



# Council Conference Meeting

September 25, 2023

5:00 PM

Moore Lake Park and Fridley City Hall

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## Agenda

Notice is hereby given that there will be a quorum of the Fridley City Council (Council) on September 25, 2023 at 5:00 p.m. at Moore Lake Park (5872 Central Avenue NE). The Council will receive an update on the park's construction as part of the City's Park System Improvement Plan. The Council will leave the park at 6:20 p.m. and continue the Conference Meeting at Fridley City Hall (7071 University Avenue NE) at 6:40 p.m.

- [1.](#) Moore Lake Park Project Tour (Cancelled)
- [2.](#) Recodification Update

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



# AGENDA REPORT

**Meeting Date:** September 25 2023

**Meeting Type:** City Council Conference Meeting

**Submitted By:** James Kosluchar, Director of Public Works and Engineering  
 Mike Maher, Parks and Recreation Director  
 Jeff Jensen, Public Works Manager  
 Nic Schmidt, Engineering Project Manager

## Title

Moore Lake Park Project Tour

## Background

On September 25, 2023 at 5:00 PM, City staff and our project construction manager Krause Anderson will host a tour of the Moore Lake Park Project. The tour will be led by Public Works staff and Parks and Recreation staff, along with John Nordby and Paul Trudeau of Kraus Anderson. Council should wear comfortable clothing for the weather (at this time highs forecast in the upper 60s) and conditions, we believe the site will get a bit wet over the weekend. Construction footwear will not be required and the City will provide hard hats and vests for the Council. We ask that the City Council park in the north parking lot, but if full we ask the Councilmembers to park on the west side of Central Avenue near the north parking lot. The tour will begin at the Kraus Anderson trailer. We will have plan sheets and handouts available.

We appreciate your feedback and responding to any questions you have regarding the construction or improvements.

## Financial Impact

There is no financial impact related to the tour.

## Recommendation

We request the City Council attend the tour.

## Focus on Fridley Strategic Alignment

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

## Attachments and Other Resources

## Vision Statement

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



# AGENDA REPORT

**Meeting Date:** September 25, 2023

**Meeting Type:** City Council Conference Meeting

**Submitted By:** Melissa Moore, City Clerk/Communications Manager

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## Title

Recodification Update

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## Background

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

At this time staff are prepared to present the Council with drafts of three chapters planned for Title 5, Lands and Buildings:

- Landscape Maintenance
- Tree Management
- Private Property Snow and Ice Removal.

Tree Management and Private Property Snow and Ice Removal are preceded with a Recodification Report to explain the substantive changes of each chapter. Landscape Maintenance does not have a Recodification Report as the draft does not propose substantial updates. All revisions have been reviewed by staff and the City Attorney.

The next pre-scheduled recodification update for the Council is set for November 27, 2023.

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## Attachments and Other Resources

- Landscape Maintenance
- Tree Management and Recodification Report
- Private Property Snow and Ice Removal and Recodification Report

## Vision Statement

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

Fridley City Code  
Chapter ~~105.TBD~~ Landscape Maintenance

~~105.01~~TBD.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~~TBD.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 ornamental plants that were intentionally ~~specifically~~ planted in that location and where 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~~ Any prohibited noxious weeds and secondary noxious weeds as defined by the State of Minnesota Department of Agriculture, excluding 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 or~~ 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~~ Waterway does not include water flowing on streets; or water 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: where for every 100 square feet of area considered, contains at least~~ there shall not be less than six (6) trees, each of a six inch ~~(6")~~ caliper measurement when, measured at a point of six inches ~~(6")~~ above grade from the base of each tree measured.

~~105.03~~TBD.03 Required Maintenance

Landscaped areas of all properties must be maintained by the owner ~~to be~~ and 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 ground cover in gardens and designated natural areas. Designated natural areas which do not need to be edged include: drainage ponds, ditches, lakeshore areas, parks, ~~3 to 4~~three to one 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~~TBD.04 Intervention by the City

If the provisions of ~~Section 105.03~~this Chapter 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~~this Chapter within the time specified in the notice, or if the owner of the property cannot be located, designated ~~city~~City staff ~~shall~~may perform the necessary work on the landscaping in order to ~~have the landscape brought~~bring the landscaping into compliance, ~~and~~The City will invoice the property owner for the ~~cost~~costs incurred by the City for the work performed and ~~of such service and abatement~~administrative costs associated with the abatement according to the procedures established in ~~Chapter 128~~the Abatement of Exterior Public Nuisances Chapter of the City Code.

#### ~~105.05~~TBD.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.~~A.1. No person is permitted to deposit leaves, grass clippings, or other plant waste within ~~twenty-five (25)~~ten (10) feet of a waterway or ~~ten (10)~~ten (10) feet of a bluff line, whichever is greater.

~~B.2.~~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 Management Chapter of the Code or in the process of maintaining the right-of-way.

~~C.3.~~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 ~~Statutes~~law. 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 ~~or~~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.~~



# 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

- |                                                                   |                                                                           |
|-------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> Title 1 – General Provisions             | <input type="checkbox"/> Title 6 – Zoning                                 |
| <input type="checkbox"/> Title 2 – Administration                 | <input type="checkbox"/> Title 7 – Licensing                              |
| <input type="checkbox"/> Title 3 – Health, Safety and Welfare     | <input type="checkbox"/> Title 8 – Franchises, Utilities and Right-of-Way |
| <input type="checkbox"/> Title 4 – Public Nuisance                | <input type="checkbox"/> Title 9 – Public Ways and Places                 |
| <input checked="" type="checkbox"/> Title 5 – Lands and Buildings | <input type="checkbox"/> Appendices                                       |

## Chapter Information

Chapter Title: Tree Management

Recodification Liaisons: Rachel Workin, Environmental Planner, Jeff Jensen, Operations Manager Parks/Streets; Stacy Stromberg, Planning Manager; Melissa Moore, City Clerk; Trent Homard, Administrative Intern; Beth Kondrick, Deputy City Clerk; Maxwell Lohse, Planning Intern

Current Chapter Number: 104

New Chapter Number: TBD

## Substantive Changes

| Section Number | Current Code                                                                                                                        | Proposed Changes                                                                                                                                                               |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TBD.02         |                                                                                                                                     | Staff recommend updating definitions to clarify the scope of the chapter.                                                                                                      |
| TBD.06         | Describes how the City will investigate possible nuisance trees.                                                                    | The added text was moved from Section 104.07 for consistency and clarity.                                                                                                      |
| TBD.08         | Describes how the City will remove trees declared a public nuisance, if the property owner does not within 30 days of notification. | For consistency, the City's procedures for managing public nuisances are laid out in the Abatement of Exterior Public Nuisance Chapter of the Code.                            |
| 104.09         | Requires the City to keep all appropriate records related to its Tree Management Program.                                           | The City complies with the Minnesota Data Practices Act, as required by the Fridley City Charter. All corresponding records are retained and managed as required by State law. |

Fridley City Code  
Chapter ~~104.TBD~~ Tree Management

~~104.01. Declaration of Policy~~ TBD.01 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~~ on 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.~~

TBD.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.~~ TBD.03 Forester Position Created

The powers and duties of the ~~City~~ Forester as set forth in this Chapter are hereby conferred ~~upon~~ on 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~~ will 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.~~ TBD.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~~ will 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~~ will 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.~~ TBD.05 Nuisance Declared

The following are public nuisances ~~whenever they may be~~ when 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 of the tree~~ 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.TBD.06~~ Abatement

1. It is unlawful for any person to allow a public nuisance as defined in ~~Section 104.04~~this Chapter 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 this Chapter, 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.TBD.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~~ 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.TBD.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~~ this Chapter 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 15<sup>th</sup> 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~~ The City shall will 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~~ will 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~~ agency, 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.TBD.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.TBD.10~~ Tree Management 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.TBD.11~~ Tree Management License RequirementsApplication

##### ~~1. Application~~

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

##### ~~2. Application Form~~

- ~~1. No person may operate a tree management service within the City without a valid license from the City, which includes the following requirements: The application for a license shall be made on a form approved by the City which includes~~

~~(a) Business name and address;~~

~~(b) Name-Full legal name and address of applicant;~~

~~(c) Business phone number;~~

~~(d) Number and type of vehicles;~~

~~(e) Type of state licenses and/or certifications applicant or employees have~~Proof of registry in the Minnesota Department of Agriculture Tree Care Registry; and

~~(f) Any other information deemed necessary by the City Clerk for the license.~~Location of brush disposal site.

##### ~~3.2. 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 evidencing that the applicant carries the statutory amounts of Worker's Compensation worker's compensation insurance 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.~~

#### 6. Fees

The annual license fee is provided in the Fees Chapter of the Code. 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.~~



# RECODIFICATION REPORT

## Introduction

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

## Title Placement

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| <input type="checkbox"/> Title 4 – Public Nuisance                | <input type="checkbox"/> Title 9 – Public Ways and Places                 |
| <input checked="" type="checkbox"/> Title 5 – Lands and Buildings | <input type="checkbox"/> Appendices                                       |

## Chapter Information

Chapter Title: Winter Maintenance

Recodification Liaisons: Rachel Workin, Environmental Planner, Brandon Brodhag, Assistant City Engineer; Jeff Jensen, Operations Manager Parks/Streets; Stacy Stromberg, Planning Manager; Melissa Moore, City Clerk

Current Chapter Number: 514

New Chapter Number: TBD

## Substantive Changes

| Section Number | Current Code                                           | Proposed Changes                                                                                                                                                                                              |
|----------------|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TBD.02         | The section defines terms found throughout the Chapter | Staff recommend updating definitions for consistency with other chapters of the City Code and based on the model ordinance for bulk deicer storage provided by the Minnesota Pollution Control Agency (MPCA). |
| TBD.04         |                                                        | This section was added for compliance with the revised Municipal Separate Storm Sewer System permit issued to the City by the MPCA.                                                                           |
| TBD.05         |                                                        | This section was added to reduce water quality contamination from                                                                                                                                             |



# RECODIFICATION REPORT

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|        |                                                                                                             |                                                                      |
|--------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
|        |                                                                                                             | accumulated deicer remaining after snow melt.                        |
| TBD.07 | Declares violations of the Chapter are a public nuisance and lists the fees associated with any violations. | For consistency, all fees in the Code are moved to the Fees Chapter. |

Fridley City Code  
Chapter 514 ~~TBD~~ SNOW AND ICE REMOVAL Winter Maintenance

514.01 ~~TBD~~.01 Purpose

1.——The purpose of this section is to protect the public health and safety arising out of the deposit, accumulation, and/or storage of winter snow, deicers, and/or ice on the public streets, sidewalks, bikeway/walkway, and other public or private property and to provide penalties for violations.

2.——Nothing in this ~~section shall~~ Chapter may be construed to prohibit the ~~city~~ City of Fridley (City) from conducting snow or ice plowing or removal activities.

514.02 ~~TBD~~.02 Definitions

The following definitions apply in the interpretation and application of this Chapter.

~~The following definitions apply in this section of the Code. References hereafter to sections are, unless otherwise specified, references to sections in this Chapter. Defined terms remain defined terms whether or not capitalized.~~

Base Flood: The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

Bulk Deicer Storage Facilities: All temporary and permanent, indoor and outdoor, salt piles, salt bag storage, sand piles and other storage of materials used for deicing and/or traction during winter conditions that are more than two tons in solid form (or 250 gallons in liquid form).

Bulk Snow Storage: Fallen snow that is trucked, hauled, or moved to a defined location not including incidental accumulations of snow occurring due to routine roadway snow plowing.

Deicer: Any substance used to melt snow and ice or used for its anti-icing effects.

Floodplain: The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

Private Property: Property owned by a person, firm, voluntary associations or corporations other than a government body that is not generally open for use by the public.

Public Property: Property that may be used by the public subject to reasonable regulations by a governmental body, including public rights-of-way for streets and highways.

Semi-public Property: Private property generally open for use by the public but not owned or maintained by a governmental body. Such property includes without limitation church property, school property, shopping centers and all other property generally used by patrons of a commercial or private business establishment; including private streets and residential areas.

Snow Season: The time between the first snowfall after July 1 in a given year until the last snowfall before June 30 in the subsequent year.

#### 514.03TBD.03 Snow Removal

1. The City ~~shall~~ will remove snow and ice from City streets, alleys, walks and trails on ~~Public Property~~ public property that it maintains in accordance with its Snow and Ice Control Policy.
2. It ~~shall be~~ is unlawful unless specifically approved by the City for any property owner to place or have placed snow or ~~iced~~ ice from their property, driveway, or parking area onto or across ~~the any~~ any public sidewalk, bikeway/walkway, street or highway which results in piles or rows on the paved surface or upon the boulevard or property of another property owner without prior permission whether done by ~~him/herself~~ themselves or ~~their an agent for him/herself~~ an agent. The Director of Public Works or their designee may give approval for temporary placement of snow from ~~service stations, private parking or similar areas~~ private property onto public property, provided the snow will be removed within 48 hours following its placement on City property.

#### TBD.04 Bulk Deicer Storage Facility Requirements

##### 1. General Requirements

(a) Indoor operations for the bulk storage of deicing materials must be provided wherever possible in order to prevent such materials from dissolving or otherwise transported or affected by rain, snow and melt water.

(b) All salt, sand and other deicing materials stored outdoors must be covered at all times.

(1) When not using a permanent roof, a waterproof impermeable cover must be placed over all storage piles (to protect against precipitation and surface water runoff). The cover must prevent runoff and leachate from being transported from the outdoor storage pile location. The cover must be secured to prevent its removal by wind or other storm events.

(2) Any leaks, tears or damage to roofs or covers should be immediately repaired in a temporary or permanent fashion during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

##### 2. Facility Siting

(a) The facility may not be located on or within floodplains, storm drains, manholes, catch basins, wetlands or any other areas likely to absorb runoff.

(b) The facility must be located entirely on an impermeable surface.

(c) The facility must be protected by grading or other appropriate measures to prevent the intrusion of liquids including stormwater runoff.

3. Bulk Snow Storage. Bulk Snow Storage piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

4. Transfer of Materials. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material from the facility.

#### TBD.05 Parking Lot, Sidewalk, and Private Road Sweeping Requirements

Accumulated deicer and/or material used for traction during winter conditions remaining following snow and/or ice melt must be removed to avoid discharge into the storm sewer system or downstream waterbodies.

#### 514.04TBD.06 Owner Responsibility

1. Every property owner is responsible for ensuring that during the winter snow and ice season that residual snow or ice from the driveway and/or parking area is not placed onto the sidewalk, bikeway/walkway, street or another property without the property owner's permission during the snow or ice removal activities.
2. Property owners must eliminate any hazardous snow or ice condition by clearing residual snow and ice from walks or ~~tails~~ trails on adjacent Public Property that are plowed by the City in accordance with its Snow and Ice Control Policy. Such clearing of snow and ice by property owners will occur within ~~forty-eight (48)~~ hours of cessation of any snowfall and any subsequent snow and ice removal activities performed by or on behalf of the City.
3. The property owner is responsible for any violation of this ~~section~~ Chapter whether the violation is the result of ~~his/her~~ their action or that of an agent or tenant ~~for or~~ of the property owner.

#### 514.05TBD.07 Penalties

1. Violation of this ~~section shall be~~ Chapter is a public nuisance as defined by the Public Nuisance Chapter 110 of the Code, and ~~shall are be~~ subject to all penalties and remedies ~~contained therein~~. In addition, violation of this ~~section shall be~~ Chapter are subject to all penalties and remedies pursuant to Minnesota Statutes Chapter 429.
2. Upon the first violation of this section each Snow Season, the property owner will be issued a warning notice, subsequent violations may result in a civil penalty.
3. The Snow Removal Penalty is outlined in the Fees Chapter of the Code. Succeeding violations of the provisions of this section shall be a misdemeanor, subject to penalties per

~~occurrence set forth in Chapter 901. In the alternative, the City may, in its discretion, impose a civil penalty as follows:~~

~~2<sup>nd</sup> Offense during any Snow Season: \$ 50.00~~

~~3<sup>rd</sup> Offense during any Snow Season: \$200.00~~

~~4<sup>th</sup> Offense or more during any Snow Season: \$500.00~~

~~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.~~