145
105.6.45	Waste handling	\$200
105.6.46	Wood products	\$165

6.5. Licensing Fees

Code	Subject	Fee
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<u>308</u>	<u>Adult Entertainment Establishment</u> – <u>Investigation Fee</u>	<u>\$400</u> <u>\$400</u>
17	Auction – Weekly permit – Annual permit	\$30 \$150
<u>300</u>	<u>Beekeeping</u> – <u>Initial fee</u> – <u>Annual renewal fee</u>	<u>\$100</u> <u>\$25</u>
27	Billiards – First table – Each additional table	\$40 \$10
15	Bowling Alleys – Annual license – Per lane	\$40 \$10
28	Carnivals – Application fee – Each day – Required cash deposit or bond	\$75 \$75 \$3,000
404	— Chickens — Initial fee — Annual renewal fee – Impound Fee	\$100 \$25 \$25
21	Christmas Tree Lots – Annual license fee – Deposit	\$200 \$100
404 <u>300</u>	Dogs – Lifetime license – Duplicate license – Impound fee – Annual Dangerous Dog license – Potentially Dangerous Dog license	\$25 \$5 \$25 \$500 \$500
702	Drive-in Theaters	\$400
607	Entertainment	\$85
32	Food Establishment – Business License	\$45
32	Food Temporary – Business License	\$30
25	Golf Course, Driving Range	\$30
443 <u>319</u>	Haulers Mixed Municipal Solid Waste License (Garbage Truck), Yard Waste License, Organics License, Recycling License	\$100 for first truck and \$40 each additional truck
404	— Honeybees — Initial fee	\$100 \$25

	– Annual renewal fee	
24	Junk Yards	\$350
609	Liquor, Caterer	
	– Annual Caterer Registration	\$100
	– Event Notification Permit (per event)	\$25
604	Liquor, Consumption and Display	
	– Annual State permit	\$300
	– One-day City permit	\$25
603	Liquor, On-Sale Intoxicating Holiday Endorsement	\$100
603	Liquor, Lawful Gambling Endorsement	\$300
610	Liquor Manufacturers/Investigative Fee	
	– Individual	\$200
	– Partnership/Corporation	\$400
	– Alteration of Business	\$100
	– Change of Officers	\$25
	– On-Sale Brewer/Distillery Taproom License	\$600
	– Off-Sale Brewer/Distillery Growler License	\$300
603	Liquor, On-Sale Intoxicating	
	– No entertainment	
	(a) 0-3,000 square feet	\$6,000
	(b) 3,001-6,000 square feet	\$7,000
	(c) Over 6,000 square feet	\$8,000
	– With entertainment or dancing	
	(a) 0-3,000 square feet	\$7,000
	(b) 3,001-6,000 square feet	\$8,000
	(c) Over 6,000 square feet	\$9,000
603	Liquor, On-Sale Intoxicating Initial Investigative Fee	
	– Individual	\$200
	– Corporation or partnership	\$400
603	Liquor, On-Sale Sunday	\$200
603	Liquor, On-Sale Intoxicating Temporary one day only	\$25
602	– Liquor, 3.2% Malt Liquor Off-Sale	\$60
	– On-Sale	\$325
	– Holiday Endorsement	\$100
602	Liquor, 3.2% Malt Liquor, Initial Investigative Fee	

	– Individual – Corporation or partnership	\$90 \$180
602	Liquor, 3.2% Malt Liquor Temporary	\$60
603	Liquor, Wine	\$1,000
603	Liquor, Wine Investigative Initial Fee – Individual – Corporation or partnership	\$200 \$400
605	Liquor, Bottle Club – Annual permit – One day permit	\$300 \$25
606	Liquor, On-Sale Intoxicating Club – Per club under 200 members – Per club of 201-500 members – Per club of 501-1,000 members – Per club of 1,001-2,000 members – Per club of 2,001-4,000 members – Per club of 4,001-6,000 members – Per club of over 6,000 members	\$300 \$500 \$650 \$800 \$1000 \$2,000 \$3,000
606	Liquor, On-Sale Club Holiday Endorsement	\$100
404 300	Livestock – Initial fee – Annual review	\$100 \$25
603	Managerial License (Liquor)	\$10
125	Massage Therapy Business License – Annual license – Business investigation fee for corporations or partnerships – Business investigation fee for individual/sole proprietor	\$400 \$400 (new) \$200 (renewal) \$200 (new) \$100 (renewal)
125	Massage Therapist – License Fee – Therapist Investigation Fee	\$50 \$25
22	Music Festivals – Per day – Filing fee	\$700 \$100
18	Motor Vehicle Body Repair Business	\$150
509	Motorized Vehicles Rental	\$50 per vehicle
404 300	Multiple Pet Location – License Fee – Renewal Fee – Impound Fee	\$100 \$25 \$25
<u>300</u>	<u>Poultry</u>	

	– Initial fee – Annual renewal fee – Impound fee	\$100 \$25 \$25
220	Rental Housing Annual License – Single rental unit – Two rental units – Three rental units – Four rental unit – Five or more units License renewal late fee if more than seven days late License fee to reinstate after revocation or suspension License transfer fee License reinstatement fee for properties that were posted for not complying with correction orders or license renewals – 1-30 days – 31+ days Renting prior to obtaining a license Reinspection fee after second inspection – Single, duplex, triplex – Four or more units	\$100 \$150 \$210 \$270 \$270 plus \$12 per unit over four units 150% of the annual license fee 150% of the annual license fee \$25 \$250 \$500 125% of the annual license \$100 \$300
31	Pawn Shops – Annual license fee – Monthly transaction fee – Reporting failure penalty – Investigation fee	\$3,000 \$3 per transaction \$4 per transaction \$400
14	Peddlers/Solicitor	\$60 per peddler
23	Public Dance	\$75
13	Retail Gasoline Sales Private Gasoline Pump	\$60 \$30 per location
127	Sexually Oriented Businesses – Investigation fee	\$400 \$400

602, 603, 606	Social Skill Game Tournament Service Provider	\$100 annually
16	Street Vending – Industrial/commercial – Residential – Both	\$50 \$70 \$100
116	Sun Tanning Rooms	\$500
12	Tobacco License	\$125
12	Tobacco Product Shop – License fee – Investigation fee	\$400 \$100
104	Tree Management License	\$150
19	Used Motor Vehicles License	\$150 per year

6. Parks and Recreation Services Fees

(a) Recreation Division

(1) Program fees are listed in the City's bi-monthly Parks and Recreation Brochure and on the City's website.

(2) Administrative Fees

<u>Item</u>	<u>Category A (Fridley Youth Athletics)</u>	<u>Category B (Residents and community groups)</u>	<u>Category C (Non- residents)</u>
<u>Additional maintenance staff</u>	<u>City staff hourly rate</u>	<u>City staff hourly rate</u>	<u>City staff hourly rate</u>
<u>Chalk</u>	<u>Market rate</u>	<u>Market rate</u>	<u>Market rate</u>
<u>Concession area for Community Park</u>	<u>\$175 per day</u>	<u>\$175 per day</u>	<u>\$175 per day</u>
<u>Damage deposit for multiple day rentals</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>
<u>Lights</u>	<u>\$20 per field</u>	<u>\$20 per field</u>	<u>\$20 per field</u>
<u>Locates for electrical or irrigation heads</u>	<u>Market rate</u>	<u>Market rate</u>	<u>Market rate</u>
<u>Portable restrooms</u>	<u>Market rate</u>	<u>Market rate</u>	<u>Market rate</u>
<u>Scoreboard and press box at Community Park</u>	<u>\$20 per field</u>	<u>\$20 per field</u>	<u>\$20 per field</u>
<u>Shelter rental for Commons Park and Flanery Park</u>	<u>\$65 per day</u>	<u>\$65 per day</u>	<u>\$100 per day</u>

<u>Vendor fee (concession space)</u>	<u>\$100 per day</u>	<u>\$100 per day</u>	<u>\$100 per day</u>
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(3) Event Fees

<u>Code</u>	<u>Subject</u>	<u>Fee</u>
<u>508</u>	<u>Parade</u>	
	– <u>Application</u>	<u>\$100</u>
	– <u>Daily</u>	<u>\$700</u>
<u>23</u>	<u>Public Dance</u>	
	– <u>Application</u>	<u>\$75</u>

(4) Outdoor Field Rental Fees

<u>Use</u>	<u>Category A (Fridley Youth Athletics)</u>	<u>Category B (Residents and community groups)</u>	<u>Category C (Non-residents)</u>
<u>Baseball, softball, and football fields</u>	<u>\$0 per hour</u>	<u>\$20 per hour</u>	<u>\$40 per hour</u>
<u>Commons Park baseball and softball fields</u>	<u>\$80 per weekend</u> <u>\$40 per day</u>	<u>\$100 per weekend</u> <u>\$50 per day</u>	<u>\$200 per weekend</u> <u>\$100/day</u>
<u>Community Park Softball Complex</u>	<u>\$500 per weekend</u> <u>\$250 per day</u>	<u>\$1,000 per weekend</u> <u>\$500 per day</u>	<u>\$2,000 per weekend</u> <u>\$1,000 per day</u>
<u>Hockey rink</u>	<u>\$0 per hour</u>	<u>\$20 per hour</u>	<u>\$20 per hour</u>
<u>Soccer field</u>	<u>\$0 per hour</u>	<u>\$30 per hour</u>	<u>\$60 per hour</u>
<u>Tennis or pickleball court</u>	<u>\$0 per hour</u>	<u>\$20 per hour</u>	<u>\$40 per hour</u>
<u>Volleyball court</u>	<u>\$0 per hour</u>	<u>\$20 per hour</u>	<u>\$40 per hour</u>

(5) Picnic Shelter Rental Fees

<u>Park</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Deposit</u>
<u>Flanery and Commons Parks</u>			
– <u>1-50 guests</u>	<u>\$65 plus tax</u>	<u>\$100 plus tax</u>	<u>\$50</u>
– <u>51-150 guests</u>	<u>\$105 plus tax</u>	<u>\$150 plus tax</u>	<u>\$50</u>
– <u>Special Use Permit</u>	<u>\$265 plus tax</u>	<u>\$450 plus tax</u>	<u>\$50</u>

<u>Moore Lake</u>			
– 1-50 guests	<u>\$35 plus tax</u>	<u>\$75 plus tax</u>	<u>\$50</u>
– 51-150 guests	<u>\$75 plus tax</u>	<u>\$115 plus tax</u>	<u>\$50</u>
– Special Use Permit	<u>\$235 plus tax</u>	<u>\$425 plus tax</u>	<u>\$50</u>

(6) Springbrook Nature Center Program Fees

<u>Program</u>	<u>Fee</u>
<u>60 Minute naturalist-led program</u>	<u>\$4 per student</u>
<u>90 Minute naturalist-led program</u>	<u>\$6 per student</u>
<u>60 Minute naturalist-led program at another location</u>	<u>\$150</u>
– Additional program at same site	<u>\$50</u>
<u>Summer Camp</u>	
– Resident	<u>\$155 per five-day program</u>
– Non-resident	<u>\$165 per five-day program</u>
<u>Birthday Party Program</u>	<u>\$125</u>

(7) Springbrook Nature Center Room Rental Fees

<u>Program/Amenity</u>	<u>Fee</u>
<u>Amphitheater</u>	
– Resident	<u>\$225 per room per hour plus tax</u>
– Non-resident	<u>\$300 per room per hour plus tax</u>
– Non-profit group (proof of status must be provided)	<u>\$225 per room per hour plus tax</u>
<u>Classroom (\$50 refundable damage deposit due at time of booking)</u>	
– Resident	<u>\$30 per room per hour plus tax</u>
– Non-resident	<u>\$50 per room per hour plus tax</u>
– Non-profit group (proof of status must be provided)	<u>\$30 per room per hour plus tax</u>
<u>Pavilion Activity Center Outdoor (\$100 refundable damage deposit due at time of booking)</u>	
– Resident	<u>\$65 plus tax</u>
– Non-resident	<u>\$100 plus tax</u>
– Non-profit group (proof of status must be provided)	<u>\$65 plus tax</u>
<u>Pavilion Activity Center Indoor (\$100 refundable damage deposit due at time of booking)</u>	
– Resident	<u>\$65 plus tax</u>

– <u>Non-resident</u>	<u>\$100 plus tax</u>
– <u>Non-profit group (proof of status must be provided)</u>	<u>\$65 plus tax</u>
<u>Pavilion Activity Center Entire (\$100 refundable damage deposit due at time of booking)</u>	
– <u>Resident</u>	<u>\$130 plus tax</u>
– <u>Non-resident</u>	<u>\$200 plus tax</u>
– <u>Non-profit group (proof of status must be provided)</u>	<u>\$130 plus tax</u>
<u>Portable public address (PA) system</u>	<u>\$50 per day plus tax</u>

7. Planning and Zoning Fees

Code	Subject	Fee
M.S. § 462.355	Comprehensive Plan Amendment	\$1,500
217	Condominium (annual registration) – 2-4 units – 5-12 units – 13-24 units – Over 24 units	\$20 \$30 \$40 \$50
217.04	Condominium conversion registration (one-time fee) – 2 units – 3-7 units – 8-12 units – Over 12 units	\$500 \$750 \$1,000 \$1,000 + \$50 per unit for every unit over 12
208	Conservation Plan Review (as part of building permit for new construction)	\$450
205	Farmers Market Event Permit	\$100
211	Lot Splits	\$1,250
205.24	Master Plan, Application or Amendment	\$1,500
203	Manufactured Home Parks	\$30 + \$1 per trailer site (one-time fee)
214	Signs and/or Billboards – Permanent wall sign – Permanent free-standing/monument – Permanent re-face/face-change – Temporary sign	\$100 \$200 \$50 \$100 plus (\$200 deposit refunded if conditions met)

205.30	Telecommunications Permit to add Equipment to an Approved Site	\$400/user/tower
	Small Cell Telecommunications Towers and Facilities District	
	– 205.30.24 Distributed Antenna System (DAS) Application Fee	\$500
	– 205.30.24 DAS Application Review Fee	\$1,500
	– 205.30.9(9) DAS Abandonment Escrow	\$2,000
205.30	Temporary Outdoor Display Permit	\$75
205.33	Transit Oriented District (TOD) Project Plan Application	\$1,500
205.33	TOD Tree Substitution Fee to TOD Capital Project Fund	\$500 per tree
211	Plat	
	– Up to 200 lots	\$1,500
	– Each additional lot	\$15
205	Rezoning	\$1,500
205	Special Use Permit	
	– R-1	\$1,000
	– All others	\$1,500
205	Vacations, Right of Way or Easement	\$1,500
205	Variance	
	– R-1	\$500
	– All others	\$1,400
205	Wetlands	
	– Certifying Exemptions	\$1,500
	– Replacement Plan Application	\$1,500
	– No Loss Determination	\$1,500
	– Appeal of Decision	\$1,500

8. Police Division Fees

Code	Subject	Fee
<u>301</u>	<u>False Alarms</u>	<u>\$150 for the third false alarm in 365 days. \$25 will be added for each subsequent false alarm (e.g., fourth false alarm will be \$175, fifth false alarm will be \$200, etc.).</u>
<u>103</u>	<u>Fire Arm Permit to Discharge</u>	<u>\$25</u>

30	Lawful Gambling Permit	\$25 for one-day small events, (e.g., a raffle)
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209.13 Penalties

Code	Subject	Penalty
203	Administrative Citation – General – Fire Lane/Reserved Handicap Parking – Other Parking	\$100 per violation \$125 per violation \$35 per violation
203	Administrative Citation Late Fee – General – Fire Lane/Reserved Handicap Parking – Other Parking	\$25 \$30 \$10
514	Snow Removal Penalty Violations of the provisions of this Section shall be a misdemeanor, subject to penalties of a maximum of \$700 and 90 days in jail per occurrence. In the alternative, the City may, in its discretion, impose a civil penalty as follows: – 2nd offense within 365 days – 3rd offense within six months of any prior offense – 4th offense or more within six months of prior offense(s) In addition, the City may charge to, and assess to the associated property, any damage to City property or injury to City employees attributable to violations of this section.	\$50 \$200 \$500

Section 24

That the Fridley City Code Chapter 203, Administrative Enforcement of Ordinance Violations, be hereby amended as follows:

Fridley City Code

Chapter 203 Appeals and Administrative Citations~~Administrative Enforcement of Ordinance~~ Violations

203.01 Purpose

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

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

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

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

203.02 Definitions

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

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

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

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

203.03 Appeal Procedures

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

(a) A person wishing to appeal must file with the City Clerk a written request for a hearing within 14 business days after the date of notification of the activity on which the appeal is based. The request must specify the order, decision, or condition being appealed, the date of the notification, and the Code provision under which the appeal is authorized.

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

203.04 Administrative Hearings

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

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

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

(a) Schedule hearing dates and hear all appeals;

(b) Take testimony from all interested parties;

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

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

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

4. Hearing Procedure.

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

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

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

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

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

(f) The Hearing Examiner will render a written decision to affirm, dismiss or modify the City's order or decision of, or the imposition of conditions by a City commission, department, officer, or employee when a right of appeal and the appeal procedure set forth in this Chapter is specified in the Code. Within 14 business days after the Administrative Hearing, the Hearing Examiner must provide written findings of fact, conclusions of law and if applicable, issue a timeline to pay any applicable penalties and fees. The decision of the Hearing Examiner will be final unless otherwise stated in an applicable section of the Code.

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

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

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

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

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

~~203.02 Application~~ 203.05 Administrative Citations

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

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

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

~~203.034.~~ Enforcement and Administrative Citation Issuance

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

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

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

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

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

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

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

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

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

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

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

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

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

203.045. Administrative Hearings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~203.057.~~ Penalties and Payment

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

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

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

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

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

~~3. — (c) Payment Process.~~

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

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

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

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

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

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

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

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

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

State law for misdemeanor offenses, or the maximum fine authorized by State law for an administrative process.

203.06 Exemption

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

Passed and adopted by the City Council of the City of Fridley on this [#] day of [Month], 2023.

Scott J. Lund - Mayor

Melissa Moore - City Clerk

Public Hearing: March 27, 2023

First Reading: March 27, 2023

Second Reading:

Publication:

Resolution No. 2023-26

Scheduling a Public Hearing on March 27, 2023, to Consider Ordinance No. 1406, Creating Title No. 3 (Health, Safety, and Welfare) of the Fridley City Code and the Chapters Contained Therein, Amending the Fridley City Code Chapter 209, Fees, and Amending the Fridley City Code Chapter 203, Administrative Citations

Whereas, pursuant to Minnesota Statute § 415.02 the City of Fridley (City) is authorized to create ordinances which serve as prima facie evidence of the law of the City; and

Whereas, pursuant to the Fridley City Charter (Charter) § 1.02, the City may pass ordinances for maintaining and promoting the peace, good government and welfare of the City; and

Whereas, § 3.10 of the Charter requires the City to codify its ordinances every ten years; and

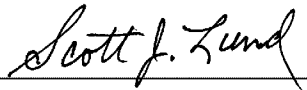
Whereas, the Fridley City Council (Council) adopted Resolution No. 2021-67 on August 23, 2021, which authorized a full recodification of the Fridley City Code; and

Whereas, to enable as much transparency and public input as possible, the Council directed that public hearings shall be called for prior to the first reading of any ordinance proposing to update the Code through the recodification effort; and

Whereas, the Council finds it prudent to conduct a discretionary public hearing to take public comment on this proposed amendment to the Fridley City Code.

Now, therefore be it resolved, that the City Council of the City of Fridley hereby schedules a public hearing for Monday, March 27, 2023, in the Council Chambers of the Fridley Civic Campus, 7071 University Avenue N.E., at 7:00 p.m. to consider an amendment to the Fridley City Code as found in Ordinance No. 1406.

Passed and adopted by the City Council of the City of Fridley this 13th day of March, 2023.



Scott J. Lund – Mayor

Attest:



Melissa Moore – City Clerk



RECODIFICATION REPORT

Introduction

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Chapter Information

Chapter Title: Animal Control

Recodification Liaisons: Beth Kondrick, Deputy City Clerk; Trent Homard, Administrative Intern; Stacy Stromberg, Planning Manager; Dan Cahill, Code Enforcement Inspector; Nick Knaeble, Police Lieutenant; Maxwell Lohse, Planning Intern; Melissa Moore, City Clerk/Communications Manager

Current Chapter Number: 101

New Chapter Number: 300

Substantive Changes

Section Number	Current Code	Proposed Changes
300.02	Various definitions pertaining to the regulation of animals throughout the Chapter.	Changes to this section include: - The definition of "accredited institution" was removed to solve for continuous changes to educational institutions that offer such courses. Sections 300.05 (2) (b) and 300.06 (2) (b) require training for licensure with an educational component, which staff will vet and approve. - The definition of "chicken" was removed and a new definition of "poultry" was added to incorporate other species of bird.



RECODIFICATION REPORT

		- The definition of "kennel" was removed because it is a remnant from when the City issued kennel licenses for the keeping of more than three animals. This is now handled through a multiple pet license. - A definition of "service animal" was added to incorporate the direction of the Americans with Disabilities Act.
300.03	Prohibits hunting, trapping or killing of wild animals in the City, describes authorized processes for nuisance wildlife control measures, and prohibits the feeding of waterfowl.	The proposed revisions include a requirement that any wildlife control measure be approved by the Department of Natural Resources (DNR). The proposed revision also restricts the feeding of any wildlife within the City, not just to waterfowl. This recommendation is based on best practices established by the DNR.
300.05	Describes the City's licensing procedures for chickens.	The minimum size of a coop and covered run were increased to comply with industry best practice standards. Coops and runs setback location was reduced from 30 feet from the property line to 10 feet and added that they must be located at least 30 feet from any neighboring structure. Staff has found that 30 feet from a property line is difficult with suburban lot sizes and at times required the coop and run to be in the middle of the yard or next to the house. The language proposed is comparable to other neighboring communities. Language about appeals was removed to create a standard section on appeals for the entire chapter found in Section 300.22.
300.06	Describes the City's licensing procedures for bees.	The revised text proposes to eliminate the notification requirement of neighboring properties. When the City originally adopted this ordinance the League of Minnesota Cities model ordinance was used, but after having it in place for several years, staff propose removal of the notification requirement. In no other portion of the Code does the City allow a neighboring property to determine whether an owner is entitled to a land use that would otherwise be allowed by right. The City is not trying to minimize bee allergies or the fear that



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		people with bee allergies have, but the Code attempts to minimize impacts to neighboring properties by limiting the number of hives and having a water source and proper shelter for the bees, for example. The cities of Bloomington, Maplewood, New Brighton, Shoreview do not require notification. The proposed change to the setback regulation is to match that of the poultry coop and run setback and for the same reasons, 10 feet from a property line and 30 feet from a neighboring structure. Language about appeals was removed to create a standard section on appeals for the entire chapter found in Section 300.22.
300.07	Describes how the City addresses animal nuisance concerns.	Item number eight was removed, as the number of allowed animals is described in Section 300.16.
300.08	Describes the City's licensing procedures for dogs.	Requirements to notify the City upon the death of a dog were removed and clarifications regarding a transfer of a dog were added.
101.11	Describe how the City will administer potentially dangerous or dangerous dogs.	This Section was re-written in Section 300.12 to adopt M.S. 347.50-347.565 for clarity and consistency. Any additional requirements the City has above State law are included in the section.
101.14	Required a notifying person to identify themselves of a nuisance or dangerous animal.	Staff recommend removing this requirement to remove any potential barriers to the City enforcing its Code.
101.15	Allows the Mayor to issue a proclamation requiring dogs to be muzzled and contained who were thought to be afflicted with hydrophobia (rabies).	This section of the Code is obsolete because the City's dog licensing procedures require all dogs be vaccinated for rabies. State law addresses muzzling and containment requirements of certain declared dogs.
300.21		This section consolidates all appeal language for the chapter into one consistent process.
101.22	States that any violation of this Chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Fridley City Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.



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Chapter Information

Chapter Title: False Alarms

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

Current Chapter Number: 112

New Chapter Number: 301

Substantive Changes

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



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Chapter Information

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

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

Current Chapter Number: 103

New Chapter Number: 302

Substantive Changes

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



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Chapter Information

Chapter Title: Civil Defense

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

Current Chapter Number: 106

New Chapter Number: 303

Substantive Changes

Section Number	Current Code	Proposed Changes
303.01	Establishes the purpose of the chapter.	Modernizes the language of the chapter and removes the last paragraph, as the City's authority to coordinate with external agencies is already established in State law.
106.06 (3)	Restricts declaring a local emergency unless doing so is authorized by an inter-jurisdictional agency agreement.	The authority to declare an emergency is established in State law and does not require an inter-jurisdictional agency agreement.
303.06 (3)		The City's Emergency Operation Plan is a detailed procedural document for how the City will respond to emergencies. The document includes a chain of command for when an emergency is declared.



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303.07	Describes the steps the City must take when declaring a local emergency.	Changes the legislative tool to declare a local emergency from a resolution to an executive order, and removes notice requirements for the action. The City is already obligated to notification requirements of public meetings, which are established in State law.
106.11	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Fridley City Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.



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Chapter Information

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

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

Current Chapter Number: 107

New Chapter Number: 304

Substantive Changes

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



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Chapter Information

Chapter Title: Trespassing

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

Current Chapter Number: 129

New Chapter Number: 307

Substantive Changes

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



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



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Chapter Information

Chapter Title: Liquor Consumption, Use or Display

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

Current Chapter Number: 121

New Chapter Number: 309

Substantive Changes

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



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Chapter Information

Chapter Title: Fire Prevention

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

Current Chapter Number: 108

New Chapter Number: 316

Substantive Changes

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



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316.15	Details the requirements of fire access roads for new construction in the City.	Refers the reader to MSFC Appendix D for more specific details on fire apparatus access roads.
316.16	Describes restrictions on open burning in the City.	Moves certain definitions to Section 316.02 of the chapter. Restricts any recreational fires when a governing authority has issued a burn restriction, (e.g., during extreme draught conditions a burn restriction is issued to prevent the spread of wildfires).
108.14	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Fridley City Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.
108.15	Adopts the MSFC.	Moved to Section 316.03.
316.17		Outlines when the City's service charges may apply in certain circumstances.



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Chapter Information

Chapter Title: Boats and Watercraft

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

Current Chapter Number: 701

New Chapter Number: 317

Substantive Changes

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



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

Chapter Information

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

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

Current Chapter Number: 113

New Chapter Number: 319

Substantive Changes

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



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



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



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		• Removes the requirement for residential mixed municipal solid waste haulers to provide a route, because the City provides them a route they must follow. • Sets a policy of attrition for Residential Mixed Municipal Solid Waste licenses in which only current license holders can maintain their licenses. Three of the current license holders must forfeit their license before a new company can obtain a license. This is to reduce the number of haulers over time, thereby reducing truck traffic on residential streets. This number was recommended by the Environmental Quality and Energy Commission to see the benefits of reduced truck traffic while maintain the spirit of an open hauling system. • Explicitly limits the number of Class C Residential Recycling licenses to the current contract holder for the same reasons listed above. • Explicitly limits the number of Class G Residential Organics licenses to the current contract holder for the same reasons listed above. • Explicitly requires Residential Trash, Recycling, and Yard Waste licensees to follow the City's residential hauling zone map. • Removes requirement to place a City decal since the City does not provide decals. • Added reporting requirements for all material streams so that staff can have a better understanding of the City's waste stream and how much is being diverted to recycling/organics. • Language was added to describe appeal procedures.
113.17	States that any violation of the chapter is a misdemeanor.	This was established in Title 2 (Administration) of the Code. Chapter 204, Penalties, declares that a violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.