



Environmental Quality and Energy Commission Meeting

February 07, 2023

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Call to Order

Approval of Agenda

Approval of Meeting Minutes

1. Approve the Minutes from the Environmental Quality and Energy Commission meeting of January 10, 2023.

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
3. Recodification of Chapter 104 Tree Management to Chapter 319 Tree Management
4. Recodification of Chapter 105 Landscape Maintenance to Chapter 304 Landscape Maintenance

Old Business

5. Grant Updates
6. Outreach and Events Updates
7. Energy Action Plan Updates

Other Items

8. Informal Status Reports

Adjournment

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



AGENDA REPORT

Meeting Date: February 7, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Approve the Minutes from the Environmental Quality and Energy Commission meeting of January 10, 2023.

Background

Attached are the minutes from the Environmental Quality and Energy Commission meeting of January 10, 2023.

Recommendation

Approve the Minutes from the Environmental Quality and Energy Commission meeting of January 10, 2023.

Attachments and Other Resources

- Environmental Quality and Energy Commission Minutes- January 10, 2023

Vision Statement

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



ENVIRONMENTAL QUALITY & ENERGY COMMISSION MEETING

January 10, 2023

7:00 PM

Banfill Room, Fridley Civic Campus

MINUTES

Call to Order

CHAIR Dritz called the commission to order at 7:00 PM

Present

Amy Dritz
Sam Stoxen
Nick Olberding
Mark Hansen
Justin Foell
Rachel Workin, Environmental Planner
Max Lohse, Planning Intern

Approval of Agenda

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

Approval of Meeting Minutes

1. Approval of the December 13, 2022 Environmental Quality and Energy Commission Meeting Minutes

Commissioner Hansen noted that the dates in the header of the meeting minutes were incorrect. MOTION by Commissioner Foell to APPROVE the December 13, 2022 meeting minutes with the corrected dates. SECONDED by Commissioner Hansen. The MOTION PASSED unanimously.

New Business

2. Moore Lake Park Beach Restoration

Ms. Workin provided background on the City's application for a DNR Conservation Partner Legacy grant for the restoration of a portion of Moore Lake Park with native plants.

MOTION by Commissioner Foell to APPROVE a letter of support for the grant application to restore a portion of Moore Lake Park with native plants. SECONDED by Commissioner Stoxen. The MOTION PASSED unanimously.

1. SolSmart PZ-1 Zoning Review

Max Lohse provided an update on the City's SolSmart application and presented SolSmart's zoning review of the Fridley City Code.

Old Business

4. Energy Action Plan updates

Ms. Workin shared that the City will be hosting another renewable energy campaign to encourage residents to sign up for Windsource, with a goal of 50 new signups between March 1- April 22. She asked if any commissioners would be available to attend the Environmental Fun Fair to promote the Windsource program.

Ms. Workin shared that she would be at the HRA open house promoting energy efficiency programs.

5. Event and Outreach updates

Ms. Workin shared that the City was considering doing a water-themed summer concert.

6. Grant updates

Ms. Workin shared that the 44th Avenue bridge grant was awarded to Anoka County.

Other Items

7. Informal Status Reports

Commissioner Dritz provided updates on Planning Commission meetings.

Ms. Workin asked if the Commission would if they would like to reschedule the February meeting due to Valentine's Day. February 7 was picked as the new meeting date.

Adjournment

MOTION by Commissioner Hansen to adjourn the meeting SECONDED by Commissioner Stoxen. The MOTION PASSED unanimously. The meeting was adjourned at 8:21 PM.



AGENDA REPORT

Meeting Date: February 7, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

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

Background

The City is currently undertaking a comprehensive recodification its City Code. Staff are currently proposing changes to Chapter 113 Solid Waste Disposal, Organics, Yard Waste, and Recycling Collection.

Recommendation

Staff recommend the approval of the proposed changes to Chapter 113.

Attachments and Other Resources

- Chapter 310 Recodification Report
- Chapter 310 with track changes

Vision Statement

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



RECODIFICATION REPORT

Introduction

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

Title Placement

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

Chapter Information

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

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

Current Chapter Number: 113

New Chapter Number: 310

Substantive Changes

Section Number	Current Code	Proposed Changes
310.01	None	Language was added to provide a purpose statement for the chapter.
300.02	Various definitions pertaining to the regulation of solid waste, organics, yard waste, and recycling collection	- A definition for "bulk container" was added to clarify the use of the term. - A definition for "construction debris" was added using language from 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. - The term for "licensed solid waste hauler" was updated to "licensed hauler" so that it could be



RECODIFICATION REPORT

		applied to collectors of all regulated waste streams. • The definition was “licensed hauler” was updated to refer to “mixed municipal solid waste” instead of “solid waste” to clarify that the license does not apply to construction debris collectors. Throughout the chapter corrections have been made to distinguish between “mixed municipal solid waste” which does not include construction debris and “solid waste” which does include construction debris. • 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 elsewhere in City 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.
310.03	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 of City 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.



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310.08	Describes the requirements for container screening and placement	• The proposed change clarifies 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. This is consistent with current staff policy. • 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/commercial buildings establishments were moved from the "Recycling Collection" section for clarity. • 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 must have space for recycling and organics within any internal mixed municipal solid waste collection area. While this doesn't require organics collection, it future-proofs the building in case that becomes a requirement in the future. • The requirement that haulers return containers to the driveway was moved from the licensing section. • A container removals 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.
(previously 113.11)	Describes the Solid Waste Abatement Program and Fee	This was moved to section 310.14 for structural consistency with other City codes
310.11	Describes the requirements for recycling collection	• Requires a minimum amount of recycling capacity that must be provided at multi-unit



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		apartment buildings to ensure that all residents have access to recycling. • Labeling requirements were moved to section 310.08. • Accessibility requirements were moved to 310.08. • Educational requirements were added for multiple dwelling units since residents do not receive information from the City's residential recycling hauler. Adequate education is crucial to reducing contamination.
310.14	Describes the Solid Waste Abatement Program and Fee	• Moved from earlier in the chapter for structural consistency with other codes. • Adds language clarifying that all units will be charged the SWAP Fee regardless of whether they use the recycling service. This is already City policy but makes it more explicit. The City is required to provide all residents curbside recycling by state statute. Residents who do not use the curbside recycling service may take advantage of other SWAP programs like the recycling drop-off events. This is consistent with current policy.
310.15	Describes the City's hauler licensing program	• Removes the licensing requirement for the hauling of construction debris. Construction debris collection is significantly different than the collection of other material streams. It is not common for cities to license construction debris haulers and most of the city's licensing requirements are not applicable. • 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. • Removes the requirement for residential 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



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		current license holders can maintain their licenses. In the event that one of the current five companies does not renew their license, the number of active license holders will be reduced to four. This is to reduce the number of haulers over time, thereby reducing truck traffic on residential streets. • Establishes conditions in which Class A Residential Mixed Municipal Solid Waste licenses can be renewed. • Explicitly limits the number of Class C Residential Recycling licenses to the current contract holder, as is current policy. • Explicitly limits the number of Class G Residential Organics licenses to the current contract holder, as is current policy. • Explicitly requires Residential Trash, Recycling, and Yard Waste licensees to follow the City's residential hauling zone map as is current policy. • 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. • Removed reference to enforcement, because it was adopted in Title 1 of City Code.
Previously 113.17	Describes the City's penalties procedures.	Removed because adopted in Title One of the code.

Fridley City Code
Chapter ~~113-310~~ Solid Waste ~~Disposal~~, Organics, Yard Waste and Recycling Collection

310.01 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.

~~113.01-310.02~~ 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 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:~~

~~a.1. Separated at the source by the waste generator for the purpose of transporting them to a commercial compost manufacturing facility;~~

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

~~c.3.~~ Delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the 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% 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 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.

~~113.02.310.03~~ 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 ~~310.05-310.08~~ 113.04, 113.05, and 113.07. The owner of any private property, whether occupied or vacant, shall at all times maintain the premises free of litter. No person shall dispose of solid waste upon any lands in the City ~~of Fridley~~. Composting of organics may be conducted if in full accordance with the terms of Section ~~113.10~~ 310.10. No person shall 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).

~~113.03.310.04~~ 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.

~~113.04.310.05~~ 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 be durable, watertight, impervious to insects and rodents, and shall have a close-fitting, fly-tight lid.

~~113.05.310.06~~ 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.

~~113.06.310.07~~ Containment of Organics

Organics shall only be stored by residents in special organics bags designed to breakdown during composting unless otherwise specified by the City. They shall 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.~~ 310.08 Container Screening and Placement ~~Container Screening/Placement~~

1. ~~Commercial Establishments and Multiple Dwelling Units.~~

- (a) ~~Commercial Establishments and Multiple Dwelling Units.~~ 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 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.

Screening shall consist of a solid fence or wall not less than six ~~(6)~~ feet high in the side and rear yards and shall not extend to within fifteen (15) feet of any "street right-of-way" 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 designee.

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

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

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

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

((a)) 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.

((b)) 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 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.

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

(d) Accessibility

(a1) Recycling containers must be placed in a location that is as convenient to use as the mixed municipal solid waste container on site.

(2b) ~~Recycling~~ Containers must be kept accessible year-round, including the removal of snow within 24 hours after a snowfall of more than three inches

(3e) Any internal mixed municipal solid waste collection area in a multiple dwelling unit constructed after April 10, 2023, shall 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.

1.2.4. 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.

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

54. ~~113.08.~~ Construction Waste Debris Bins Containers

An uncovered bulk ~~waste~~ container ~~or dumpster~~ shall 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 not be placed on the street, but must be located on the driveway or yard of the property generating the construction ~~waste~~ debris.

56. Container Removals

(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 the specified time frame will be abated by the City according to the procedures established in the Abatement of Exterior Public Nuisances Chapter.

113.09.310.09 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.

113.10.310.10 Composting

Composting is permitted on residential or City-approved properties in designated areas, 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 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~~10.11 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 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.~~

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 shall be provided to the owner by the City upon request. The owner shall 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 ensure that at least three (3) recyclable materials such as, but not limited to, paper, glass, plastic, and metal are collected from its facilities and that those collected materials are transferred to a City-licensed recycler hauler. 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.

~~113.13.310.12~~ 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.

~~113.14.310.13~~ Scavenging

It shall be 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. 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~~.

310.14 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 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 shall be placed in the Solid Waste Abatement Fund and shall only be expended on solid waste abatement program activities.

~~113.15~~ 310.15 Recycling, Yard Waste and Organics Collectors, and Solid Waste Licensed Haulers Regulations

1. License Requirement. No person shall 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 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.

3. License Application Procedures

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

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

~~(b) (2)~~ Applicants for all license classifications shall 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 also carry Workers' Compensation Insurance for all of its employees. Each policy shall provide that it shall 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 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 may grant a license to any such application meeting the requirements of this Chapter.

4. Limitations on Number of Licenses

(a) Class A: Residential Mixed Municipal Solid Waste

(1) No more than four Class A: Residential Mixed Municipal Solid Waste licenses may be in force at any time, except that all companies with a Residential Solid Waste Collection classification from the City as of April 28, 2023 may be relicensed according to the following conditions:

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

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

((c)) The licensee submits a fully completed annual renewal form, payment and all required documentation by the due date for renewals. Incomplete applications

shall 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.

((d)) Licenses are non-transferrable, except whereby an existing licensee undergoes incorporation, sale or merger with another existing City--licensed Class A hauler;

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

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

((g)) The licensee submits a fully completed annual renewal form, payment and all required documentation by the due date for renewals. Incomplete applications shall 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;

(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 one Class C--licenseC license.

(c) Class G: Residential Organics License.

(1) 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 one Class G license. The initial license term for a residential property organics collection license shall follow the initial term set forth in the organics collector's current contract for service with the City. Thereafter, the term of each organics collection license shall not be for more than one year and shall expire on April 30 of each year. The application for license or renewal of license shall contain the information set forth in this Chapter.

(2) Commercial Establishments and Multiple Dwelling Units. Application and issuance of licenses for Class organics collection from commercial establishments and multiple dwelling units shall be governed by Section of this Chapter.

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 do so before 6:30 ~~A.M.~~a.m. or after 8:30 ~~P.M.~~p.m. Monday through Saturday. Furthermore, collecting and hauling from commercial, business, industrial, or other such establishments shall not create a nuisance for adjacent residential areas.

7.5 Vehicles

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

~~b.~~ (b) Each vehicle used to haul mixed municipal solid waste in the City ~~of Fridley~~ shall be licensed by the regional waste authority and such license shall 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 shall be leak proof. Every vehicle shall be equipped with the necessary hand tools for cleaning up spills. Every vehicle licensed hereunder shall 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 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 be loaded 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 be so secured that they cannot be displaced by the wind or fall out of the vehicle.

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

~~f.~~ (f) No person shall 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 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.

~~8.6. 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.~~

~~7.10.~~ 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 less than 60 gallons in size upon request.

~~8.11.~~ Disclosure of Waste Destination. ~~As required in Minnesota State Statutes M.S. § 115A.9302, any person licensed to transport mixed municipal solid waste, organics, yard waste or recyclables in the City of Fridley. All licensed haulers~~ must disclose the final destination(s) of what waste is collected, by category to their customers on an annual basis.

~~9.12. 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 901the Penalties Chapter 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 901the Penalties Chapter 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 901the Penalties Chapter of this Code. Each day that such violation continues shall be a separate violation.~~

~~10.12.~~ Reports. All ~~applicants for licenses hereunder licensed haulers who provide solid waste, recycling, yard waste and organics collection services to single through multiple dwelling units in the City~~ shall submit semi-annual reports to the City detailing the weight by material type. A report for January through June collections shall be submitted by the following July 15. A report for collections from July through December shall be submitted by the following January 15. Reports shall be submitted to the Community Development Director or ~~their~~ designee in the format specified by each license.

~~11.13.~~ 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.

~~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.

~~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.~~



AGENDA REPORT

Meeting Date: February 7, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Recodification of Chapter 104 Tree Management to Chapter 319 Tree Management

Background

The City is currently undertaking a comprehensive recodification its City Code. Staff are currently proposing changes to Chapter 104 Tree Management.

Recommendation

Staff recommend the approval of the proposed changes to Chapter 319.

Attachments and Other Resources

- Chapter 319 Tree Management Recodification Report
- Chapter 319 Tree Management with track changes

Vision Statement

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



RECODIFICATION REPORT

Introduction

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

Title Placement

- ☐ Title 1 – General Provisions
- ☐ Title 2 – Administration
- ☒ Title 3 – Licensing
- ☐ Title 4 – Health, Safety and Welfare
- ☐ Title 5 – Public Nuisance

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

Chapter Information

Chapter Title: Tree Management

Recodification Liaisons: Trent Homard, Administrative Intern; Rachel Workin, Environmental Planner; Stacy Stromberg, Planning Manager; Jeffrey Jensen, Operations Manager-Park/Street; Beth Kondrick, Administrative Services Coordinator/Deputy City Clerk; Maxwell Lohse, Planning Intern; Melissa Moore, City Clerk/Communication Director

Current Chapter Number: 104

New Chapter Number: 319

Substantive Changes

Section Number	Current Code	Proposed Changes
319.02		Added Definitions Section
319.06	Describes the abatement procedure.	Added language for the abatement of nuisances.
319.08	This section outlines for the removal of infected trees or woods.	Changed language to modernize and clarify the Code.
104.09	This section states that program records must be maintained by the forester .	Staff recommend repeal of this section as this is covered under the Minnesota Government Data Practices Act.
104.14	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



RECODIFICATION REPORT

		violation of any section of the Code is a misdemeanor. Upon conviction, violators will be punished according to State law.
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Fridley City Code
Chapter ~~104.319~~ Tree Management

~~104.01.319.01~~ Declaration of Policy Purpose

~~The City Council of Fridley has determined that trees~~ Trees provide a public benefit including cleaner air, cleaner water, decreased soil erosion and increased property values in the City of Fridley (City). It is further determined that nuisance trees growing upon public and private property impair the safety, good order, general welfare, and convenience of the public. ~~It is declared to be the intention of the Council to maintain a resilient urban forest and this Chapter is enacted for that purpose.~~

319.02 Definitions

Boulevard Tree: a tree growing within an improved street or alley right-of-way or an easement that has been acquired for an existing improved street or alley.

Removal: the cutting of a tree at the trunk to be level with the surrounding ground.

~~104.02.319.03~~ Forester Position Created

The powers and duties of the ~~City~~ Forester as set forth in this Chapter are hereby conferred upon the Director of Public Works ~~and all designated representatives or their designee~~. It is the duty of the Forester to coordinate under the direction and control of the City Manager or their designee all activities of the City relating to the management of trees on City property, the control and prevention of tree pests that would threaten the integrity of the City's urban forest, and the elimination of nuisance trees. The Forester shall recommend to the City Manager or their designee the details of the program for the maintenance of a resilient urban forest and perform the duties incident to such a program adopted by the Fridley City Council (Council).

~~104.03.319.04~~ Program

It is the intention of the Council ~~of Fridley~~ to conduct a Management Program directed at the maintenance of a resilient urban forest. The City shall have the right to plant, prune, maintain, remove and replace all trees, shrubs, and other plantings now or hereafter on properties controlled by the City including in any street, park, boulevard, public right-of-way or easement as may be necessary to ensure public safety or to preserve and enhance the City's urban forest. The City shall also have the right to require the abatement of any trees on public or private property deemed to be public nuisances as outlined in ~~the this~~ Chapter

~~104.04.319.05~~ Nuisance Declared

The following are public nuisances whenever they may be found within the City ~~of Fridley~~:

1. Any diseased or infested tree or part thereof, including logs, branches, stumps, firewood, or other wooden material which has been determined to present a condition which endangers

the safety or health of the public or urban forest and has not been abated according to the prescription of the ~~City~~ Forester.

2. Any hazardous tree which is determined to have structural defects in the roots, stem, or branches that may cause the tree or part thereof to fail, where such failure may cause personal injury or property damage to a "target." A "target" includes, but is not limited to, people, vehicles, buildings, and property, ~~etc.~~ Trees without targets are not considered hazards even if they are likely to fail and can be considered beneficial in habitat protection.

~~104.05-319.06~~ Abatement

1. It is unlawful for any person to allow a public nuisance as defined in Section ~~104.04~~319.05 to remain on any premises owned within, or controlled by, the City ~~of Fridley~~. Such nuisances may be abated in the manner prescribed by this Chapter and according to the procedures established in ~~Chapter 128~~the Abatement of Exterior Public Nuisances chapter of the City Code.

2. In abating the nuisances defined in Section 319.05 the Forester or their designee will prescribe the nuisance tree or wood to be evaluated, monitored, sprayed, root barriered, removed, burned or otherwise effectively treated so as to eliminate and prevent, as fully as possible, the nuisance. Such abatement procedures will be carried out in accordance with current technical and expert opinions and procedures.

~~104.06-319.07~~ Inventory, Inspection and Investigation

1. The Forester or ~~an agent thereof~~their designee may inspect all premises and places within the City as often as deemed appropriate to determine any condition described in Section ~~104.04~~303.05 of this Chapter. The Forester ~~shall~~will investigate all reported incidents of nuisance trees.

2. The Forester or ~~an agent thereof~~their designee may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this Chapter.

3. The Forester or ~~an agent thereof~~their designee ~~shall~~will make a field diagnosis according to generally accepted field diagnosis procedures.

~~104.07. Abatement of Nuisances~~

~~In abating the nuisances defined in Section 104.04, the Forester or an agent thereof shall prescribe the nuisance tree or wood to be evaluated, monitored, sprayed, root barriered, removed, burned or otherwise effectively treated so as to eliminate and prevent, as fully as possible, the nuisance. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and procedures.~~

~~104.08-319.08~~ Procedures for Removal of Infected Trees or Woods

When the Forester or their designee ~~thereof~~ finds that a public nuisance as defined in Section ~~104.04~~319.05 exists in any tree or wood in any public or private place in the City, the Forester ~~shall~~will:

1. On private property, notify the property owner in writing with a Nuisance Tree Abatement Notice. The property owner ~~shall~~must carry out any recommended abatement procedure(s) within ~~thirty (30) days from the date of receipt of the notification unless a written extension is granted by the Forester.~~a specified amount of time from the date of receipt of the notification unless a written extension is granted by the Forester.

(a) If the owner fails to follow the recommendation of the Nuisance Tree Abatement Notice within the designated time period, the Forester ~~shall~~will notify the property owner in writing that the City will contract for the abatement of the public nuisance. ~~The Forester shall then proceed to contract for the abatement procedures as soon as possible and shall report to the City Clerk all costs resulting from the abatement procedures carried out on such private property. The City Clerk shall list all such charges related to the City abatement administrative costs against each separate lot or parcel by September 15th of each year as special assessments to be collected commencing with the following year's taxes. All assessments and abatement-related costs shall be added to each assessment. and will follow the abatement processes established in the Abatement of Exterior Public Nuisances chapter of the Code.~~

2. In the case of boulevard trees, ~~defined as a tree growing within an improved street or alley right-of-way or an easement that has been acquired for an existing improved street or alley,~~ notices will be mailed to the owner of the abutting property as previously described ~~in Section 104.08.1.~~ However, the City shall abate any nuisance boulevard tree at no cost to the property owner. If the property owner desires, the City will replace the tree with a tree on the owner's property in the vicinity of the removed tree.

3. All assessments levied for the repayment of tree disease abatement costs may be repaid over a period designated by the ~~City~~ Council. Such assessments shall be levied in accordance with the assessment procedures established in ~~City Code Chapter 128~~the Abatement of Exterior Public Nuisances chapter of the Code.

4. If the nuisance tree is located on public land, the Forester ~~shall~~will transmit a similar notification including prescription to the agency responsible for maintenance of said property. Such nuisances on public property ~~shall~~will be abated by the respective agent, according to the prescriptions of the ~~City~~ Forester within ~~thirty (30)~~ days of notification unless a written extension is granted by the Forester.

~~104.09. Program Records~~

~~The Forester shall keep accurate records of the Tree Management Program including the costs of abatements ordered under this program. The Forester shall report to the City Council all work done for which assessments are to be made stating and certifying the description of the land, lots, and parcels involved and the amount chargeable to each.~~

~~104.10.319.09~~ Interference Prohibited

It is unlawful for any person to prevent, delay or interfere with the Forester or ~~agent thereof~~their designee while they are engaged in the performance of duties imposed by this Chapter.

~~104.11.319.10~~ License Required

It shall be unlawful for any individual, partnership or corporation to conduct as a business the cutting, trimming, pruning, removing, spraying or otherwise treating of trees, shrubs or vines in the City without first having secured a license from ~~at~~the City to conduct such business.

~~104.12.319.11~~ License Requirements

1. Application

Application for a license under this Chapter shall be made ~~at the office of the City Clerk of~~by the City.

2. Application Form

The application for a license ~~shall~~must be made on a form approved by the City which includes:

Business name and address;
Name and address of applicant;
Business phone number;
Number and type of vehicles;
Type of state licenses and/or certifications applicant or employees have; and
Any other information deemed necessary by the City ~~Clerk~~ for the license.

3. Liability Insurance

No license or renewal of a license ~~shall~~will be granted, ~~nor shall the same~~or be effective, until the applicant has filed with the City Clerk proof of a general liability insurance policy covering all operations of such applicant under this Chapter for the sum of at least ~~one million dollars (\$1,000,000)~~ \$1 million per occurrence and ~~two million dollars (\$2,000,000)~~ \$2 million annual aggregate and for at least ~~one hundred thousand dollars (\$100,000)~~ against liability for damage or destruction of property. The City ~~shall~~must be named and the insurance provided ~~shall~~must include the City as an additional party insured. ~~Said policy shall~~The policy must provide that it may not be cancelled by the insurer except after ~~ten~~(10) days written notice to the City, and if such insurance is so cancelled and licensee ~~shall~~will fail to replace the same with another policy conforming to the provisions of this Chapter said license ~~shall~~will be automatically suspended until such insurance shall have been replaced.

4. Worker's Compensation Insurance

Each license applicant ~~shall~~must file with the City Clerk a Certificate of Insurance of Worker's Compensation when such insurance is required by State Statute.

5. Chemical Treatment Requirements

Applicants who propose to use chemical substances in any activity related to treatment or disease control of trees, shrubs or vines ~~shall~~must file with the City Clerk proof that the applicant or an employee of the applicant administering such treatment has been certified by the Agronomy Division of the Minnesota Department of Agriculture as a "commercial pesticide applicator." Such certification ~~shall~~must include knowledge of tree disease chemical treatment.

6. Minnesota Tree Care Registry

All applicants must be registered with the Minnesota Department of Agriculture Tree Care Registry.

7. Fees

The annual license fee shall be provided in the Fees chapter of the Code.

~~104.13. Fees~~

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

~~104.14. Penalties~~

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



AGENDA REPORT

Meeting Date: February 7, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Recodification of Chapter 105 Landscape Maintenance to Chapter 304 Landscape Maintenance

Background

The City is currently undertaking a comprehensive recodification its City Code. Staff are currently proposing changes to Chapter 105 Landscape Maintenance. The only substantive change to this section is to add naturalized vegetation to the type of vegetation that may be planted in a Designated Natural Area. This is proposed since a non-native perennial plant may be better adapted to the site due to difficult conditions or climate change, while still providing comparable ecological functions.

Recommendation

Staff recommend the approval of the proposed changes to Chapter 104.

Attachments and Other Resources

- Chapter 304 Landscape Management with track changes

Vision Statement

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

Fridley City Code
Chapter ~~105.304~~ Landscape Maintenance

~~105.01~~304.01 Purpose

The purpose of this ~~section of city code is to~~ Chapter is to establish minimum standards for landscape maintenance and to protect surface water quality by allowing natural areas where they can benefit water quality throughout the City of Fridley (City).

~~105.02~~304.02 Definitions

~~1.~~ Designated Natural Area: An area of native plants that has never been disturbed or an area intentionally planted with native or naturalized perennial vegetation greater than ~~ten (10)~~ inches in height that has an edged border separating it from areas of turf grass.

~~2.~~ Garden: A cultivated area dedicated to the growing of vegetables, fruit, flowers, perennials, shrubs, and similar plants that were specifically planted in that location and common weeds are not the predominant vegetation.

~~3.~~ Landscape: The area of a parcel of land that is not covered with an impervious surface.

~~4.~~ Lot: A parcel of land adjacent to a street or road, including the right-of-way between the property and the curb.

~~5.~~ Noxious Weeds: Includes both prohibited noxious weeds and secondary noxious weeds as defined by the State of Minnesota Department of Agriculture, which excludes dandelions. ~~(Note: this does not include dandelions.)~~

~~6.~~ Right-of-Way: The area on, below, or above a public roadway, highway, alley, street, bicycle lane, public sidewalk, and boulevard in which the City has an interest, including the dedicated rights-of-way for travel purposes and utility easements of the City. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other ~~nonwire~~ wireless telecommunications or broadcast service.

~~7.~~ Waterway: Any body of water that receives storm water runoff, including wetlands, lakes, ponds, streams, rivers, and reservoirs. Shall not include water flowing on streets, or pooling for less than 24 hours on private property after a rain event.

~~8.~~ Wooded Area: An area of trees and other native plant materials ~~identified as follows:~~ for every 100 square feet of area considered, there shall not be less than six ~~(6)~~ trees, each of a six inch ~~(6")~~ caliper measurement, measured at a point of six inches ~~(6")~~ above grade from the base of each tree measured.

~~105.03~~304.03 Required Maintenance

Landscape areas of all properties must be maintained by the owner to be free of noxious weeds. Ground cover, except for trees and shrubs, in landscaped areas may not exceed ~~ten (10)~~ inches in

average height except for gardens and designated natural areas. Designated natural areas which do not need to be edged include: drainage ponds, ditches, lakeshore areas, parks, 3 to 1 or greater slopes, stream banks, vacant lots, wetlands, or wooded areas. Landscaped areas must be kept free of litter. Vegetation ~~shall~~must not be permitted to be overgrown or encroach onto adjacent properties. Failure to comply is a nuisance as defined in the Public Nuisance chapter of the Fridley City Code (Code).

~~105.04~~304.04 Intervention by the City

If the provisions of Section ~~105.03~~304.03 are not complied with, the ~~city manager or his/her~~City Manager or their designee ~~shall~~will give written notice to the owner of the property in violation. If the property owner fails to bring the violating property into compliance with Section ~~105.03~~304.03 within the time specified or if the owner of the property cannot be located, designated ~~city~~ staff ~~shall~~must have the landscape brought into compliance and invoice the property owner for the cost of such service and abatement administrative costs according to the procedures established in ~~Chapter 128 the Abatement of Exterior Public Nuisances chapter~~ of the ~~City~~ Code.

~~105.05~~304.05 Protection of Waterways

~~1.~~—In addition to proper landscape maintenance, all property owners in the City ~~of Fridley~~ must protect surface water quality through the following measures:

~~A.1.~~ No person is permitted to deposit leaves, grass clippings, or other plant waste within ~~twenty-five (25)~~ feet of a waterway or ~~ten (10)~~ feet of a bluff line, whichever is greater.

~~B.2.~~ No person is permitted to deposit or store yard waste of any kind in a right-of-way or roadway, except as permitted in ~~Chapter 113 the Solid Waste Disposal, Organics, Yard Waste and Recycling Collection of the Code~~ or in the process of maintaining the right-of-way.

~~C.3.~~ Extreme care must be taken to prevent landscape fertilizers, pesticides, and herbicides from falling on a paved surface. Any applied granular landscape fertilizer, pesticide, or herbicide must be swept from any paved surfaces immediately upon completion of application as specified in ~~State~~Minnesota Statutes. Commercial lawn care product applicators must post public notification signs when lawn care products are applied. No person ~~shall~~may remove such signs for 48 hours, as required by State law.

105.06 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. Each day the violation exists or continues to exist shall be deemed a separate offense.~~



AGENDA REPORT

Meeting Date: January 10, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Grant Updates

Background

The purpose of this item is to provide Commissioners updates on sustainability grants held by the City. New items are highlighted in yellow.

Grants in the Pre-Application Stage

- MPCA Level 2 Electric Vehicle Charger
- CCWD Water Quality Grant for Sweepings Screener

Grants Under Review

- MnDOT Active Transportation Pilot Grant
- MnDOT Active Transportation Infrastructure Grant
- Moore Lake Native Plant Restoration

Active Grants

- Recycling grant (ongoing)
- Met Council Regional Solicitation Grant for 44th Avenue Bridge w/ Anoka County
- BWSR/RCWD grant for Moore Lake IESF project
- RCWD grant for road diet on University Ave Service Rd
- LRIP grant for 53rd Avenue Trail Project
- RS grant for 7th St Trail Project (missing section in front of Community Center, will resume following school release)
- University Avenue Lighting Project
- Met Council Climate Mitigation grant for feasibility study of 73rd Ave
- BWSR HELP grant for native plant restoration on Commons Park hillside
- Met Council Water Efficiency Grant pt 3
- MDH Well Sealing Grant pt 3
- DNR grant for mitigating impacts of EAB

Grants Closed (1/1/2021+)

- SHIP grant for wayfinding kiosk

Vision Statement

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

- MDH Well Sealing Grant pt 2
- SHIP grant for bike fleet (SNC/Recreation)
- CCWD grant for Craig Park improvements
- Lawns to Legumes grant for Craig Park Bee Lawn
- RCWD grant for 6 raingardens in Rice Creek Terrace neighborhood
- Lawns to Legumes Demonstration Neighborhood Grant (ACD grant in partnership with Coon Rapids, and Lino Lakes)
- SHIP grant for Civic Campus orchard
- RCWD grant for sumps in Farr Lake neighborhood
- CCWD grant for hydrodynamic separator in 2022 Street Project Area
- Met Council Water Efficiency Grant pt 2

Recommendation

- None

Attachments and Other Resources

- None

Vision Statement

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



AGENDA REPORT

Meeting Date: February 7, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Event and Outreach Updates

Background

Outreach at community events is an important strategy to build environmental awareness and increase engagement. Events that have been completed since the last meeting as well as upcoming outreach events are listed below.

Completed events (12/13-1/10)

- Wintefest

Confirmed events and topics

- Presentation to North Park 4th Grade Class (2/8)
- HRA Open House (2/8)
- Environmental Fun Fair (4/22)

Potential Upcoming Events

- Kids Book Swap
- Water-Themed Summer Concert
- Pollinator Planting at Moore Lake
- 5 year Anniversary Celebration for Civic Campus
- 7th Avenue trail ribbon cutting

Recommendation

- None

Attachments and Other Resources

- None

Vision Statement

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



AGENDA REPORT

Meeting Date: February 7, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Energy Action Plan Updates

Background

At the November 9, 2021 meeting, the EQEC recommended adoption of Phase 2 of the Energy Action Plan. The following activities were completed this past month:

- SolSmart Bronze award received
- Began loaning energy efficiency kits
- Cable show on Home Energy Kit

The following activities are projected in the next month:

- WindUp Challenge to signup 50 new Windsource subscribers by April 22
- HRA Open House

Recommendation

None

Attachments and Other Resources

None

Vision Statement

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



AGENDA REPORT

Meeting Date: February 7, 2023

Meeting Type: Environmental Quality and Energy Commission

Submitted By: Rachel Workin, Environmental Planner

Title

Informal Status Reports

Background

Staff and Commissioners will share informal status reports on programs happening in the City.

Recommendation

None

Attachments and Other Resources

None

Vision Statement

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