

CITY OF FALCON HEIGHTS
City Council Workshop
City Hall
2077 West Larpenteur Avenue

AGENDA

Wednesday, October 2, 2024
6:30 P.M.

A. CALL TO ORDER:

B. ROLL CALL: GUSTAFSON___ LEEHY___
MEYER ___ MIELKE___ WASSENBERG___

STAFF PRESENT: LINEHAN___ VAN DER WERFF___

C. POLICY ITEMS:

1. Partners in Energy - Energy Action Plan
2. Adult-Use Cannabis
3. Livable Communities Act Grant Award Consideration
4. Community Park Renovation Update
5. Racial Covenant Discharging Update
6. Rental Inspections Code Changes

D. ADJOURNMENT:

DISCLAIMER: City Council Workshops are held monthly as an opportunity for Council Members to discuss policy topics in greater detail prior to a formal meeting where a public hearing may be held and/or action may be taken. Members of the public that would like to make a comment or ask questions about an item on the agenda for an upcoming workshop should send them to mail@falconheights.org prior to the meeting. Alternatively, time is regularly allotted for public comment during Regular City Council Meetings (typically 2nd and 4th Wednesdays) during the Community Forum.

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Meeting Date	October 2, 2024
Agenda Item	Policy C1
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Partners in Energy Program - Energy Action Plan Draft
Description	<p>The Partners in Energy Program is a program from Xcel Energy that supports communities by helping them develop energy action plans, identify the barriers to implementation, and work to implement those goals. They assist with forming teams within the community to play a role in developing the Energy Action Plan by establishing energy objectives and strategies to help achieve community goals.</p> <p>For the past six months, the Environment Commission and Energy Action Team have worked with team members from Xcel Energy and the Center for Energy and Environment to support the community by characterizing its energy use, identifying the City’s energy-related goals, and developing engaging strategies to guide change toward Falcon Heights’ energy future.</p> <p>Starting in January 2024, this Energy Action Plan was driven by a series of open houses and planning workshops held in the community with a planning team committed to representing local energy priorities. The community was engaged through 3 surveys, 3 workshops, 2 open houses, 17 Energy Action Team participants, 63 community energy survey respondents, and over 100 people at open houses.</p> <p>The drafted Energy Action Plan is the outcome of this work. The Energy Action Plan will guide the City by outlining actions that connect the community through engaging residents, schools, business, and community organizations. The actions help connect people to resources to meet their energy needs while reaching the energy goals of the community as a whole.</p>
Budget Impact	None.
Attachment(s)	<ul style="list-style-type: none"> - Drafted Executive Summary for the Falcon Heights Energy Action Plan - Drafted Falcon Heights Energy Action Plan - Drafted Falcon Heights Energy Action Plan, Workplan

Action(s) Requested	Staff requests City Council discuss the drafted Energy Action Plan and comment on any changes or edits to be made.
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FALCON HEIGHTS Energy Action Plan

Community Commitment

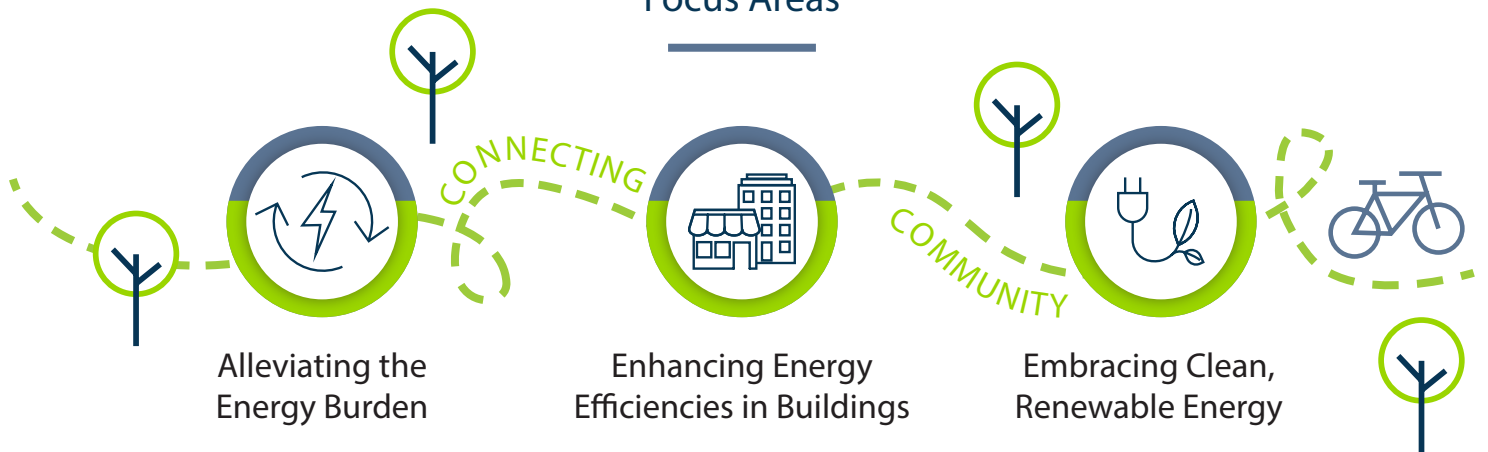
In the heart of Falcon Heights, a community nestled amongst the State Fair grounds and the University of Minnesota, citizens and City leaders embarked on a transformative journey to prioritize energy strategies that lead to a sustainable and equitable future.



Our Vision

Falcon Heights prioritizes energy strategies that lead to a sustainable and equitable future.

Focus Areas



The Energy Action Plan guides the city of Falcon Heights by outlining actions that connect the community through engaging residents, schools, businesses, and community organizations. The actions help connect people to resources to meet their energy needs while reaching the energy goals of the community as a whole.



THE CONTENT OF THIS PLAN IS DERIVED FROM A SERIES OF PLANNING WORKSHOPS AND EVENTS HOSTED BY XCEL ENERGY'S PARTNERS IN ENERGY AND THE CITY OF FALCON HEIGHTS. THANK YOU TO THE FALCON HEIGHTS ENERGY ACTION TEAM WHO CONTRIBUTED MANY HOURS OF SERVICE TO CREATING OUR VISION, GOALS, AND STRATEGIES FOR THIS PLAN.



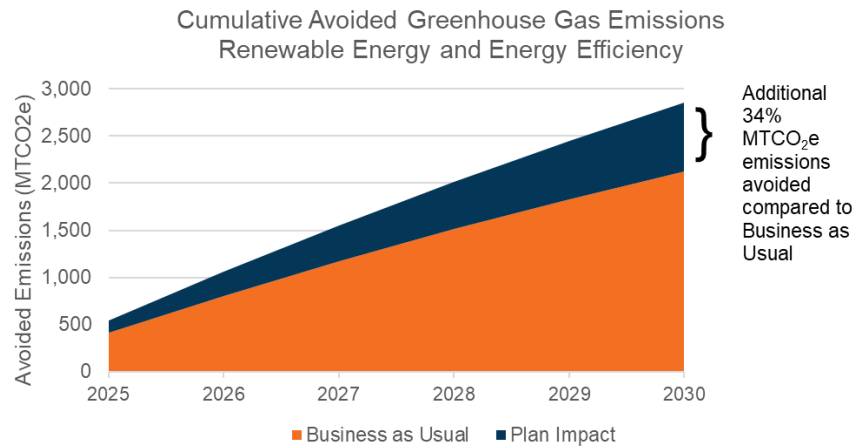
Energy Action Plan Goal



Falcon Heights will increase our energy savings by 50% and avoid an additional 34% of community-wide greenhouse gases by 2030 through additional participation in energy efficiency programs and on-going renewable energy participation.



This will result in a substantial 65% increase in dollars saved in our community.



Achieving the goal

Some of the strategies in the plan that will help reach our goal include

Partner

Work alongside the University of Minnesota and the Minnesota State Fair to collectively achieve greenhouse gas reduction in our community.

Engage

Host community workshops on energy topics and program opportunities.
Conduct outreach to building owners and managers with energy information.

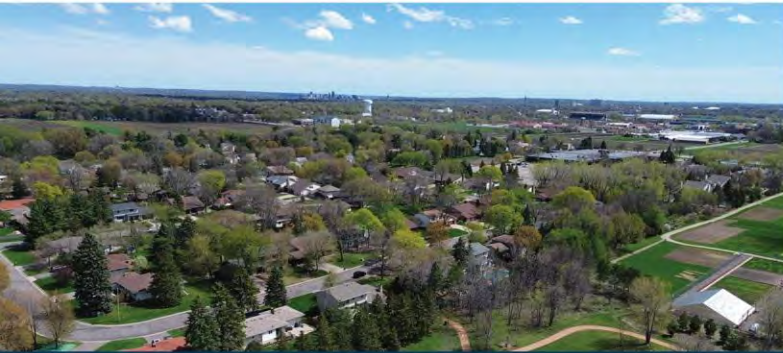
Support

Connect residents and businesses with resources to meet their energy needs.
Create incentives for the community to take energy actions.

Impact and Results of Plan Implementation

This is the equivalent of avoiding over 11 million pounds of coal or 1,125,000 gallons of gasoline being burned, and the equivalent sequestering of carbon from 165,351 trees seedlings grown for 10 years!

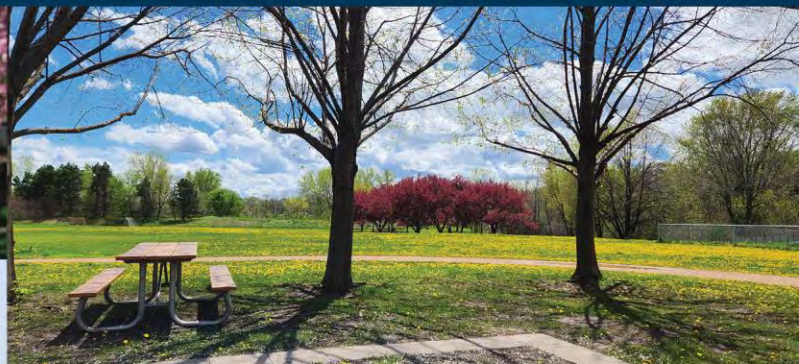




DRAFT

An Energy Action Plan for Falcon Heights

September 2024



PARTNERS IN ENERGY
An Xcel Energy Community Collaboration

ACKNOWLEDGEMENTS

Thank you to the following individuals who contributed to developing this Energy Action Plan. The content of this plan is derived from a series of planning workshops hosted by Xcel Energy's Partners in Energy. Partners in Energy is a two-year collaboration to develop and implement a community's energy goals. For information about the planning workshops, see Appendix D.

Energy Action Team

Name	Organization
Lois Braun	Resident
Amy Christiansen	Environment Commission
Pedro De Filippo Vannucci	Environment Commission and University of Minnesota Student
Les Everett	Resident
Adam Keester	Environment Commission
Emma Kostecki	Environment Commission and University of Minnesota Student
John Larkin	Resident
Peter Lindstrom	Resident
Hannah Lynch	Community Development Coordinator/Planner, City of Falcon Heights
Jared Mehlhaff	Environment Commission
Beth Mercer-Taylor	Environment Commission Chair
Paula Mielke	City Council Liaison, City of Falcon Heights
Bruce Mielke	Resident
John Pellegrini	Environment Commission Vice Chair
Shubhechchha Sharma	Resident
Michael Tracy	Resident
Dean Walczak	Resident

Partners in Energy Utility and Facilitation Team

Marcus Baker	Partners in Energy Community Facilitator
Deirdre Coleman	Partners in Energy Community Facilitator
Kelsey Poljacik	Partners in Energy Data Lead
Paolo Spiern	Partners in Energy Community Facilitator
Sofia Troutman	Program Manager, Xcel Energy's Partners in Energy

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GLOSSARY OF TERMS

4 x 50: Xcel Energy's privacy rule, which requires all data summary statistics to contain at least four premises, with no single premise responsible for more than 50% of the total. Following these rules, if a premise(s) is responsible for more than 50% of the total for that data set, it is/they are removed from the summary.

Beneficial Electrification: Xcel Energy defines beneficial electrification (BE) as the replacement of fossil fuel use with electricity that results in either lower costs, reduced emissions, or more effective use of the power grid.

British Thermal Unit (BTU): the amount of heat needed to raise one pound of water at maximum density through one degree Fahrenheit

Carbon-free: Carbon-free refers to sources of energy that will not emit additional carbon dioxide into the air. Wind, solar and nuclear energy are all carbon free sources but only wind and solar are renewable.

Carbon-neutral: Carbon-neutral, also described as "net zero", could include carbon-free sources but is broader and refers to energy that removes or avoids as much carbon dioxide as is released over a set period of time. Carbon-neutral is sometimes used to describe a site that produces an excess amount of electricity from a renewable energy source, such as solar, compared to what it consumes. That excess energy is put back into the grid in an amount that offsets the carbon dioxide produced from the electricity it draws from the grid when it is not producing renewable energy.

Community Data Mapping: A baseline analysis of energy data in a geospatial (map) format across the community.

Energy Conservation and Optimization Programs (ECO): Portfolio of approved utility energy efficiency and demand management programs. Minnesota electric utilities have a goal of saving 1.5% of their total energy sales each year via customer conservation efforts. Minnesota natural gas utilities have a goal of saving 0.5% of their total energy sales each year via customer conservation efforts. ECO programs help Minnesota households and businesses use electricity and natural gas more efficiently, lessening the need for new utility infrastructure. The Minnesota Department of Commerce, Division of Energy Resources (DER) oversees ECO to ensure that ratepayer dollars are used effectively in achieving those goals and that energy savings are reported as accurately as possible.

Decatherm (Dth): Quantity of energy that is equivalent to ten therms.

Demand Side Management (DSM): Modification of consumer demand for energy through various methods, including education and financial incentives. DSM aims to encourage consumers to decrease energy consumption, especially during peak hours, or to shift time-of-energy use to off-peak periods such as nighttime and weekend.

Direct Installation: Free energy-saving equipment installed by Xcel Energy or other organization, for program participants, that produces immediate energy savings.

Energy Burden: Percentage of gross household income spent on energy costs.

Energy Reduction: The result of behavior changes that cause less energy to be used. For example, setting the thermostat to a lower temperature *reduces* the energy used in your home during the winter. Since energy reductions can be easily reversed, they are not accounted for when calculating changes in energy usage.

Energy Savings: Comes from a permanent change that results in using less energy to achieve the same results. A new furnace uses X% less energy to keep your home at the same temperature (all things being equal), resulting in energy *savings* of X%. For accounting purposes, energy savings are only counted in the year the new equipment is installed.

Greenhouse Gases (GHG): Gases in the atmosphere that absorb and emit radiation and significantly contribute to climate change. The primary greenhouse gases in the earth's atmosphere are water vapor, carbon dioxide, methane, nitrous oxide, and ozone.

Grid Decarbonization: The current planned reduction in the carbon intensity of electricity provided by electric utilities through the addition of low- or no-carbon energy sources to the electricity grid.

Kilowatt-hour (kWh): A unit of electricity consumption.

Million British Thermal Units (MMBtu): A unit of energy consumption that allows electricity and natural gas consumption to be combined.

Metric Tons of Carbon Dioxide Equivalent (MTCO_{2e}): A unit of measure for greenhouse gas emissions. The unit "CO_{2e}" represents an amount of a greenhouse gas whose atmospheric impact has been standardized to that of one unit mass of carbon dioxide (CO₂), based on the global warming potential (GWP) of the gas.

Megawatt (MW): A unit of electric power equal to 1 million watts.

Premise: A unique combination of service address and meter. For residential customers, this is the equivalent of an individual house or dwelling unit in a multi-tenant building. For business customers, it is an individual business, or for a larger business, a separately-metered portion of the business's load at that address.

Renewable Energy Certificate (REC): For every megawatt-hour of clean, renewable electricity generation, a renewable energy certificate (REC) is created. A REC embodies all of the environmental attributes of the generation and can be tracked and traded separately from the underlying electricity. Also known as a Renewable Energy Credit.

Resilience: The ability to prepare for and adapt to changing conditions and withstand and recover rapidly from disruptions. Resilience includes the ability to withstand and recover from deliberate attacks, accidents, or naturally occurring threats or incidents.

Recommissioning: An energy efficiency service focused on identifying ways that existing building systems can be tuned up to run as efficiently as possible.

Solar Garden: Shared solar array with grid-connected subscribers who receive bill credits for their subscriptions.

Solar Photovoltaic (PV): Solar cells/panels that convert sunlight into electricity (convert light, or photons, into electricity, or voltage).

Subscription: An agreement to purchase a certain amount of something in regular intervals.

Therm (thm or therm): A unit of natural gas consumption.

Trade Partner: Trade Partners, also known as Trade Allies or Business Trade Partners, are vendors and contractors who work with business and residential customers servicing, installing, and providing consulting services regarding the equipment associated with utility rebate programs. Their support for utility programs can range from providing equipment and assisting with rebate paperwork, to receiving rebates for equipment sold.

FALCON HEIGHTS Energy Action Plan

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In the heart of Falcon Heights, a community nestled amongst the State Fair grounds and the University of Minnesota, citizens and City leaders embarked on a transformative journey to prioritize energy strategies that lead to a sustainable and equitable future.



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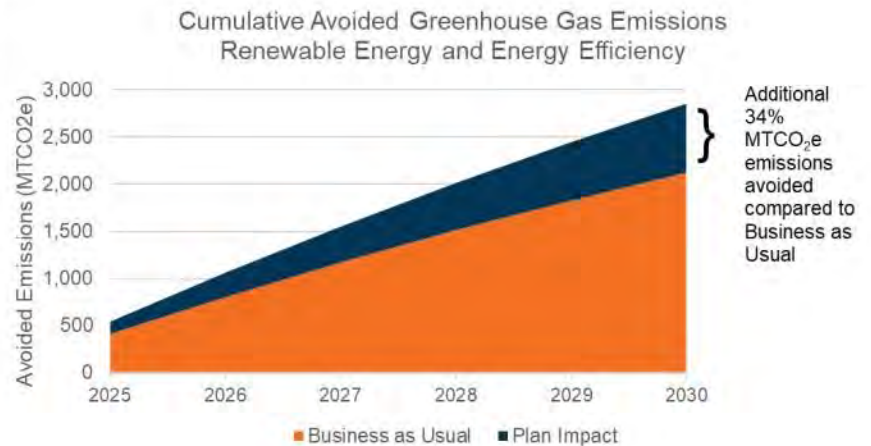
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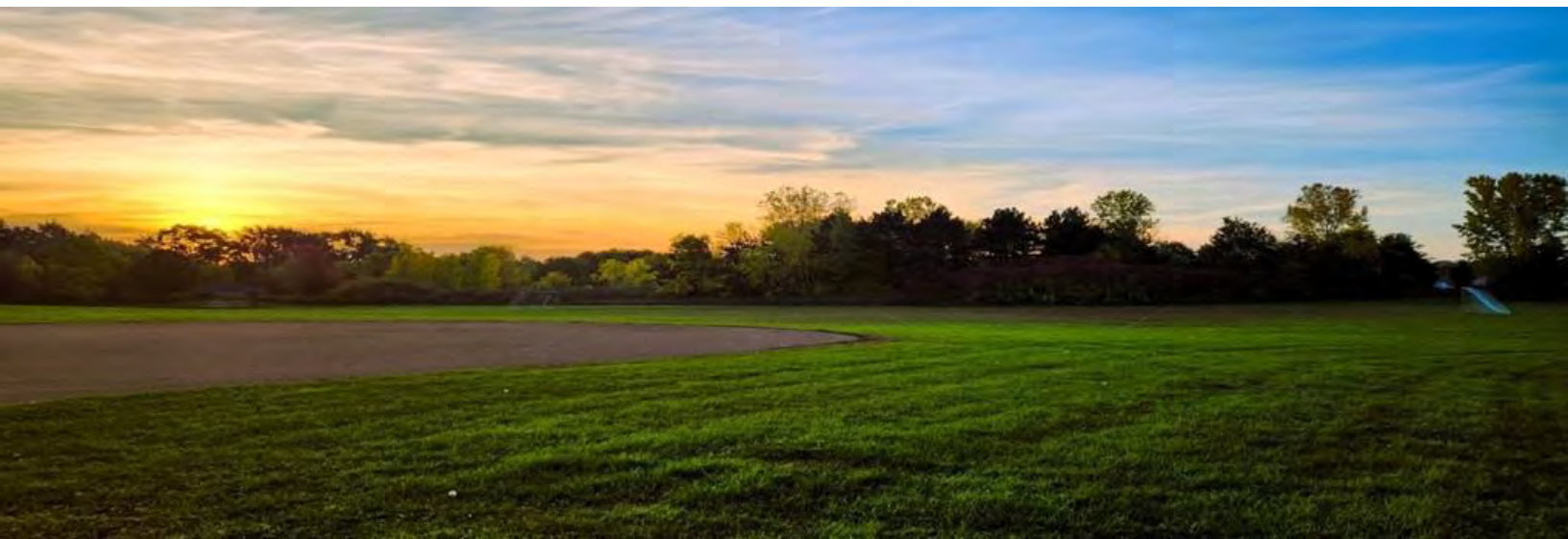
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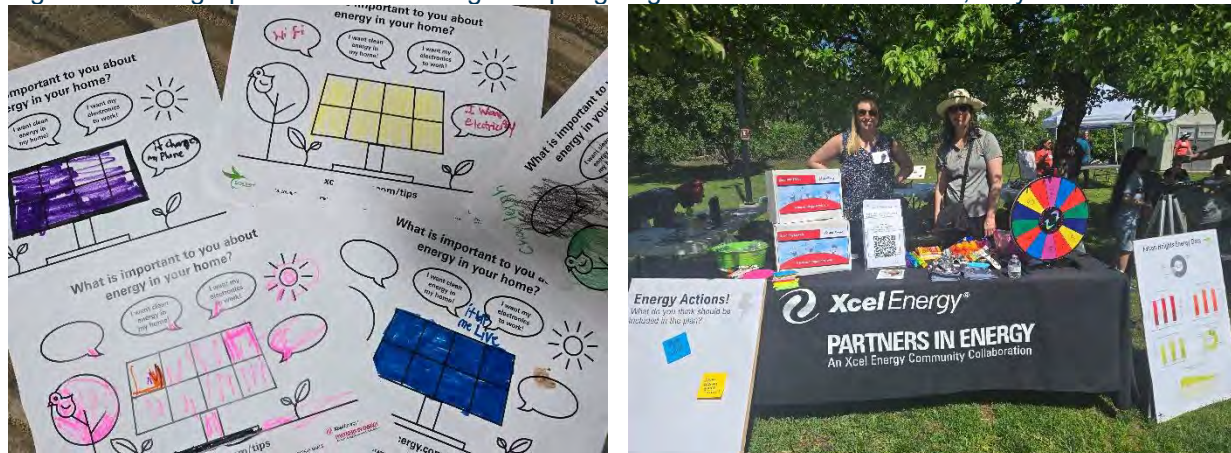
INTRODUCTION

Falcon Heights has made great progress toward their energy goals in our 2020 Comprehensive Plan through the creation of an Environmental Commission, GreenStep city participation, EV Smart Cities Program, SolSmart city participation, and renewable energy commitments. With an eye toward climate planning, an energy plan will advance and accelerate these efforts.

Our Engagement & Outreach Process

The creation of this Energy Action Plan was a six-month process to help support our community by characterizing its energy use, identifying our energy-related goals, and developing engaging strategies to guide change toward our energy future. Starting in January 2024, the Energy Action Plan was driven by a series of open houses and planning workshops held in the community with a planning team committed to representing local energy priorities in collaboration with City of Falcon Heights and Xcel Energy Partners in Energy. By the numbers, we engaged the community through 3 surveys, 3 workshops, 2 open houses, 17 Energy Action Team participants, 63 community energy survey respondents and over 100 people at open houses. See Appendix D for more information about the planning process and Xcel Energy Partners in Energy.

Figure 1. Photographs from Falcon Height's Spring Together event in Curtis Park, May 2024



Why We Want An Energy Action Plan

The City of Falcon Heights recognizes the urgency of addressing climate change and has committed to taking action by signing a resolution in January 2023 that declares a climate crisis. This commitment involves developing a City Climate Action Plan with input from residents, businesses and nonprofit organizations, in collaboration with other entities working on climate action in the community.

As a GreenStep City, Falcon Heights aims to contribute to Minnesota's goal of achieving net-zero emissions by 2040. A key aspect of this effort is addressing the energy inefficiency of the city's older homes and multi-family buildings. Partners in Energy can provide valuable expertise to assess the current energy situation and guide the City in implementing effective measures.

The Energy Action Plan is crucial for addressing several pressing issues, including inefficient housing, emissions from the State Fair, idling vehicles, potential redevelopment of the University of Minnesota golf course, and gaining a comprehensive understanding of the city's current energy landscape. By identifying and focusing on the most significant concerns, Falcon Heights can ensure that its efforts are strategic and impactful.



WHERE WE ARE NOW

An integral part of the Partners in Energy planning process is reviewing historical energy data to inform our community's energy baseline. Xcel Energy provided data on energy use, participation counts and utility energy conservation program savings for Falcon Heights, as detailed in the following sections. See *Appendix A: Baseline Energy Analysis* for a comprehensive picture of Falcon Heights baseline energy data.

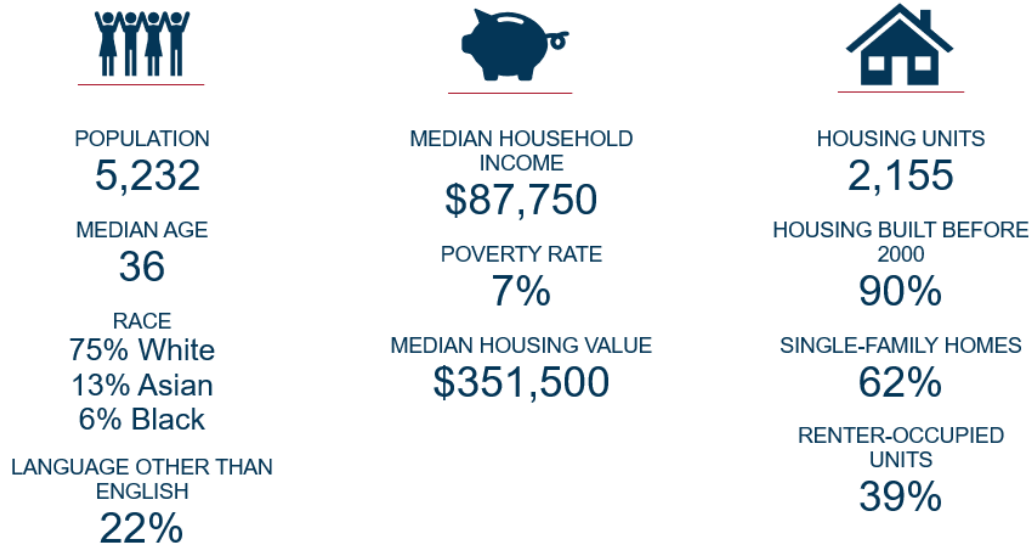
Community Demographics

As of 2022, Falcon Heights had a population of just over 5,200 people living in approximately 2,200 housing units.¹ Falcon Heights residents identify as White (75%), Asian (13%) and Black (6%), and 22% of residents speak a language other than English. Falcon Heights has a poverty rate of 7%, with a median household income of \$87,750. With 90% of its housing built before 2000, most Falcon Heights residents live in housing stock with significant opportunity for energy efficiency improvements because of aging buildings and equipment. Additionally, 39% of the housing units in Falcon Heights are renter-occupied, presenting unique opportunities for energy efficiency measures targeted at renters and property owners. *Figure 1* shows a community demographic profile for Falcon Heights.

¹ Data source: U.S. Census Bureau American Community Survey, 2022 5-year estimates

Figure 1. Overview of Falcon Heights community demographics

FALCON HEIGHTS COMMUNITY DEMOGRAPHIC SNAPSHOT

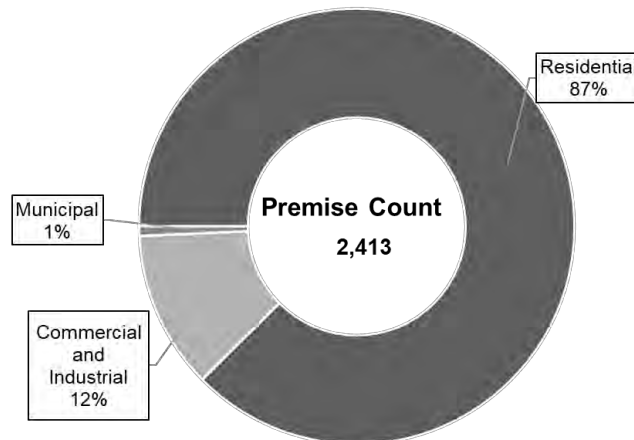


Energy Use and Savings

Premises

Xcel Energy provides electricity and natural gas to Falcon Heights residents and businesses. In 2023, Falcon Heights consisted of 2,413 distinct utility premises, which are a unique combination of service address and meter. For residential customers, this is the equivalent of an individual house or dwelling unit in a multi-tenant building. For business customers, it is an individual business, or for a larger business, a separately metered portion of the business' load at that address. Most Falcon Heights premises are residential, followed by a portion of commercial and industrial premises, and finally a small number of City-owned municipal premises (Figure 2).

Figure 2. Total premises by sector, 2022

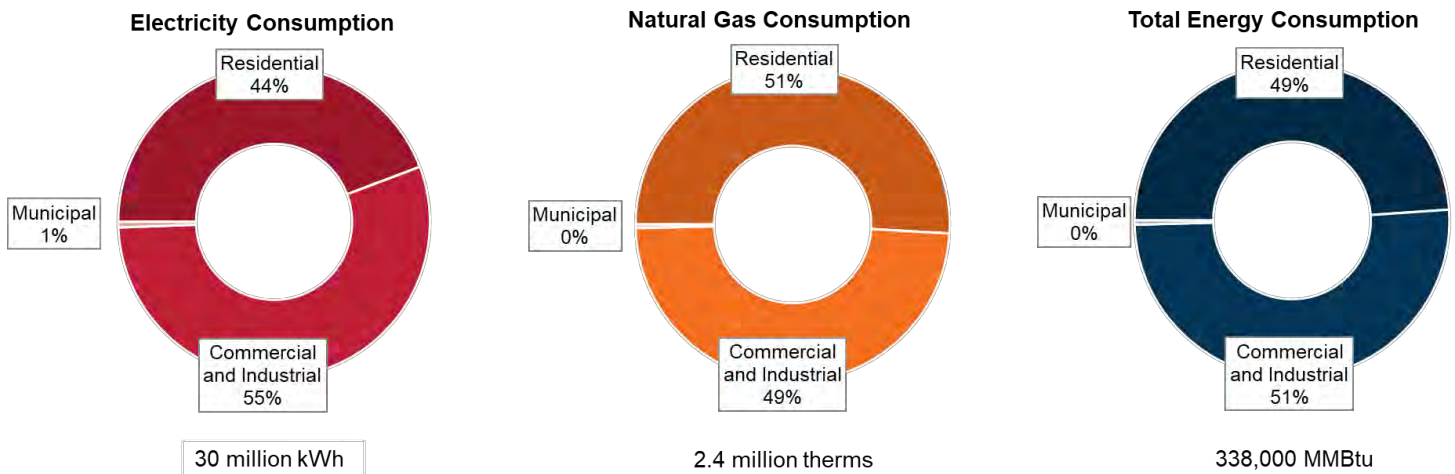


Grid Energy Use

On average over the baseline period (2021–2023), the Falcon Heights community consumes nearly 30 million kWh and about 2.4 million therms of natural gas each year across all sectors (Figure 3). To compare electricity and natural gas consumption on a common measure of energy, total energy consumption can be calculated by converting both electricity and natural gas into British thermal units, displayed here as million British thermal units (MMBtu).

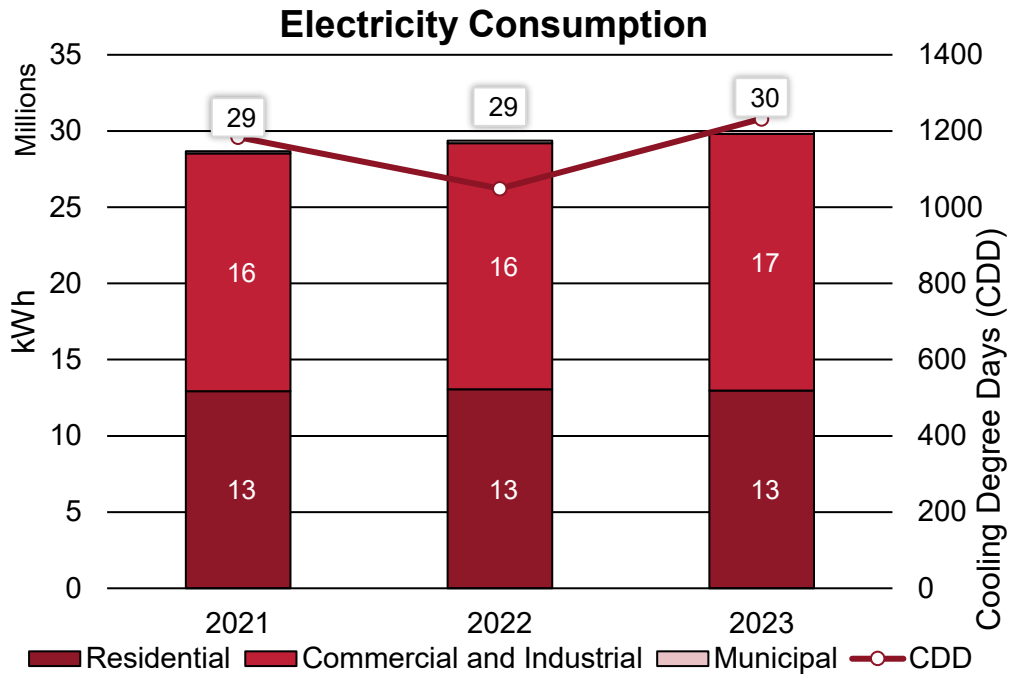
Although the commercial and industrial sector only makes up 12% of total premises in Falcon Heights, it accounts for over half the total energy consumption. Commercial and industrial premises use significantly more energy on average per premise than residential premises, a typical pattern for cities like Falcon Heights.

Figure 3. Average annual energy consumption by sector, 2021–2023



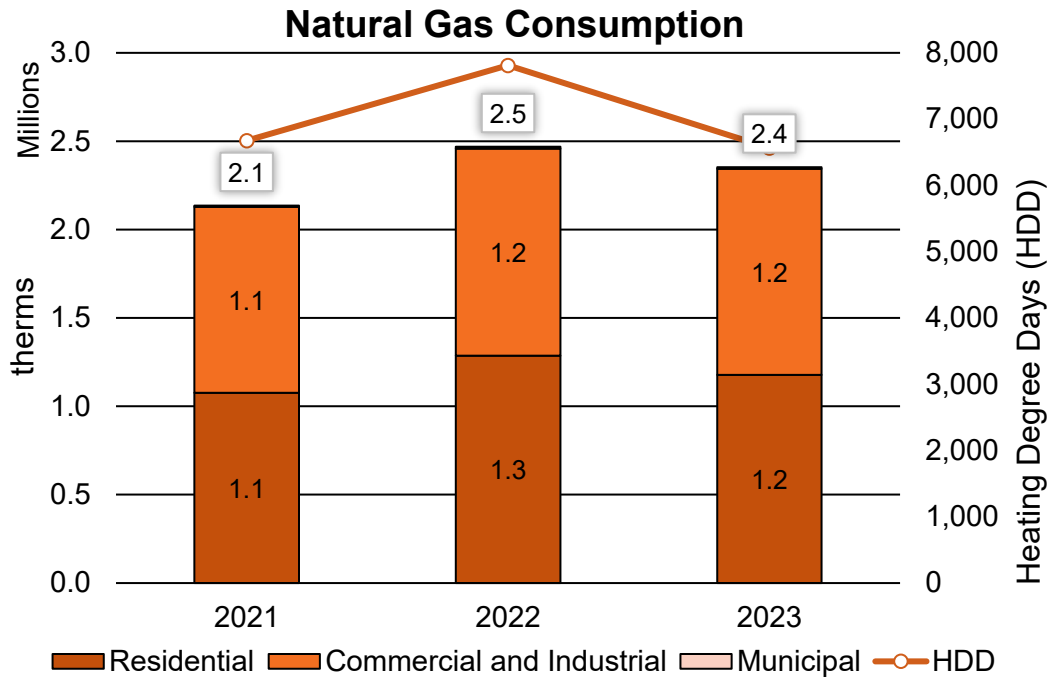
During the three-year baseline period, Falcon Heights saw an overall increase in electricity consumption, with a 5% increase in electricity consumption in 2023 compared to 2021. Electricity use in the residential sector increased slightly by 1% between 2021 and 2023, while the commercial and industrial sector increased by 8% over the same period; the municipal sector in Falcon Heights increased by 15% (Figure 4).

Figure 4. Electricity consumption by sector and cooling degree days, 2021–2023



Similarly, natural gas consumption in Falcon Heights was greater in 2023 compared to 2021, with an overall increase of 10% in community-wide usage. Natural gas consumption in the residential sector increased by 9% between 2023 and 2021, and 11% in the commercial and industrial sector over this period; the municipal sector saw an increase of nearly 50%, though the municipal sector makes up only a small portion of community-wide consumption (Figure 5). The fluctuations in natural gas consumption between 2021 and 2023 correlate with cooler temperatures, measured by heating degree days (HDD), as shown in the figure below.

Figure 5. Natural gas consumption by sector and heating degree days, 2021–2023



Energy Costs and Energy Burden

During an average year, Falcon Heights spends a total of about \$6.2 million on energy fuel costs for electricity and natural gas (Figure 6). More than half (54%) of these costs are spent by the commercial and industrial sector, with total annual average fuel costs at just over \$3.3 million. The remaining 46% is spent primarily by the residential sector, with an annual total of \$2.8 million, and the municipal sector, spending about \$30,000 annually on average.

Figure 6. Total average annual electricity and natural gas fuel costs by sector, 2021–2023

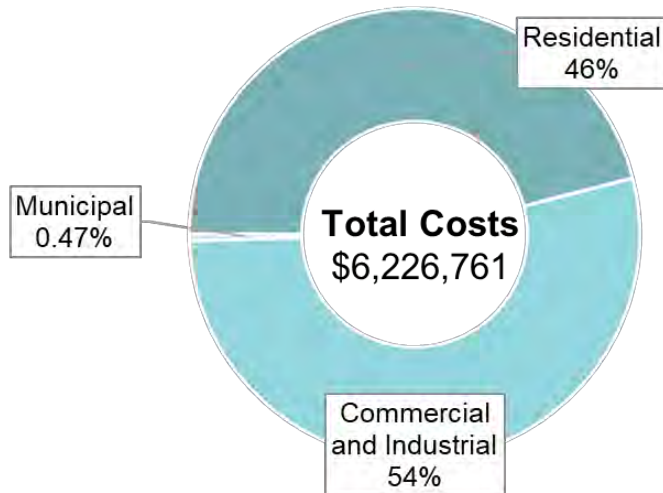


Table 1. Annual fuel costs by sector and fuel type, 2021–2023

Sector	Annual Electricity Costs	Annual Natural Gas Costs	Annual Cost per Premise
Residential	\$1,820,262	\$1,044,552	\$1,384
Commercial & Industrial	\$2,403,249	\$929,222	\$11,873
Municipal	\$22,055	\$7,421	\$1,734
Total	\$4,245,566	\$1,981,195	-

Energy burden is the percentage of income that a resident spends on energy bills. A high energy burden is defined as spending 6% or more of household income on energy costs, while a severe energy burden is 10% or greater of household income.² In Falcon Heights, the residents with the highest energy burden are those living in owner-occupied housing with incomes between 0–30% of area median income (AMI), with an estimated energy burden of 24% (Figure 7).³ Approximately **52** owner-occupied housing units fall within this category. Energy burden remains high for owner-occupied residents even as household income increases, until AMI is met. In renter-occupied housing, energy burden is highest for those with the lowest incomes but alleviated at higher rates of household income. *Figure 8* shows the distribution of households across these ranges of AMI, by owner status.

² ACEEE: *How High Are Household Energy Burdens? An Assessment of National and Metropolitan Energy Burdens across the U.S.* <https://www.aceee.org/research-report/u2006>

³ Energy burden data sourced from Department of Energy Low-Income Energy Affordability Data (LEAD) tool. <https://www.energy.gov/scep/slsc/lead-tool>

Figure 7. Average energy burden by owner status and median income

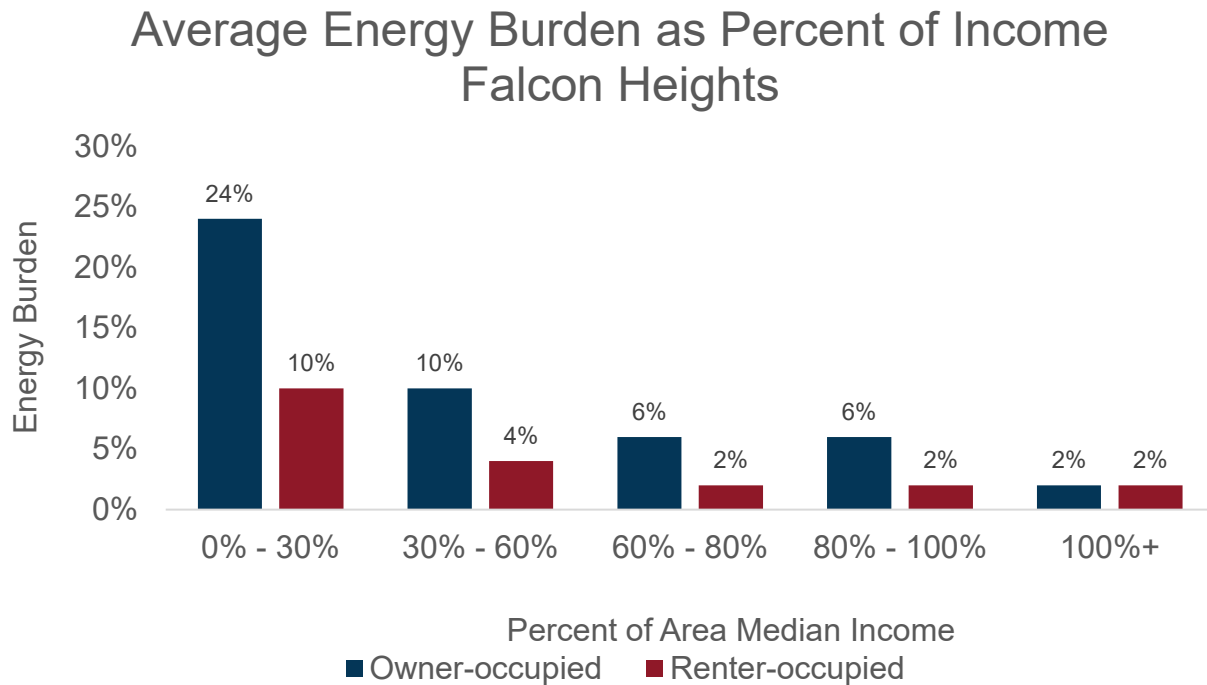
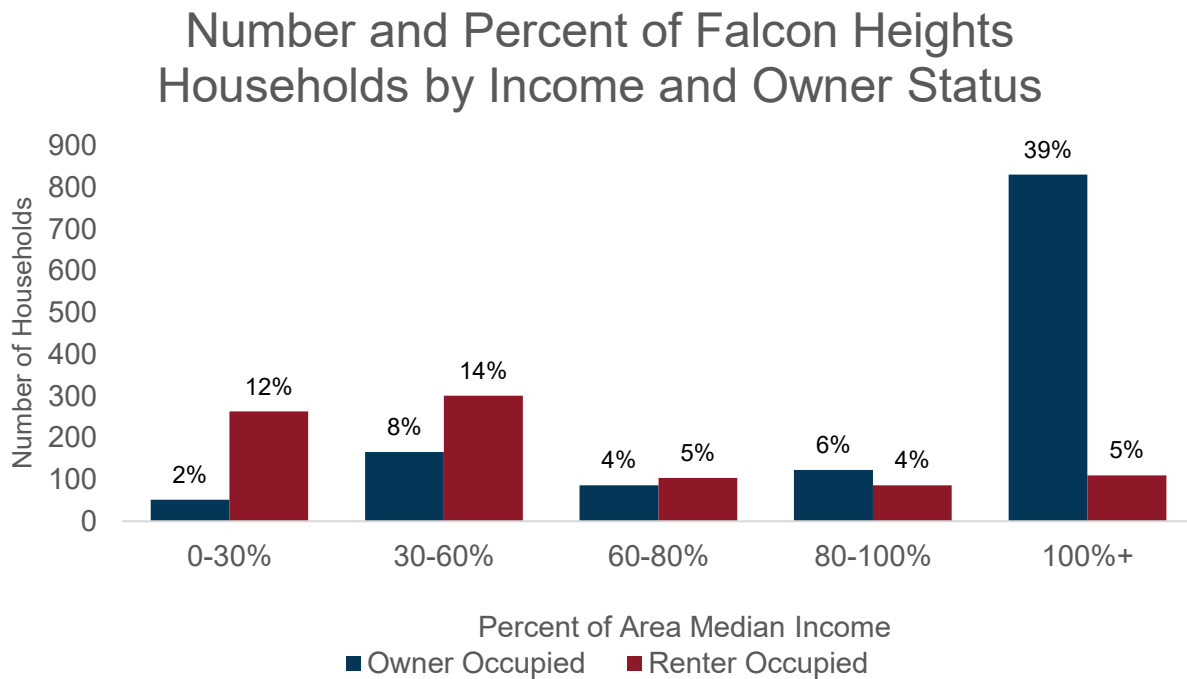


Figure 8. Household count and percent of total households by income and owner status in Falcon Heights



Greenhouse Gas Emissions

Greenhouse gas emissions are calculated for both electricity and natural gas consumption for all sectors in Falcon Heights (Figure 9). Energy-related greenhouse gas emissions in Falcon Heights in 2023 totaled to over 20,000 metric tons of carbon dioxide equivalent (MTCO_{2e}). In 2023, the commercial and industrial sector accounted for 52% of the total emissions, the residential sector made up about 47% of total emissions, and the municipal sector was responsible for the remaining nearly 1%.

Figure 9. Energy-related greenhouse gas emissions, 2021–2023

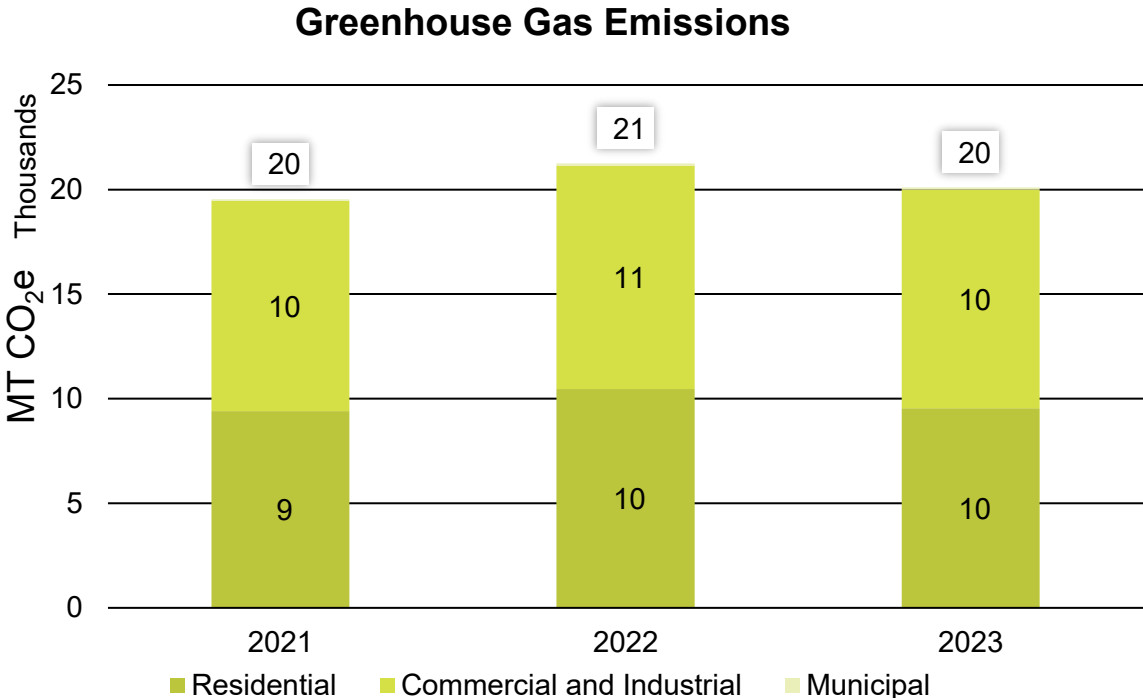
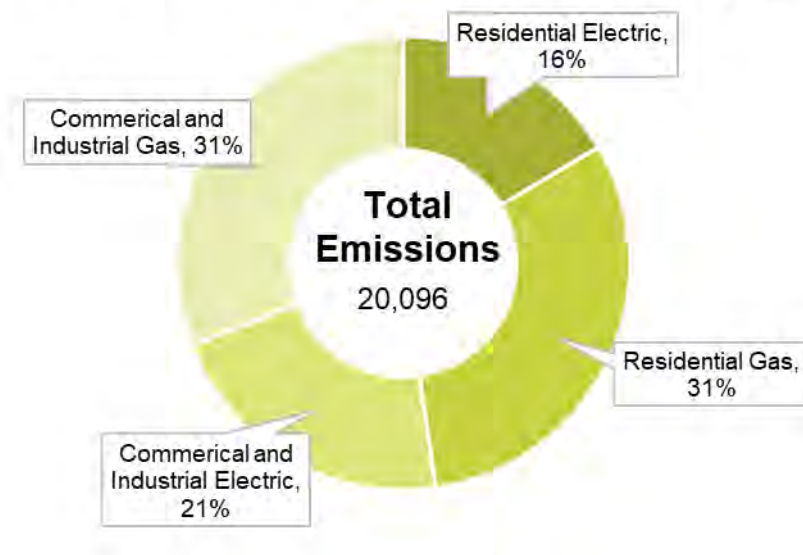


Figure 10 shows the breakdown of greenhouse gas emissions by both sector and fuel type in 2023. The largest proportion of greenhouse gas emissions (62%) came from natural gas consumption, with an even split between the commercial and industrial and residential sectors. The remaining energy-related emissions were from electricity emissions, where the commercial and industrial sector accounted for about 21% of community-wide electricity emissions and the residential sector accounted for 16%. As Xcel Energy decarbonizes its grid, the overall proportion of electricity emissions is expected to decrease over time, which will make natural gas emissions higher as a proportion of total energy-related emissions.

Figure 10. Energy-related greenhouse gas emissions by sector and fuel type, 2021–2023

2023 Greenhouse Gas Emissions (MTCO₂e)



Renewable Energy

Falcon Heights residents and businesses support renewable energy through Xcel Energy subscription programs, community solar gardens and on-site offerings (Table 2). In Falcon Heights, most renewable energy support comes from the residential sector, where 180 residents subscribe to Renewable*Connect and Renewable*Connect Flex amounting to a total of 818,449 kWh subscribed in 2022. Additionally, as of 2023, 36 residents have on-site solar and 25 residents participate in Solar*Rewards Community, which allows residents and businesses to subscribe to community solar gardens without needing equipment installed.

Table 2. Participation and kWh subscriptions in Xcel Energy renewable energy offerings, 2022 and 2023⁴

	Residential	Commercial & Industrial	Municipal
Renewable*Connect & Renewable*Connect Flex® (2022)			
Subscriber Count	180	0	0
Total Annual Electricity Subscribed (kWh)	818,449	0	0
Community Solar Gardens – Solar*Rewards® Community (2023)			
Subscriber Count	25	5	6
Total Annual Electricity Subscribed (kWh)	169,924	180,904	55,508
On-Site Solar – Solar*Rewards® and Net-Metering (2023)⁵			
Subscriber Count	44	8	-
Total Electricity Capacity (kW)	316	742	-

In addition to renewable energy support from residents, as of 2023, five commercial and industrial customers in Falcon Heights have on-site solar, one of those installations is on the City Hall building. Five commercial and industrial customers subscribe to Solar*Rewards Community along with six municipal subscribers.

Energy Efficiency Program Participation & Savings

Both residential and commercial and industrial premises in Falcon Heights are already participating in Xcel Energy’s efficiency offerings for which they can receive rebates for upgrading equipment, receiving a building audit or managing their demand through rate savings programs, among other opportunities. Participation in these programs results in energy savings for participants. In Falcon Heights, residents and businesses saved an annual average of 222,000 kWh of electricity per year over the three-year baseline period, and 39,000 therms of natural gas (Table 3).

⁴ 2023 metrics for Renewable*Connect and Renewable*Connect Flex program participation in Falcon Heights were not available at the time of energy action planning.

⁵ Source: Xcel Energy 2023 Community Energy Report for Falcon Heights

Table 3. Falcon Heights average program participation and savings by sector in Xcel Energy DSM offerings, 2021–2023

Program Sector	Average Annual Participation	Average Electricity Savings (kWh)	Average Natural Gas Savings (therms)
Residential	200	35,374	15,660
Income-Qualified	2	517	63
Commercial & Industrial	32	186,183	23,326
Total	233	222,074	39,049

Program participation in Falcon Heights occurs most in select Xcel Energy efficiency offerings for each sector. Residents participated in and saw the most energy savings from Residential Heating and Cooling, where residents receive rebates for upgrading to more efficient equipment (Table 4). In the income-qualified sector, residents are participating in Home Energy Savings Program and the low-income version of Home Energy Squad (Table 5). In the commercial and industrial sector, businesses are already participating in numerous programs, with the highest participation in HVAC+R Efficiency, the highest electricity savings from the Lighting Efficiency program and the greatest natural gas savings from Efficiency Controls (Table 6).

Table 4. Average program participation and savings in Xcel Energy residential DSM programs, 2021–2023

Residential Program	Average Annual Participants	Average Annual Electricity Savings (kWh)	Average Annual Natural Gas Savings (therms)
Home Energy Audit	18	-	-
Home Energy Squad	11	5,894	388
Insulation Rebate	7	1,515	2,524
Refrigerator Recycling	7	6,237	-
Residential Heating and Cooling	87	20,551	12,201
Residential Saver's Switch	22	24	-
Smart Thermostat	39	1,074	380

Table 5. Average program participation and savings in Xcel Energy income-qualified residential DSM programs, 2021–2023

Income-Qualified Program	Average Annual Participants	Average Annual Electricity Savings (kWh)	Average Annual Natural Gas Savings (therms)
Home Energy Savings Program	1	381	52
Low-Income Home Energy Squad	1	136	11

Table 6. Average program participation and savings in Xcel Energy commercial and industrial DSM programs, 2021–2023

Commercial & Industrial Program	Average Annual Participants	Average Annual Electricity Savings (kWh)	Average Annual Natural Gas Savings (therms)
Efficiency Controls	2	0	9,207
HVAC+R Efficiency	19	13,419	3,817
Lighting Efficiency	1	27,060	-
Multi-Family Building Efficiency	2	21,091	1,044
Small Business Lighting	1	4,428	0
Smart Thermostats for Business	5	1,294	257



WHERE WE ARE GOING

Energy Vision Statement

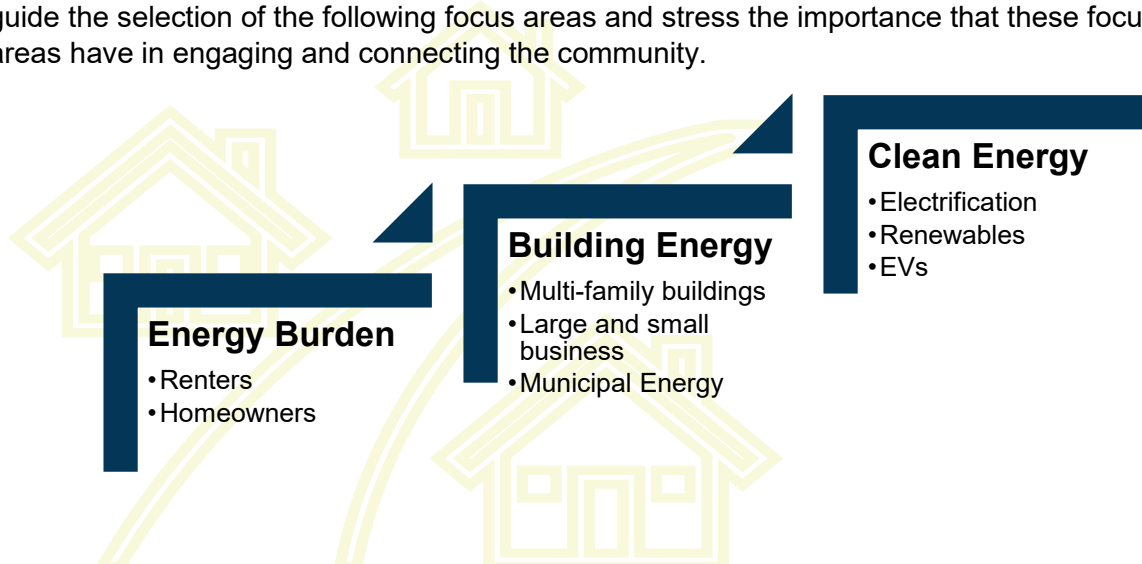
During the planning process, the Energy Action Team created a vision statement for this Energy Action Plan. This statement helped guide the planning process and reflects the intention of the community.

Vision Statement

Falcon Heights prioritizes energy strategies that lead to a sustainable and equitable future.

Focus Areas

To achieve a community-wide commitment to energy stewardship, the Energy Action Team identified the following focus areas to prioritize strategies and resources. They used the data to guide the selection of the following focus areas and stress the importance that these focus areas have in engaging and connecting the community.



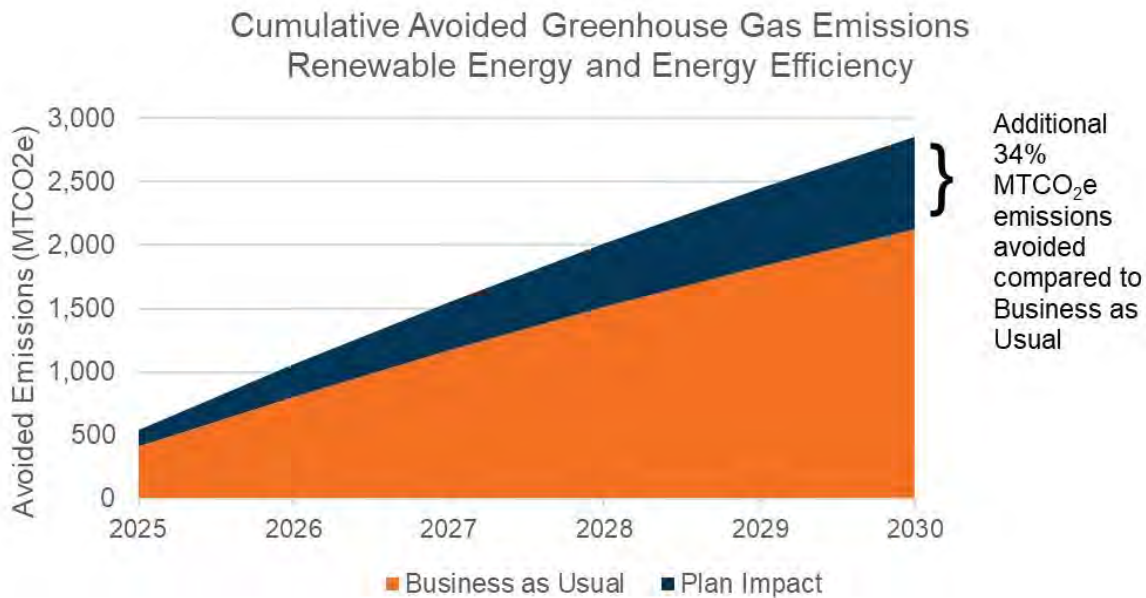
These focus areas were chosen to provide a holistic approach to energy stewardship and aid in meeting the community’s energy needs and goals.

Community Goal

The Energy Action Team set goals that complement the existing energy and climate goals using the utility data, a feel for the community’s ambition level and a feasible timeline.

Goal: Falcon Heights will increase energy savings by 50% and avoid an additional 34% of community-wide greenhouse gas emissions by 2030.

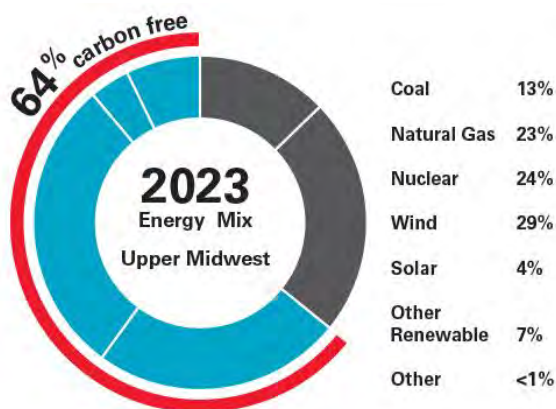
Figure 11. Cumulative Avoided Greenhouse Gas Emissions (Xcel Energy Data)

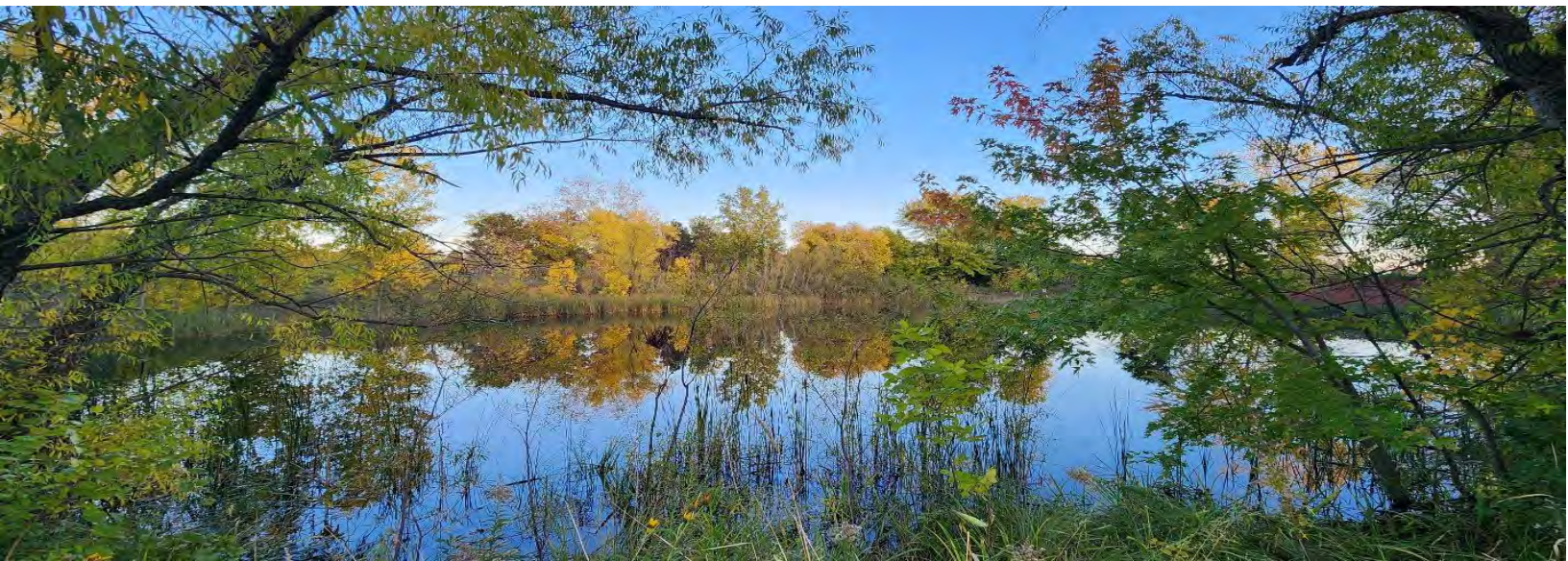


Xcel Energy Fuel Mix, Certified Renewable Percentage and Goals

Falcon Heights is served by Xcel Energy for the community’s electric and natural gas needs. Community members can understand their own fuel mix by understanding the utilities current mix and [goals for the future](#). An energy portfolio can be found on the [Xcel Energy website](#), as well as the [Certified Renewable Percentage](#) and [future energy goals](#).

Figure 12. Xcel Energy 2023 Power Generation in the Upper Midwest





HOW WE ARE GOING TO GET THERE

The following strategies, organized by focus area, have timelines that help prioritize the work into short, medium and long-term actions. The timeframes associated with these categories are meant to fit within the Partners in Energy implementation period for the program to best support these actions as Falcon Heights continues to implement this plan in subsequent years. The Energy Action Team also identified specific communication tools, financing options and community partners as a part of this plan. These potential partners and communication organizations have not yet agreed to be a part of this work but are mentioned in each strategy to be considered.

A Connected and Educated Community

Through these comprehensive high-level strategies, Falcon Heights will foster a more connected and more educated community. By addressing energy burdens, enhancing building efficiencies and embracing renewable energy, the city will create a sustainable and resilient environment for all its residents. United by a common goal, the people of Falcon Heights will not only improve their own lives but also set an inspiring example for communities everywhere.

Focus Area 1:

Alleviating Energy Burden on Homeowners and Renters

The City of Falcon Heights understands that energy costs can be a significant burden, especially for those with limited incomes and inefficient homes. The City will launch a series of strategic actions aimed at easing high energy burden and ensuring that all residents can afford to keep their homes warm and lights on.



Strategy 1: Conduct Energy Outreach in Schools

Falcon Heights Elementary School will be encouraged to integrate energy education into their curriculum, teaching students about conservation and efficiency. These young ambassadors can take their knowledge home, sharing energy-saving tips and resources with their families.

Actions:	Partnerships / Resources:
A) Identify school and teacher partnerships and work with those partners to understand classroom needs.	Teachers, School Board, City of Falcon Heights, Empowered Schools (see action 1D)
B) Develop materials and activities that support appropriate energy engagement according to school partners.	Partners in Energy, City of Falcon Heights, Xcel Energy student toolkit
C) Ask school library or other entities to host educational events regarding energy efficiency / conservation and renewable energy.	Elementary school library and University of Minnesota libraries
D) Encourage partnering with “EmPowered Schools” program to Neighboring School Districts	Empoweredschools.org, Falcon Heights Elementary School, Roseville School District
E) Utilize the Minnesota GreenStep School Program to show students that their school is leading the way in energy conservation and reducing environmental impacts.	MN GreenStep School Program: https://sites.google.com/umn.edu/mngreenstepschools/home , Falcon Heights Elementary School, City of Falcon Heights
Communication:	Direct communication with elementary school and City of Falcon Heights
Timeline:	1–6 months

Strategy 2: Develop Neighborhood Energy Liaisons

Local liaisons, equipped with energy knowledge, will play a crucial role in bridging the gap between resources and residents. These trusted neighborhood figures will provide personalized guidance on energy-saving practices and available support programs, focusing on equity and inclusion.

Actions:	Partnerships / Resources:
A) Call for community volunteers by the City.	Community Engagement Commission (CEC), Environment Commission, City of Falcon Heights
B) Provide Xcel Energy and supporting energy resources to the volunteers to share with their neighbors / associations.	Neighborhood Liaisons at CEC, Homeowner Associations, City of Falcon Heights, Partners in Energy
C) Develop resources for volunteers to share with neighbors (e.g., template emails, National Night Out activities, NextDoor posts, website content, etc.).	Neighborhood Liaisons at CEC, City of Falcon Heights, Partners in Energy, Falcon Heights GreenCorps Member
Communication:	City of Falcon Heights website / newsletter, handouts, emails, social media
Timeline:	1–6 months

Strategy 3: Increase Access to Renter Resources

To support renters, the City will promote access to various Xcel Energy programs and resources, including assistance programs for energy bills and weatherization services. The City will ensure that renters are well-informed and can easily access the help they need.

Actions:	Partnerships / Resources:
A) Provide renters with information about applicable energy rebates	Xcel Energy, City of Falcon Heights, resident groups, Multi-family building owners/managers, Falcon Heights GreenCorps Member
B) Raise awareness of assistance programs for those renters who are affected by a higher energy burden or lower-income household.	Xcel Energy, City of Falcon Heights, census data, resident advocacy groups, food shelves
Communication:	City of Falcon Heights direct to renter community
Timeline:	1–6 months

Strategy 4: Promote Home Energy Assessments

An emphasis on free home energy audits will empower residents to identify inefficiencies in their homes. Armed with this information, they will be able to take steps to reduce their energy consumption and costs. They may also become more aware of available rebates and other incentives.

Actions:	Partnerships / Resources:
A) Promote home energy assessments	Partners in Energy, City of Falcon Heights, Xcel Energy
B) Showcase residents who have had home energy assessments and made improvements in their home as a result.	City communications, Partners in Energy
Communication:	Events, CEC, Environment Commission, NextDoor website or other websites
Timeline:	6-12 months

Strategy 5: Provide Accessible Energy Communication

Developing clear and accessible communication channels will be vital. The City of Falcon Heights will establish partnerships with local media and/or community organizations to disseminate information about energy resources, ensuring that all residents are aware of the support available to them.

Actions:	Partnerships / Resources:
A) Create an Energy Action Hub on the City of Falcon Heights' website to disseminate information about energy resources.	Partners in Energy, City of Falcon Heights, Falcon Heights GreenCorps Member
B) Establish partnerships with community organizations and/or Falcon Heights specific publications to bring awareness to residents.	Park Bugle (nonprofit community newspaper), City of Falcon Heights, Falcon Heights Church
C) Include energy educational resources on the City of Falcon Heights email newsletter.	City of Falcon Heights
Communication:	City communications
Timeline:	1-6 months

Strategy 6: Highlight Energy Saving and Clean Energy Testimonials

Promoting positive experiences that residents have had with the home assessments and other energy projects could increase their demand. The City of Falcon Heights will encourage residents to share their testimonials and experiences publicly to inspire more residents and business owner to participate.

Actions:	Partnerships / Resources:
A) Showcase positive testimonials in the City's newsletter, blog and articles in local media.	Park Bugle, Partners in Energy, City of Falcon Heights
B) Postcard mail out campaign of testimonials from residents to other residents,	Partners in Energy, City of Falcon Heights
C) Postcard mail out campaign of testimonials from business owners to other businesses.	Partners in Energy, City of Falcon Heights
D) Share testimonials at St Paul Chamber of Commerce meetings.	Energy Action Team members, St Paul Chamber of Commerce, Environment Commission
Communication:	Post card mail outs, newsletters, emails, blogs, and presentation
Timeline:	6–12 months

Strategy 7: Develop and Sustain Partnerships that Support Community Energy Equity Goals

Developing relationships with key partners will help reach Falcon Heights energy and equity goals while helping community members thrive.

Actions:	Partnerships / Resources:
A) Connect with Commonwealth Terrace Cooperative (CTC) to Improve Living Conditions through energy projects for Student Housing	CTC, Xcel Energy, U of MN,
B) Form partnership with neighboring city councils to coordinate energy equity projects that are mutually beneficial	City of Falcon Heights, St. Paul, Roseville, Lauderdale
Communication:	Energy Action Team, City Communications
Timeline:	12-24 months

Focus Area 2:

Enhancing Energy Efficiencies in Buildings

Improving energy efficiency in buildings will be another cornerstone of Falcon Heights' strategy. The City's approach will combine regulatory measures, incentives, and outreach to create a culture of energy efficiency across all types of buildings.



Strategy 1: Support Energy Improvements

To encourage landlords to invest in energy efficient upgrades, the City will tie energy improvements in rental properties to deductions in rental license fees. This will make it financially beneficial for landlords to improve living conditions for tenants.

Actions:	Partnerships / Resources:
A) Create and promote City incentives and/or recognition for energy efficient multi-family buildings.	City of Falcon Heights, Partners in Energy
B) Review and revise City code to remove barriers to more energy efficient multi-family buildings.	City of Falcon Heights, Planning Commission, Environment Commission, City Council
C) Encourage multi-family buildings to periodically re-invest in energy efficient improvements that have a reasonable payback period.	City of Falcon Heights, City Council
D) Support incentives for retrofits and redevelopment of existing multi-family buildings to improve energy while respecting the historic integrity of buildings and communities.	City of Falcon Heights, City Council
Communication:	City communications
Timeline:	12–24 months

Strategy 2: Incentivize and Recognize Energy Efficiency Projects

The City of Falcon Heights will introduce creative motivations to motivate residents and businesses to reduce their energy consumption. E.g. Monthly drawings for gift cards, yard signs recognizing energy efficient homes and public acknowledgments

Actions:	Partnerships / Resources:
A) Be present at community events with resources and tips to encourage businesses and residents to reduce energy consumption.	City of Falcon Heights, Falcon Heights Elementary School, Senior Center, State Fair, Falcon Heights Farmers' Market
B) Request that homeowners who have made significant energy efficiency improvements temporarily display an energy conservation yard sign.	Partners in Energy, City of Falcon Heights
C) Publicly acknowledge homeowners and business owners in the City's email newsletter for energy conservation efforts.	Falcon Heights' Email Newsletter, Partners in Energy
Communication:	City website and e-newsletter, in-person community events
Timeline:	6-12 months

Strategy 3: Partner with the State Fair to Encourage Energy Projects

The annual State Fair can become a platform for promoting energy projects. Interactive exhibits and demonstrations could showcase innovative energy solutions, inspiring residents and visitors alike to adopt more sustainable practices.

Actions:	Partnerships / Resources:
A) Draft proposal to partner with State Fair to encourage joint energy projects.	Minnesota State Fair, City of Falcon Heights, Environment Commission
Communication:	City communications
Timeline:	6-12 months

Strategy 4: Encourage Efficient Electric Heating Technologies

To further enhance energy efficiency, Falcon Heights will encourage the adoption of electric heating options in buildings. Incentive programs and educational campaigns will highlight the long-term savings and environmental benefits of switching to cold climate heat pumps and heat pump rooftop units.

Actions:	Partnerships / Resources:
A) Create targeted outreach programs to educate business owners and owners of multi-family buildings about the benefits of electric heating options.	City of Falcon Heights, Partners in Energy, Falcon Heights GreenCorps Member
B) Host workshops and informational sessions to highlight benefits of adopting efficient electric heating technologies.	Owners/managers of multi-family buildings, City of Falcon Heights, Partners in Energy
C) Encourage building owners who have already installed air source heat pumps to share their success stories with other building owners through presentations, open houses and business networking events.	Owners/managers of multi-family buildings, City of Falcon Heights, Chamber of Commerce
D) Assist businesses and workforce to keep up to date on technological advances in building energy. Provide outreach to local businesses to assist in these educational efforts.	Owners/managers of multi-family buildings, City of Falcon Heights, Chamber of Commerce, Partners in Energy
E) Recommend energy improvements for rental properties during annual inspections. Provide an opportunity to educate building owners about energy improvements annually, giving updates on electrification technology and available incentives.	Owners/managers of multi-family buildings, City of Falcon Heights
Communication:	City communications, City e-newsletter
Timeline:	6–12 months

Strategy 5: Form Climate Action Partnership with the University of Minnesota

Partnering with the University of Minnesota could reduce carbon emissions. The City will seek collaboration with the University to reduce carbon in the atmosphere and add electric vehicle (EV) chargers.

Actions:	Partnerships / Resources:
A) Draft a proposal for collaboration between the City Council and the University of Minnesota and find a way forward.	City Council, University of Minnesota, Energy Action Team
B) Advocate for increasing EV charging infrastructure on and off campus.	University of Minnesota, Partners in Energy, EV toolkit, City of Falcon Heights
C) Encourage charging infrastructure on new developments and retrofits, especially multi-family buildings and businesses. Support the continued development of charging infrastructure for EVs.	University of Minnesota, Partners in Energy, EV toolkit, MF building owners/managers, City of Falcon Heights, Environment Commission, Planning Commission
Communication:	City communications to University of Minnesota
Timeline:	6-12 months

Strategy 6: Collaborate with Metro Transit

Work with Metro Transit to have electric buses on the Rapid Transit A Line and Route 121 to reduce GHG emissions. The City will make official requests and inquiries to Metro Transit to help make this possible.

Actions:	Partnerships / Resources:
A) Draft, send and follow up on a request to Metro Transit to have electric buses on routes.	City Council, Metro Transit, and Energy Action Team
Communication:	City communications to Metro Transit
Timeline:	12-24 months

Strategy 7: Reduce Costs of Home Energy Assessments for Residents

Create a program that would pay for residents to have complimentary or reduced cost home energy assessment visits. The City could eliminate any financial objection for residents.

Actions:	Partnerships / Resources:
A) Address economic barriers for residents who may be hard to reach or under-represented in the community and increase home energy assessment visits by promoting free visits.	Community Engagement Commission (CEC), Environment Commission, City of Falcon Heights
Communication:	City communications through CEC, City newsletter
Timeline:	6-12 months

Strategy 8: Showcase Existing Energy Projects in Homes and Businesses

Provide opportunities for tours of voluntary residents' homes or local businesses who have exemplary energy efficient integrations. These could also be showcased at a local energy fair. The City will encourage and support events like these to increase the adoption of energy efficient technologies.

Actions:	Partnerships / Resources:
A) Identify homes and businesses that have already undergone energy projects.	City of Falcon Heights, Partners in Energy
B) Recognize those who would wish to participate in open house tours and set up tour dates for groups to visit.	City of Falcon Heights, Resident volunteers
C) Host a local energy fair in Falcon Heights and encourage citizen and local business participation.	City of Falcon Heights, Partners in Energy, Business Partners
Communication:	City e-newsletter to residents
Timeline:	1–6 months

Focus Area 3:

Embracing Clean, Renewable Energy

In our quest for a sustainable future, Falcon Heights residents will also focus on clean, renewable energy. Our strategies will aim to make renewable energy accessible and practical for everyone in our community.



When a resident or business participates in an Xcel Energy renewable energy program, renewable energy credits (RECs) may be kept by the customer or delegated back to Xcel Energy depending on the program. To learn more about RECs and how they work, visit <https://mn.my.xcelenergy.com/s/renewable/renewable-energy-claims>

Strategy 1: Support a Group-Buy Solar Option

The City of Falcon Heights will support or organize a group-buy solar option, making it easier and more affordable for residents to install solar panels. By pooling their purchasing power, residents may access significant discounts on solar installations.

Actions:	Partnerships / Resources:
A) Contact and form a collaboration with Solar United Neighbors (SUN) to help residents and businesses bulk buy solar.	City of Falcon Heights, SUN
B) Pursue grants to assist with the installation of solar panels on homes and businesses. This financial support will make renewable energy a viable option for more residents, reducing the City's overall carbon footprint.	City of Falcon Heights
Communication:	City communications to SUN
Timeline:	12-24 months

Strategy 2: Solar Arrays on Future Buildings

The City will continue to lead by example, installing solar panels on future public buildings like what was done for City Hall as well as promote future buildings in the city to accommodate arrays where feasible.

Actions:	Partnerships / Resources:
A) Request proposals for solar installations on any future municipal buildings.	City of Falcon Heights
B) Partner with one or more solar installation companies to recommend to buildings in the City.	City of Falcon Heights and solar installation companies
C) Explore grants for installation of solar for businesses and buildings.	City of Falcon Heights, State and Federal grant programs
Communication:	City Staff to Solar Installation companies
Timeline:	12-24 months

Strategy 3: Promote Renewable Subscription and On-site Options for Residents

Existing Xcel Energy programs allow residents to install on-site as well as subscribe to renewable energy programs to support renewable energy. These programs can be especially helpful to renters and homeowners with shaded roofs families who cannot, or don't want to invest in on-site options.

Actions:	Partnerships / Resources:
A) Encourage subscription and on-site opportunities to residents during events and on the City website.	City of Falcon Heights, Partners in Energy, Xcel Energy
B) Share incentives for renewable energy options with renters though email and mailing campaigns.	Partners in Energy, Multi-family building owners/managers, resident groups
Communication:	City e-newsletter to residents, workshops, events, etc.
Timeline:	6-12 months

Strategy 4: Partner with the University of Minnesota to Encourage Renewable Energy

A partnership with the University will bring cutting-edge research and innovation to the community. Collaborative energy projects will benefit the City, providing new solutions and technologies to enhance sustainability.

Actions:	Partnerships / Resources:
A) Reach out to the University of Minnesota to form a collaboration centered on renewable energy technologies.	City of Falcon Heights, University of Minnesota, Partners in Energy
B) Partner with the University of Minnesota to help share incentives for renewable energy programs to multi-family building owners, residents and students.	University of Minnesota, Multi-family building owners/managers, Partners in Energy
Communication:	City communications to University of Minnesota
Timeline:	6-12 months

Strategy 5: Establish a Reliable Workforce in Renewable Energy Applications

Falcon Heights will establish support systems to help residents enter and access skilled workforce versed in current energy technologies that support the City's growing energy initiatives.

Actions:	Partnerships / Resources:
A) Host workshops to educate the community on renewable energy topics and resources while connecting professionals with residents and residents with training options.	Partners in Energy, Xcel Energy, public spaces/hosts, resident and business partners
B) Support and promote workforce opportunities in renewable energy industry	Xcel Energy, City of Falcon Heights, Partners in Energy, workforce partners
Communication:	City e-newsletter to residents, workshops, events
Timeline:	12-24 months

Energy Action Plan Impact

Achieving the energy efficiency and renewable energy targets laid out in this plan will result in increased energy efficiency program participation, greater electricity and natural gas savings, and an increase in avoided greenhouse gas emissions compared to a business as usual (BAU) scenario. Compared to the BAU scenario of 1,352 program participants between 2025 and 2030, the goal scenario projects an additional 384 participants in Xcel Energy DSM offerings over this time for a total of 1,736 participants (Table 7).

Table 7. Business as usual and goal scenario target participation in Xcel Energy DSM offerings, by sector, 2025–2030

Sector	Participation Count – Business as Usual	Participation Count – Goal Scenario	Plan Impact (Count)
Residential	1,164	1,524	360
Commercial & Industrial	188	211	24
Total	1,352	1,726	384

As a result of additional participation in Xcel Energy efficiency program offerings, residents and businesses will save energy. Electricity and natural gas savings can be compared by converting each fuel to the common denominator of million British thermal units (MMBtu). As a result of the energy action plan implementation, energy savings in Falcon Heights are modeled to increase by 52% in the goal scenario as compared to the BAU scenario (Table 8).

Table 8. Business as usual and goal scenario target first-year energy savings in Xcel Energy DSM offerings, by sector, 2025–2030

Sector	MMBtu Savings – Business as Usual	MMBtu Savings – Goal Scenario	Plan Impact (MMBtu Savings)
Residential	10,168	13,878	3,719
Commercial & Industrial	17,807	28,591	10,783
Total	27,975	42,469	14,493

These energy savings may translate into dollar savings for residents and businesses, which are estimated using sector-specific rates per kWh of electricity and per therm of natural gas. The projected increase in energy efficiency programs would result in an estimated 65% increase in dollar savings community-wide from first-year energy savings.

Table 9. Business as usual and goal scenario target dollar savings from first-year energy efficiency savings, by sector, 2025–2030

Sector	Dollar Savings – Business as Usual	Dollar Savings – Goal Scenario	Plan Impact (Dollar Savings)
Residential	\$92,256	\$126,290	\$34,034
Commercial & Industrial	\$179,622	\$321,424	\$141,803
Total	\$271,878	\$447,715	\$175,837

Taken together, this increase in program participation for energy efficiency offerings, as well as ongoing participation in renewable energy offerings, will result in a 34% increase in avoided greenhouse gas emissions community-wide compared to BAU (Table 10).

Table 10. Business as usual and goal scenario greenhouse gas emissions avoidance from energy efficiency and renewable energy program participation, by sector, 2025–2030

Sector	Greenhouse Gas Avoided – Business as Usual (MTCO _{2e})	Greenhouse Gas Avoided – Goal Scenario (MTCO _{2e})	Plan Impact (MTCO _{2e})
Residential	1,229	1,414	194
Commercial & Industrial	907	1,439	532
Total	2,126	2,853	726

Greenhouse Gas Community Goal Equivalencies

The greenhouse gas goal number equivalencies are equal to the following according to estimates from the EPA⁶:



1.1 Million Gallons of Gasoline Burned



1 Million Lbs. of Coal Burned



165 Thousand tree seedlings grown for 10 years

⁶ US EPA, OAR. *Greenhouse Gas Equivalencies Calculator*. 28 Aug. 2015, <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.



HOW WE STAY ON COURSE

This Energy Action Plan is a living document. Goals and strategies will be assessed and refined as needed based on data and community staff capacity.

Data and Reporting

Partners in Energy will provide biannual progress reports with metrics of success and overall progress toward goals for Xcel Energy rebates and programs. These reports will be available publicly and shared with both the community and Energy Action Team.

If available, ad hoc participation reports for specific Xcel Energy programs (e.g., Home Energy Squad) can be provided to measure success of campaigns and to determine if we need to change course.

Project Management and Tracking

Partners in Energy will host regular project management check-in calls with staff to ensure we stay on course to achieve our strategies.

If necessary, an implementation check-in meeting with the Energy Action Team can be convened to assess progress toward goals and discuss strategy refinement.

Energy Action Team Commitment

The Energy Action Team formed to create this plan will support implementation by participating in the strategies that they are passionate about and by connecting the City to networks and resources that they uniquely have access to.

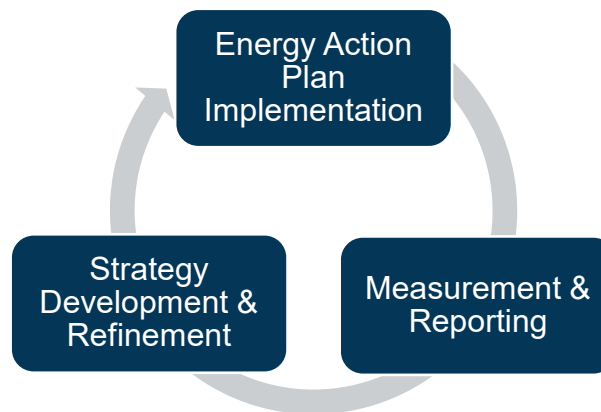
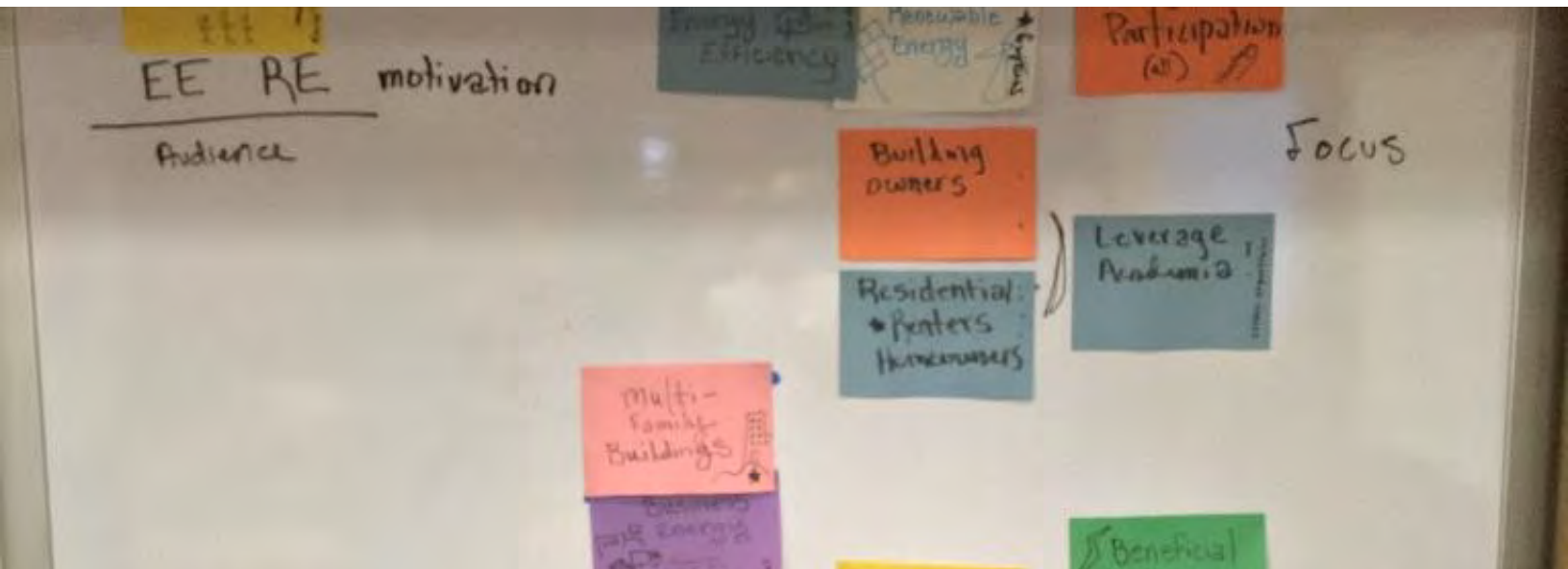


Figure 13. Actions and Tracking



APPENDIX A: IMPLEMENTATION WORK PLAN

This appendix gives additional detail for each strategy, including the implementation team and tasks, timeline, and goals. This appendix will serve as a work plan for the Energy Action Team and Partners in Energy.

Focus Area	Strategy	Action Items	2024		2025		2025		2026	
			Q4	Q1	Q2	Q3	Q4	Q1		
Alleviating energy burden for homeowners and renters	1) Conduct Energy Outreach in Schools	A Identify school and teacher partnerships and work with those partners to understand classroom needs								
		B Develop materials and activities that support appropriate energy engagement according to school partners								
		C Ask school library or other entities to host educational events regarding energy efficiency / conservation and renewable energy								
		D Encourage partnering with "EmPowered Schools" program to Neighboring School Districts								
		E Utilize the Minnesota GreenStep School Program to show students that their school is leading the way in energy conservation and reducing environmental impacts								
	2) Develop Neighborhood Energy Liaisons	A Call for community volunteers by the City								
		B Provide Xcel Energy and supporting energy resources to the volunteers to share with their neighbors / associations								
		C Develop resources for volunteers to share with neighbors (e.g., template emails, National Night Out activities, NextDoor posts, website content, etc.)								
	3) Increase Access to Renter Resources	A Provide renters with information about applicable energy rebates								
		B Raise awareness of assistance programs for those renters who are affected by a higher energy burden or lower-income household								
	4) Promote Home Energy Assessments	A Promote home energy assessments								
		B Showcase residents who have had home energy assessments and made improvements in their home as a result								
	5) Provide Accessible Energy Communication	A Create an Energy Action Hub on the City of Falcon Heights' website to disseminate information about energy resources								
		B Establish partnerships with community organizations and/or Falcon Heights specific publications to bring awareness to residents								
		C Include energy educational resources on the City of Falcon Heights email newsletter								
	6) Highlight Energy Saving and Clean Energy Testimonials	A Showcase positive testimonials in the City's newsletter, blog and articles in local media								
		B Postcard mail out campaign of testimonials from residents to other residents								
		D Postcard mail out campaign of testimonials from business owners to other businesses								
		D Share testimonials at St Paul Chamber of Commerce meetings								
	7) Develop and Sustain Partnerships that Support Community Energy Equity Goals	A Connect with Commonwealth Terrace Cooperative (CTC) to Improve Living Conditions through energy projects for Student Housing								
B Form partnership with neighboring city councils to coordinate energy equity projects that are mutually beneficial										

Enhancing Energy Efficiencies in Buildings	1) Support Energy Improvements	A	Create and promote City incentives and/or recognition for energy efficient multi-family buildings						
		B	Review and revise City code to remove barriers to more energy efficient multi-family buildings						
		C	Encourage multi-family buildings to periodically re-invest in energy efficient improvements that have a reasonable payback period						
		D	Support incentives for retrofits and redevelopment of existing multi-family buildings to improve energy while respecting the historic integrity of buildings and communities						
	2) Incentivize and Recognize Energy Efficiency Projects	A	Be present at community events with resources and tips to encourage businesses and residents to reduce energy consumption						
		B	Request that homeowners who have made significant energy efficiency improvements temporarily display an energy conservation yard sign						
		C	Publicly acknowledge homeowners and business owners in the City's email newsletter for energy conservation efforts						
	3) Partner with the State Fair to Encourage Energy	A	Draft proposal to partner with State Fair to encourage joint energy projects						
	4) Encourage Efficient Electric Heating Technologies	A	Create targeted outreach programs to educate business owners and owners of multi-family buildings about the benefits of electric heating options						
		B	Host workshops and informational sessions to highlight benefits of adopting efficient electric heating technologies						
		C	Encourage building owners who have already installed air source heat pumps to share their success stories with other building owners through presentations, open houses and business networking events						
		D	Assist businesses and workforce to keep up to date on technological advances in building energy. Provide outreach to local businesses to assist in these educational efforts						
		E	Recommend energy improvements for rental properties during annual inspections. Provide an opportunity to educate building owners about energy improvements annually, giving updates on electrification technology and available incentives						
	5) Form Climate Action Partnership with U of M	A	Draft a proposal for collaboration between the City Council and the University of Minnesota and find a way forward						
		B	Advocate for increasing EV charging infrastructure on and off campus						
		C	Encourage charging infrastructure on new developments and retrofits, especially multi-family buildings and businesses. Support the continued development of charging infrastructure for Evs						
6) Collaborate with Metro Transit	A	Draft, send and follow up on a request to Metro Transit to have electric buses on Route 121 and on the Rapid Transit A Line							
7) Reduce Costs of Home Energy Assessments for Residents	A	Address economic barriers for residents who may be hard to reach or under-represented in the community and increase home energy assessment visits by promoting free visits							
8) Showcase Existing Energy Projects in Homes and Businesses	A	Identify homes and businesses that have already undergone energy projects							
	B	Recognize those who would wish to participate in open house tours and set up tour dates for groups to visit							
	C	Host a local energy fair in Falcon Heights and encourage citizen and local business participation							
Embracing Clean, Renewable Energy	1) Support a Group-Buy Solar	A	Contact and form a collaboration with Solar United Neighbors (SUN) to help residents and businesses bulk buy solar						
		B	Pursue grants to assist with the installation of solar panels on homes and businesses. This financial support will make renewable energy a viable option for more residents, reducing the City's overall carbon footprint						
	2) Solar Arrays on Future Buildings	A	Request proposals for solar installations on future municipal buildings						
		B	Partner with one or more solar installation companies to recommend to buildings in the City						
		C	Explore grants for installation of onsite solar on businesses and buildings						
	3) Promote Renewable Subscription and On-site Options for Residents	A	Encourage subscription and on-site opportunities to residents during events and on the City website						
		B	Share incentives for renewable energy options with renters through email and mailing campaigns						
	4) Partner with the University of Minnesota to Encourage Renewable Energy	A	Reach out to the University of Minnesota to form a collaboration centered on renewable energy technologies						
		B	Partner with the University of Minnesota to help share incentives for renewable energy programs to multi-family building owners, residents and students						
	5) Establish a Reliable Workforce in Renewable Energy Applications	A	Host workshops to educate the community on renewable energy topics and resources while connecting professionals with residents and residents with training options						
B		Support and promote workforce opportunities in renewable energy industry							



APPENDIX B: BASELINE ENERGY ANALYSIS

Data were provided by Xcel Energy for all Falcon Heights premises for 2021–2023. Xcel Energy provides electric and natural gas service to the community. The data helped the Energy Action Team understand energy use and opportunities for energy conservation and renewable energy in Falcon Heights. Data included in this section establishes a baseline against which progress toward goals will be compared in the future.

Electricity and Natural Gas Premises

As of 2023, there were 2,413 distinct premises in Falcon Heights (Table 11). Most premises are residential (2,113), followed by commercial and industrial (283) and finally municipal buildings (17).

Table 11. Premise counts by sector, 2021–2023

Sector	2021	2022	2023	Average
Residential	1,985	2,113	2,113	2,070
Commercial & Industrial	280	279	283	281
Municipal	17	17	17	17
Total	2,282	2,409	2,413	2,368

Electricity and Natural Gas Consumption and Trends by Sector

In an average year, Falcon Heights consumes about 29 million kWh of electricity and 2.3 million therms of natural gas community-wide

Table 12). Total energy consumption increased by 8.4% over the baseline period, stemming from a 4.6% increase in electricity consumption and 10.2% increase in natural gas consumption over the baseline period.

Table 12. Annual energy consumption by sector and fuel type, 2021–2023

Fuel Type	Sector	2021	2022	2023	Average
Electricity (kWh)	Residential	12,936,232	13,060,714	12,989,092	12,995,346
	Commercial & Industrial	15,591,597	16,149,072	16,827,067	16,189,245
	Municipal	156,347	172,349	179,618	169,438
	Total	28,684,176	29,382,135	29,995,777	29,354,029
Natural Gas (therm)	Residential	1,076,235	1,287,519	1,177,128	1,180,294
	Commercial & Industrial	1,052,794	1,170,143	1,165,722	1,129,553
	Municipal	6,088	10,494	9,110	8,564
	Total	2,135,117	2,468,156	2,351,960	2,318,411
Total (MMBtu)	Residential	151,762	173,315	162,032	162,370
	Commercial & Industrial	158,478	172,115	173,986	168,193
	Municipal	1,142	1,637	1,524	1,434
	Total	311,382	347,067	337,542	331,997

Electricity and natural gas consumption often vary in accordance with weather patterns. Hotter summers indicate a greater need for cooling, which may correlate with increased electricity use for space cooling. The need for cooling is measured in cooling degree days (CDD). Colder winters indicate a higher need for heating, which may correlate with increased natural gas usage for space heating. The need for heating is measured in heating degree days (HDD). The coldest winter over the baseline period occurred in 2022, which correlated with the highest annual natural gas consumption in the community (Table 13).

Table 13. Degree days in Falcon Heights, 2021–2023

	2021	2022	2023
Cooling Degree Days	1,184	1,049	1,232
Heating Degree Days	6,678	7,812	6,565

Greenhouse Gas Emissions and Trends

In Falcon Heights, overall energy-related greenhouse gas emissions, as measured in metric tons of carbon dioxide equivalent (MTCO_{2e}), increased in 2023 compared to 2021 by about 3%

Table 14). To calculate energy-related emissions in Falcon Heights, preliminary and third-party verified emissions factors from Xcel Energy's Upper Midwest Fuel Mix were used, as well as a standard emissions factor for natural gas consumption (Table 15). As Xcel Energy completes third-party verification for its latest grid emissions factors, the emissions factors used to estimate greenhouse gas emissions may change slightly.

Table 14. Energy-related greenhouse gas emissions in MTCO_{2e} by sector and fuel type, 2021–2023

Fuel Type	Sector	2021	2022	2023	Average
Electricity emissions (MTCO_{2e})	Residential	3,703	3,626	3,299	3,543
	Commercial & Industrial	4,463	4,483	4,274	4,407
	Municipal	45	48	46	46
	Total	8,210	8,157	7,619	7,995
Natural Gas emissions (MTCO_{2e})	Residential	5,712	6,833	6,247	6,264
	Commercial & Industrial	5,587	6,210	6,187	5,995
	Municipal	32	56	48	45
	Total	11,331	13,099	12,482	12,304
Total Energy-Related Emissions (MTCO_{2e})	Residential	9,414	10,459	9,547	9,806
	Commercial & Industrial	10,050	10,693	10,461	10,401
	Municipal	77	104	94	92
	Total	19,541	21,255	20,101	20,299

Table 15. Emissions factors used to calculate energy-related greenhouse gas emissions, 2021–2023⁷

Fuel Type	2021	2022	2023
Electricity Emissions Factor (lbs/MWh)	631	612	560
Natural Gas Emissions Factor (MTCO _{2e} /Dth)	0.05307	0.05307	0.05307

⁷ Xcel Energy 2022. Carbon Dioxide Emission Intensities, <https://www.xcelenergy.com/staticfiles/xcel-responsive/Environment/Carbon/Carbon-Emission-Intensities-Info-Sheet.pdf>

Energy Costs

In an average year, all premises in Falcon Heights spent a collective total of \$6.2 million on fuel costs for both electricity and natural gas (Table 16). Falcon Heights residents accounted for 46% of the total spend in an average year (\$2.9 million), business customers made up more than half of the total at 53.5% (\$3.3 million), while the municipal sector made up the remaining 0.5% (\$30,000). Residential premises spent an annual average of \$1,384 per premise on fuel costs; commercial and industrial premises spent \$11,973 per premise; and municipal premises spent \$1,734 on average.

Table 16. Annual energy costs by sector and fuel type, 2021–2023

Fuel Type	Sector	2021	2022	2023	Average	Average Annual Cost Per Premise
Electricity	Residential	\$1,666,640	\$1,850,931	\$1,943,769	\$1,820,447	\$879
	Commercial & Industrial	\$1,942,398	\$2,569,858	\$2,697,491	\$2,403,249	\$8,634
	Municipal	\$18,354	\$23,584	\$24,226	\$22,055	\$1,297
	Total	\$3,627,392	\$4,444,373	\$4,665,486	\$4,245,750	-
Natural Gas	Residential	\$711,950	\$1,300,086	\$1,121,104	\$1,044,380	\$504
	Commercial & Industrial	\$607,201	\$1,131,086	\$1,049,379	\$929,222	\$3,339
	Municipal	\$3,451	\$9,968	\$8,843	\$7,421	\$437
	Total	\$1,322,602	\$2,441,140	\$2,179,326	\$1,981,023	-
Total	Residential	\$2,378,590	\$3,151,017	\$3,064,873	\$2,864,827	\$1,384
	Commercial & Industrial	\$2,549,599	\$3,700,944	\$3,746,870	\$3,332,471	\$11,973
	Municipal	\$21,805	\$33,552	\$33,069	\$29,475	\$1,734
Total		\$4,949,994	\$6,885,513	\$6,844,812	\$6,226,773	

Energy Burden

Energy burden is the percentage of income that residents spend on energy. In Falcon Heights, residents who own their homes and make 30% or less of the area median income (AMI) spend up to 24% of their household income on energy costs (Table 17). In the same AMI group, residents who rent their homes are estimated to spend up to 10% of their household income on energy costs. Energy burden is higher for residents in owner-occupied housing compared to renters in Falcon Heights.

Table 17. Energy burden by unity occupancy and area median income⁸

Percent of Area Median Income	Energy Burden		Household Count	
	Own	Rent	Own	Rent
0–30%	24%	10%	52	263
30–60%	10%	4%	166	301
60–80%	6%	2%	86	104
80–100%	6%	2%	123	86
100%+	2%	2%	831	110
Total	2%	1%	1,258	864

⁸ Source: Department of Energy Low-Income Energy Affordability Data Tool

Program Participation and Savings

Residents and businesses in Falcon Heights are already participating in energy efficiency offerings from Xcel Energy, which result in energy savings for residents and commercial customers. While fewer commercial and industrial premises participated in these programs during the baseline period, their participation resulted in larger overall savings per premise.

Over the baseline period, the residential sector saved an average of 35,374 kWh annually and 15,660 therms from 200 participants on average annually (Table 18). The income-qualified residential sector saved an average of 517 kWh and 63 therms from two participants on average.

Table 19). Finally, the commercial and industrial sector saved an average of 186,183 kWh and 23,326 therms from 32 participants on average (Table 20).

Table 18. Annual residential sector participation in and savings from Xcel Energy efficiency offerings, 2021–2023

Residential Program	2021			2022			2023		
	Count	Savings (kWh)	Savings (therms)	Count	Savings (kWh)	Savings (therms)	Count	Savings (kWh)	Savings (therms)
Home Energy Audit	5	0	0	19	0	0	29	0	0
Home Energy Squad	5	3258	318	10	6368	275	19	8056	571
HomeSmart	6	0	0	8	0	0	8	0	0
Insulation Rebate	10	1801	3384	4	474	1104	8	2269	3085
Refrigerator Recycling	15	12260	0	4	4305	0	3	2147	0
Residential HVAC	89	26492	11058	93	16619	13888	80	18543	11657
Residential Saver's Switch	21	24	0	43	45	0	3	3	0
Smart Thermostat	34	1674	920	36	598	165	47	950	55
Whole Home Efficiency	0	0	0	1	235	499	0	0	0
Total	185	45,509	15,680	218	28,644	15,931	197	31,968	15,368

Table 19. Annual income-qualified participation in and savings from Xcel Energy residential efficiency offerings, 2021–2023

Income-Qualified Residential Program	2021			2022			2023		
	Count	Savings (kWh)	Savings (therms)	Count	Savings (kWh)	Savings (therms)	Count	Savings (kWh)	Savings (therms)
Home Energy Savings Program	1	1,065	0	0	0	0	2	79	156
Low-Income Home Energy Squad	0	0	0	1	408	18	1	0	15
Multi-Family Energy Savings Program	0	0	0	0	0	0	0	0	0
Total	1	1,065	0	1	408	18	3	79	171

Table 20. Annual commercial and industrial program participation in and savings from Xcel Energy efficiency offerings, 2021–2023

Commercial & Industrial Program	2021			2022			2023		
	Count	Savings (kWh)	Savings (therms)	Count	Savings (kWh)	Savings (therms)	Count	Savings (kWh)	Savings (therms)
Custom Efficiency	0	0	0	0	0	0	1	0	8,430
Data Center Efficiency	0	0	0	0	0	0	0	0	0
Energy Design Assistance	0	0	0	1	356,667	17,820	0	0	0
HVAC+R Efficiency	2	1,761	142	6	0	6,741	49	38,496	4,568
Lighting Efficiency	2	76,608	0	1	682	0	1	3,891	0
Multi-Family Building Efficiency	5	63,274	3,133	0	0	0	1	0	0
Saver's Switch for Business	1	2	0	0	0	0	0	0	0
Small Business Lighting	2	8,181	0	0	0	0	1	5,104	0
Smart Thermostats for Business	6	1,933	385	10	1,950	385	0	0	0
Total	18	151,759	3,660	18	359,299	24946	53	47,491	12,998

Renewable Energy Support

There is existing support for renewable energy in Falcon Heights, with 241 residents, 10 commercial and industrial customers and 6 municipal buildings supporting renewable energy through either subscriptions or on-site solar (Table 21, Table 22). At the time of the planning process, 2023 Renewable*Connect and Renewable*Connect Flex data were not available.

Table 21. Xcel Energy renewable energy subscription program participation and electricity subscribed in Falcon Heights, 2022 and 2023

	Residential	Commercial & Industrial	Municipal
Renewable*Connect & Renewable*Connect Flex® (2022)			
Subscriber Count	180	0	0
Total Annual Electricity Subscribed (kWh)	818,449	0	0
Community Solar Gardens – Solar*Rewards® Community (2023)			
Subscriber Count	25	5	6
Total Annual Electricity Subscribed (kWh)	169,924	180,904	55,508
Total Xcel Energy Subscription Renewable Energy Support			
Subscriber Count	205	5	6
Total Annual Electricity Subscribed (kWh)	988,373	180,904	55,508

Table 22. Xcel Energy on-site solar program support in Falcon Heights, 2023

On-Site Solar – Solar*Rewards® and Net-Metering (2023)⁹	Residential	Commercial & Industrial
Subscriber Count	44	8
Total Electricity Capacity (kW)	316	742

⁹ Source: Xcel Energy 2023 Community Energy Report for Falcon Heights



APPENDIX C: METHODOLOGY FOR MEASURING SUCCESS

As part of implementation support, Partners in Energy will provide biannual progress reports for Xcel Energy participation and savings data for Falcon Heights. All goals will be measured against the Falcon Heights three-year baseline of 2021–2023 data unless otherwise noted.

The following section defines the three-year baseline against which progress is measured, including Xcel Energy programs included in the baseline.

Community-Wide Goal

Falcon Heights will increase energy savings by 52% and avoid an additional 34% of community-wide greenhouse gas emissions by 2030 through additional participation in energy efficiency programs and on-going renewable energy participation. This amounts to an additional 14,000 MMBtu of energy savings and 700 additional MTCO_{2e} of greenhouse gas emissions avoided.

Focus Area Goals

Alleviating Energy Burden on Homeowners and Renters: Residential Energy Efficiency

- Engage 248 residents annually in Xcel Energy’s energy efficiency programs.
- Save 2,292 MMBtu of energy annually, for a total of 13,751 MMBtu saved through residential energy efficiency program participation between 2025 and 2030.

This goal will be measured by comparing actual program participation against the business as usual (BAU) scenario. Total goal progress will be measured from January 2025 through December 2030. *Table 23* identifies annual program participation targets and total energy efficiency savings to meet this goal. These targets are based on current Xcel Energy programs and estimated savings. If Xcel Energy offers new programs for residents, these will be included in this calculation at the discretion of the City of Falcon Heights and Partners in Energy.

Table 23. Annual residential energy efficiency participation and total savings from select Xcel Energy offerings, 2025–2030

Program	Annual BAU Participation	Annual Participation Target	Total Participants, 2025–2030	Total Energy Savings, 2025–2030 (MMBtu)
Efficient New Home Construction	0	1	6	86
Home Energy Audit	18	23	136	-
Home Energy Squad	11	21	128	665
Insulation Rebate	7	12	74	2,599
Residential Heating and Cooling ¹⁰	87	112	674	9,957
Refrigerator Recycling	7	7	44	128
Residential Saver's Switch	22	22	134	0
Smart Thermostat	39	49	294	314

Alleviating Energy Burden on Homeowners and Renters: Income-Qualified Residential Energy Efficiency

- Engage 6 income-qualified residents annually in Xcel Energy energy efficiency programs.
- Save a total of 116 MMBtu through income-qualified residential energy efficiency program participation between 2025 and 2030.

This goal will be measured by comparing actual program participation against the BAU scenario. Total goal progress will be measured from January 2025 through December 2030. *Table 24* identifies annual program participation targets and total energy efficiency savings to meet this goal. These targets are based on current Xcel Energy income-qualified programs and estimated savings. If Xcel Energy offers new income-qualified programs for residents, these will

¹⁰ Xcel Energy filed a new Triennial DSM plan in 2021, which resulted in some programs being reorganized and renamed. The Residential HVAC group now includes Residential Cooling, Residential Heating, Residential Heating and Cooling, and Water Heater Rebate.

be included in this calculation at the discretion of the City of Falcon Heights and Partners in Energy.

Table 24. Annual income-qualified residential energy efficiency participation and total savings from select Xcel Energy offerings, 2025–2030

Program	Annual BAU Participation	Annual Participation Target	Total Participants, 2025–2030	Total Energy Savings, 2025–2030 (MMBtu)
Home Energy Savings Program	1	2	12	78
Low Income Home Energy Squad	1	3	16	38
Low Income Multi-family Building Efficiency	0	1	6	-

Enhancing Energy Efficiencies in Buildings: Business Energy Efficiency

- Engage 42 commercial & industrial customers annually in Xcel Energy energy-efficiency programs.
- Save 4,765 MMBtu annually for a total of 28,591 MMBtu saved through commercial & industrial energy efficiency program participation between 2025 and 2030.

This goal will be measured by comparing actual program participation against the BAU scenario. Total goal progress will be measured from January 2025 through December 2030.

Table 25 identifies annual program participation targets and total energy efficiency savings to meet this goal. These targets are based on current Xcel Energy commercial and industrial programs and estimated savings. If Xcel Energy offers new commercial and industrial programs for businesses, these will be included in this calculation at the discretion of the City of Falcon Heights and Partners in Energy.

Table 25. Annual commercial and industrial energy efficiency participation and total savings from select Xcel Energy offerings, 2025–2030¹¹

Program	Annual BAU Participation	Annual Participation Target	Total Participants, 2025–2030	Total Energy Savings, 2025–2030 (MMBtu)
Business Energy Assessments	0	1	6	4,816
Custom Efficiency	0	1	2	1,686
Energy Design Assistance	0	1	4	10,496
Efficiency Controls	2	2	10	5,524
HVAC+R Efficiency	19	23	138	3,105
Lighting Efficiency	1	3	20	1,385
Multi-Family Building Efficiency	2	2	12	1,058
Saver's Switch for Business	0	0	2	0
Small Business Lighting	1	3	18	272
Smart Thermostats for Business	5	7	44	248

Embracing Clean, Renewable Energy

- Retain residential participants in Xcel Energy’s renewable energy subscription programs, Renewable*Connect and Renewable*Connect Flex.
- Save 687 MTCO_{2e} of greenhouse gas emissions.

This focus area will be measured by comparing actual program participation in Renewable*Connect and Renewable*Connect Flex against the BAU scenario. No increase in participation was projected for this goal between January 2025 and December 2030.

Table 26 identifies the 2030 participation and kWh target to meet this goal. These targets are based on current participation and subscriptions to Renewable*Connect and Renewable*Connect Flex. If Xcel Energy offers renewable subscription programs for

¹¹ The sum of total Custom Efficiency and Energy Design Assistance participants does not add to the annual participation target over the goal period due to rounding.

residents, these will be included in this calculation at the discretion of the City of Falcon Heights and Partners in Energy.

Table 26. Annual renewable energy subscription participation and total GHG savings 2025–2030

Program	Baseline Residential Participants	Baseline kWh Subscribed	Target Residential Participants in 2030	Total Greenhouse Gas Emissions Saved, 2025–2030 (MTCO₂e)
Renewable*Connect Flex	189	733,692	189	646
Renewable*Connect¹²	14	46,650	14	41
Total	203	780,342	203	687

¹² As of 2024, Renewable*Connect is at capacity and not accepting new subscribers



APPENDIX D: XCEL ENERGY'S PARTNERS IN ENERGY PLANNING PROCESS

About Xcel Energy's Partners in Energy

Xcel Energy is an electric and natural gas utility that provides the energy that powers millions of homes and businesses across eight Western and Midwestern states. Each community Xcel Energy serves has its own unique priorities and vision for its energy future. The energy landscape is dynamically changing with communities leading the way in setting energy and sustainability goals. To continue to innovatively support their communities, Xcel Energy launched Partners in Energy in the summer of 2014 as a collaborative resource with tailored services to complement each community's vision. The program offerings include support to develop an energy action plan or electric vehicle plan, tools to help implement the plan and deliver results, and resources designed to help each community stay informed and achieve their outlined goals.

Plan Development Process

The content of this plan is derived from a series of planning workshops held in the community with a planning team committed to representing local energy priorities and implementing plan strategies.

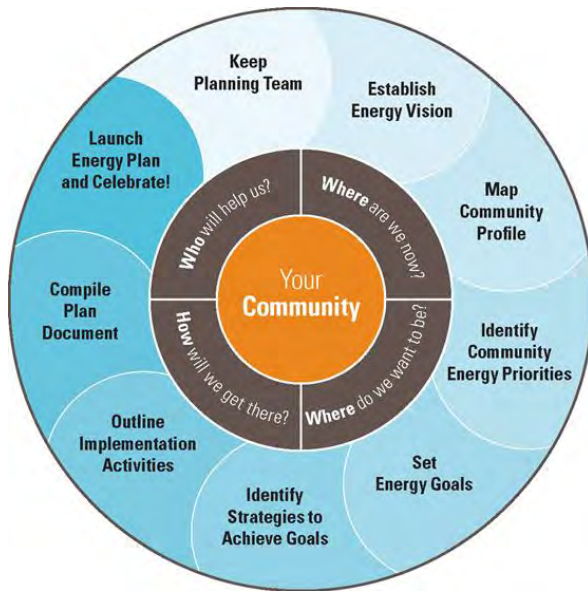
The planning process **began with an open house** at City Hall where the people came to give input into the plan's vision and strategy. The open house also served as a place for residents to ask questions about the Partners in Energy Program, Xcel Energy's goals, and what resources and support will be provided for the plan. There was also a community energy survey in English, Spanish, and Somali that launched at that time to seek similar input into the plan.

The Energy Action Team, made up of Environment Commission members, residents, and city staff, then met for a **workshop** to digest the community's input, survey responses, and look at the community's energy baseline data. They also shaped the vision and focus areas of the plan.

The team then met for a **virtual meeting** to hear about utility programs and more community energy survey results and review workshop outcomes.

A **second open house** set at the Falcon Heights Spring Together Event, showcased the community energy data, invited community input while engaging families, youth, and the business community.

Finally, the Energy Action Team came together for a **workshop** that rounded out the planning effort by bringing together a full picture of the community’s input, developed strategies, and discussed the implementation of the plan.



Partners in Energy Process for Success



Resources from Xcel Energy for Implementation

Focus Area	Strategy	Action Items	2024	2025	2025	2025	2025	2026
			Q4	Q1	Q2	Q3	Q4	Q1
Alleviating energy burden for homeowners and renters	1) Conduct Energy Outreach in Schools	A	Identify school and teacher partnerships and work with those partners to understand classroom needs.					
		B	Develop materials and activities that support appropriate energy engagement according to school partners					
		C	Ask school library or other entities to host educational events regarding energy efficiency / conservation and renewable energy					
		D	Encourage partnering with "EmPowered Schools" program to Neighboring School Districts					
		E	Utilize the Minnesota GreenStep School Program to show students that their school is leading the way in energy conservation and reducing environmental impacts					
	2) Develop Neighborhood Energy Liaisons	A	Call for community volunteers by the City					
		B	Provide Xcel Energy and supporting energy resources to the volunteers to share with their neighbors / associations					
		C	Develop resources for volunteers to share with neighbors (e.g., template emails, National Night Out activities, NextDoor posts, website content, etc.)					
	3) Increase Access to Renter Resources	A	Provide renters with information about applicable energy rebates					
		B	Raise awareness of assistance programs for those renters who are affected by a higher energy burden or lower-income household					
	4) Promote Home Energy Assessments	A	Promote home energy assessments					
		B	Showcase residents who have had home energy assessments and made improvements in their home as a result					
	5) Provide Accessible Energy Communication	A	Create an Energy Action Hub on the City of Falcon Heights' website to disseminate information about energy resources					
		B	Establish partnerships with community organizations and/or Falcon Heights specific publications to bring awareness to residents					
		C	Include energy educational resources on the City of Falcon Heights email newsletter					
	6) Highlight Energy Saving and Clean Energy Testimonials	A	Showcase positive testimonials in the City's newsletter, blog and articles in local media					
		B	Postcard mail out campaign of testimonials from residents to other residents					
		D	Postcard mail out campaign of testimonials from business owners to other businesses					
		D	Share testimonials at St Paul Chamber of Commerce meetings					
	7) Develop and Sustain Partnerships that Support Community Energy Equity Goals	A	Connect with Commonwealth Terrace Cooperative (CTC) to Improve Living Conditions through energy projects for Student Housing					
		B	Form partnership with neighboring city councils to coordinate energy equity projects that are mutually beneficial					
Enhancing Energy Efficiencies in Buildings	1) Support Energy Improvements	A	Create and promote City incentives and/or recognition for energy efficient multi-family buildings					
		B	Review and revise City code to remove barriers to more energy efficient multi-family buildings					
		C	Encourage multi-family buildings to periodically re-invest in energy efficient improvements that have a reasonable payback period					
		D	Support incentives for retrofits and redevelopment of existing multi-family buildings to improve energy while respecting the historic integrity of buildings and communities					
	2) Incentivize and Recognize Energy Efficiency Projects	A	Be present at community events with resources and tips to encourage businesses and residents to reduce energy consumption					
		B	Request that homeowners who have made significant energy efficiency improvements temporarily display an energy conservation yard sign					
		C	Publicly acknowledge homeowners and business owners in the City's email newsletter for energy conservation efforts					
	3) Partner with the State Fair to Encourage Energy	A	Draft proposal to partner with State Fair to encourage joint energy projects					
	4) Encourage Efficient Electric Heating Technologies	A	Create targeted outreach programs to educate business owners and owners of multi-family buildings about the benefits of electric heating options					
		B	Host workshops and informational sessions to highlight benefits of adopting efficient electric heating technologies					
		C	Encourage building owners who have already installed air source heat pumps to share their success stories with other building owners through presentations, open houses and business networking events					
		D	Assist businesses and workforce to keep up to date on technological advances in building energy. Provide outreach to local businesses to assist in these educational efforts					
		E	Recommend energy improvements for rental properties during annual inspections. Provide an opportunity to educate building owners about energy improvements annually, giving updates on electrification technology and available incentives					
	5) Form Climate Action Partnership with U of M	A	Draft a proposal for collaboration between the City Council and the University of Minnesota and find a way forward					
		B	Advocate for increasing EV charging infrastructure on and off campus					
		C	Encourage charging infrastructure on new developments and retrofits, especially multi-family buildings and businesses. Support the continued development of charging infrastructure for Evs					
	6) Collaborate with Metro Transit	A	Draft, send and follow up on a request to Metro Transit to have electric buses on Route 121 and on the Rapid Transit A Line					
	7) Reduce Costs of Home Energy Assessments for Residents	A	Address economic barriers for residents who may be hard to reach or under-represented in the community and increase home energy assessment visits by promoting free visits					
	8) Showcase Existing Energy Projects in Homes and Businesses	A	Identify homes and businesses that have already undergone energy projects					
		B	Recognize those who would wish to participate in open house tours and set up tour dates for groups to visit					
		C	Host a local energy fair in Falcon Heights and encourage citizen and local business participation					
Embracing Clean, Renewable Energy	1) Support a Group-Buy Solar	A	Contact and form a collaboration with Solar United Neighbors (SUN) to help residents and businesses bulk buy solar					
		B	Pursue grants to assist with the installation of solar panels on homes and businesses. This financial support will make renewable energy a viable option for more residents, reducing the City's overall carbon footprint					
	2) Solar Arrays on Future Buildings	A	Request proposals for solar installations on future municipal buildings					
		B	Partner with one or more solar installation companies to recommend to buildings in the City.					
		C	Explore grants for installation of onsite solar on businesses and buildings					
	3) Promote Renewable Subscription and On-site Options for Residents	A	Encourage subscription and on-site opportunities to residents during events and on the City website					
		B	Share incentives for renewable energy options with renters through email and mailing campaigns					
	4) Partner with the University of Minnesota to Encourage Renewable Energy	A	Reach out to the University of Minnesota to form a collaboration centered on renewable energy technologies					
		B	Partner with the University of Minnesota to help share incentives for renewable energy programs to multi-family building owners, residents and students					
	5) Establish a Reliable Workforce in Renewable Energy Applications	A	Host workshops to educate the community on renewable energy topics and resources while connecting professionals with residents and residents with training options					
B		Support and promote workforce opportunities in renewable energy industry						

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Meeting Date	October 2, 2024
Agenda Item	C2
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Adult-Use Cannabis Discussion
Description	<p>The Minnesota Office of Cannabis Management has issued a Guide for Local Governments on Adult-Use Cannabis and a model ordinance for zoning changes and registration with the new law around Minnesota’s new adult-use cannabis law.</p> <p>The City of Falcon Heights currently has a moratorium on permitting cannabis businesses until January 2025.</p> <p>How are local governments involved?</p> <ul style="list-style-type: none"> • Local governments serve as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government’s certification of zoning compliance and, if applicable, retail registration before operations may commence. • Local governments may issue a retail registration after verifying the business has a valid license or license preapproval issued by OCM and has paid a registration fee or renewal fee to the local government. • Local governments may not issue outright bans on cannabis businesses or limit operations in a manner beyond what is provided by state law. <p>What can local government do?</p> <ul style="list-style-type: none"> • Limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements within the City, as long as there is at least one retail location per 12,500 residents. (Can issue more permits than this, however) • Local governments may adopt an ordinance limiting hours of operation between 10 a.m. and 9 p.m. seven days a week, and that State statute prohibits the sale of cannabis between 2 a.m. and 8 a.m. Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays. • Local governments may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a daycare, residential

	<p>treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.</p> <ul style="list-style-type: none"> • Local governments may zone businesses under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business (see pg. 13-14 of attached local guide). The local government can determine if the use requires a Conditional Use Permit. • Local governments must conduct compliance checks for cannabis and hemp businesses holding retail registration at least once per calendar year. These checks must verify compliance with age verification procedures and compliance with any applicable local ordinances. <p>The Planning Commission held a workshop to discuss these businesses. They proposed B-3 (Snelling/Larpenteur Business District) may be the best zoning district, with the 1000' buffer from schools and 500' from daycares/residential treatment facilities/public park attractions. They also discussed having a cap at one business permitted in the City and limiting the hours of operation to 10 AM - 9 PM, 7 days/week.</p>
Budget Impact	None.
Attachment(s)	<ul style="list-style-type: none"> • A Guide for Local Governments on Adult-Use Cannabis • Lower-Potency Hemp Edibles & Adult-Use Cannabis - A Model Ordinance for Minnesota City Retailers • City of Falcon Heights Zoning Map • City of Falcon Heights - Zoning Map with Buffers from Schools, Playgrounds
Action(s) Requested	Staff requests City Council discuss and provide direction on adult-use cannabis business types in regard to zoning districts, potential buffers from schools, and number of businesses permitted.



MINNESOTA

OFFICE OF CANNABIS MANAGEMENT



A Guide for Local Governments on Adult-Use Cannabis



**Version 7P.2
June 25, 2024**

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Introduction

This guide serves as a general overview of **Minnesota’s new adult-use cannabis law**, and how **local governments** can expect to be involved. The guide also provides important information about Minnesota’s new Office of Cannabis Management (OCM), and the office’s structure, roles, and responsibilities. While medical cannabis continues to play an important role in the state’s cannabis environment, this guide is primarily focused on the adult-use cannabis law and marketplace.

The following pages outline the variety of cannabis business licenses that will be issued, provide a broad summary of important aspects of the adult-use cannabis law, and cover a wide range of expectations and authorities that relate to local governments. This guide also provides best practices and important requirements for developing a local cannabis ordinance.

Chapter 342 of Minnesota law was established by the State Legislature in 2023 and was updated in 2024. Mentions of “adult-use cannabis law” or “the law” throughout this guide refer to Chapter 342 and the changes made to it.

As of this guide’s date of publication, state regulations governing the adult-use cannabis market have not yet been published—**this document will be updated** when such regulations become effective.



This guide is not a substitute for legal advice, nor does it seek to provide legal advice. Local governments and municipal officials seeking legal advice should consult an attorney.

About OCM

Minnesota's **Office of Cannabis Management** is the state regulatory office created to oversee the implementation and regulation of the adult-use cannabis market, the medical cannabis market, and the consumer hemp industry. Housed within OCM are the **Division of Medical Cannabis** (effective July 1, 2024), which operates the medical cannabis program, and the **Division of Social Equity**, which promotes development, stability, and safety in communities that have experienced a disproportionate, negative impact from cannabis prohibition and usage.



OCM, through Chapter 342, is tasked with establishing rules and policy and exercising its regulatory authority over the Minnesota cannabis industry. In its duties, OCM is mandated to:

- Promote public health and welfare.
- Protect public safety.
- Eliminate the illicit market for cannabis flower and cannabis products.
- Meet the market demand for cannabis flower and cannabis products.
- Promote a craft industry for cannabis flower and cannabis products.
- Prioritize growth and recovery in communities that have experienced a disproportionate, negative impact from cannabis prohibition.

OCM governs the application and licensing process for cannabis and hemp businesses, specific requirements for each type of license and their respective business activities, and conducts enforcement and inspection activities across the Minnesota cannabis and hemp industries.

License Types

Minnesota law allows for **13** different types of business licenses, each fulfilling a unique role in the cannabis and hemp supply chain. In addition to license types below, OCM will also issue endorsements to license holders to engage in specific activities, including producing, manufacturing, and sale of medical cannabis for patients.

Microbusiness

Microbusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Microbusiness may also operate a single retail location.

Mezzobusiness

Mezzobusinesses may cultivate cannabis and manufacture cannabis products and hemp products, and package such products for sale to customers or another licensed cannabis business. Mezzobusiness may also operate up to three retail locations.

Cultivator

Cultivators may cultivate cannabis and package such cannabis for sale to another licensed cannabis business.

Manufacturer

Manufacturers may manufacture cannabis products and hemp products, and package such products for sale to a licensed cannabis retailer.

Retailer

Retailers may sell immature cannabis plants and seedlings, cannabis, cannabis products, hemp products, and other products authorized by law to customers and patients.

Wholesaler

Wholesalers may purchase and/or sell immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from another licensed cannabis business.

Wholesalers may also import hemp-derived consumer products and lower-potency hemp edibles.

License Types (continued)

Transporter

Transporters may transport immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products to licensed cannabis businesses.

Testing Facility

Testing facilities may obtain and test immature cannabis plants and seedlings, cannabis, cannabis products, and hemp products from licensed cannabis businesses.

Event Organizer

Event organizers may organize a temporary cannabis event lasting no more than four days.

Delivery Service

Delivery services may purchase cannabis, cannabis products, and hemp products from retailers or cannabis business with retail endorsements for transport and delivery to customers.

Medical Cannabis Combination Business

Medical cannabis combination businesses may cultivate cannabis and manufacture cannabis and hemp products, and package such products for sale to customers, patients, or another licensed cannabis business. Medical cannabis combination businesses may operate up to one retail location in each congressional district.

Lower-Potency Hemp Edible Manufacturer

Lower-potency hemp edible manufacturers may manufacture and package lower-potency hemp edibles for consumer sale, and sell hemp concentrate and lower-potency hemp edibles to other cannabis and hemp businesses.

Lower-Potency Hemp Edible Retailer

Lower-potency hemp edible retailers may sell lower-potency hemp edibles to customers.

Each license is subject to further restrictions on allowable activities. Maximum cultivation area and manufacturing allowances vary by license type. Allowable product purchase, transfer, and sale between licensees are subject to restrictions in the law.

The Adult-Use Cannabis Law

Minnesota's new adult-use cannabis law permits the personal use, possession, and transportation of cannabis by those 21 years of age and older, and allows licensed businesses to conduct cultivation, manufacturing, transport, delivery, and sale of cannabis and cannabis products.

For Individuals

- **Possession limits:**
 - Flower - 2 oz. in public, 2 lbs. in private residence
 - Concentrate - 8 g
 - Edibles (including lower-potency hemp) - 800 mg THC
- **Consumption** only allowed on private property or at licensed businesses with on-site consumption endorsements. Consumption not allowed in public.
- **Gifting** cannabis to another individual over 21 years old is allowed, subject to possession limits.
- **Home cultivation** is limited to four mature and four immature plants (eight total) in a single residence. Plants must be in an enclosed and locked space.
- **Home extraction** using volatile substances (e.g., butane, ethanol) is not allowed.
- **Unlicensed sales** are not allowed.



For Businesses

- **Advertising:**
 - May not include or appeal to those under 21 years old.
 - Must include proper warning statements.
 - May not include misleading claims or false statements.
 - Billboards are not allowed.
- The flow of all products through the supply chain must be tracked by the state-authorized **tracking system**.
- All products sold to consumers and patients must be **tested for contaminants**.
- **Home delivery** is allowed by licensed businesses.



The Cannabis Licensing Process

An applicant will take the following steps to proceed from application to active licensure. As described, processes vary depending on social equity status and/or whether the type of license being sought is capped or uncapped in the general licensing process.

License Preapproval: Early Mover Process for Social Equity Applicants

The license preapproval process is a one-time application process available for verified social equity applicants. State law requires OCM to open the application window on July 24, 2024, and close the window on August 12, 2024. The preapproval process is available for the following license types, and all are capped in this process: microbusiness, mezzobusiness, cultivator, retailer, wholesaler, transporter, testing facility, and delivery service.

Preapproval steps:

1. Applicant's social equity applicant (SEA) status verified.
2. Complete application and submit application fees.
3. Application vetted for minimum requirements by OCM.
4. Application (if qualified) entered into lottery drawing.
5. If selected in lottery, OCM completes background check of selected applicant and issues license preapproval.
6. Applicant with license preapproval* submits business location and amends application accordingly.
7. OCM forwards completed application to local government.
8. Local government completes certification of zoning compliance.
9. OCM conducts site inspection.
10. When regulations are adopted, license becomes active, operations may commence.

*For social equity applicants with license preapproval for microbusiness, mezzobusiness, or a cultivator license, they may begin growing cannabis plants prior to the adoption of rules if OCM receives approval from local governments in a form and manner determined by the office. This is only applicable to cultivation and does not authorize retail sales or other endorsed activities of the licenses prior to the adoption of rules.

The Cannabis Licensing Process (cont.)

The general licensing process will align with the adoption of rules and OCM will share more information about the timing of general licensing process. The general licensing process includes social equity applicants and non-social equity applicants.

General Licensing: Cultivator, Manufacturer, Retailer, Mezzobusiness

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. Application (if qualified) entered into lottery drawing.
4. If selected in lottery, OCM completes background check of selected applicant and issues preliminary approval.
5. Applicant with preliminary approval submits business location and amends application accordingly.
6. OCM forwards completed application to local government.
7. Local government completes certification of zoning compliance.
8. OCM conducts site inspection.
9. License becomes active, operations may commence.*

General Licensing: Microbusiness, Wholesaler, Transporter, Testing Facility, Event Organizer

1. Complete application and submit application fees.
2. Application vetted for minimum requirements by OCM.
3. For qualified applicants, OCM completes background check of vetted applicant and issues preliminary approval.
4. Selected applicant submits business location and amends application accordingly.
5. OCM forwards completed application to local government.
6. Local government completes certification of zoning compliance.
7. OCM conducts site inspection.
8. License becomes active, operations may commence.*

*For businesses seeking a retail endorsement (microbusiness, mezzobusiness, and retailer), a valid local retail registration is required prior to the business commencing any retail sales. See Page 16 for information on the local retail registration process.

General Authorities

Local governments in Minnesota have various means of oversight over the cannabis market, as provided by the adult-use cannabis law. Local governments may not issue outright bans on cannabis business, or limit operations in a manner beyond what is provided by state law.

Cannabis Retail Restrictions (342.13)

Local governments may limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality, as long as there is **at least one retail location per 12,500 residents**. Local units of government are not obligated to seek out a business to register as cannabis business if they have not been approached by any potential applicants, but cannot prohibit the establishment of a business if this population requirement is not met. Local units of government may also issue more than the minimum number of registrations. Per statutory direction, a municipal cannabis store (Page 19) cannot be included in the minimum number of registrations required. For population counts, the state demographer estimates will likely be utilized.

Tribal Governments (342.13)

OCM is prohibited from and will not issue state licenses to businesses in Indian Country without consent from a tribal nation. Tribal nations hold the authority to license tribal cannabis businesses on tribal lands – this process is separate than OCM’s licensing process and authority. Subject to compacting, Tribal nations may operate cannabis businesses off tribal lands. There will be more information available once the compacting processes are complete.

Taxes (295.81; 295.82)

Retail sales of taxable cannabis products are subject to the state and local sales and use tax and a 10% gross receipts tax. Cannabis gross receipts tax proceeds are allocated as follows: 20% to the local government cannabis aid account and 80% to the state general fund. Local taxes imposed solely on sale of cannabis products are prohibited.

Cannabis retailers will be subject to the same real property tax classification as all other retail businesses. Real property used for raising, cultivating, processing, or storing cannabis plants, cannabis flower, or cannabis products for sale will be classified as commercial and industrial property.

General Authorities (cont.)

Retail Timing Restrictions (342.13)

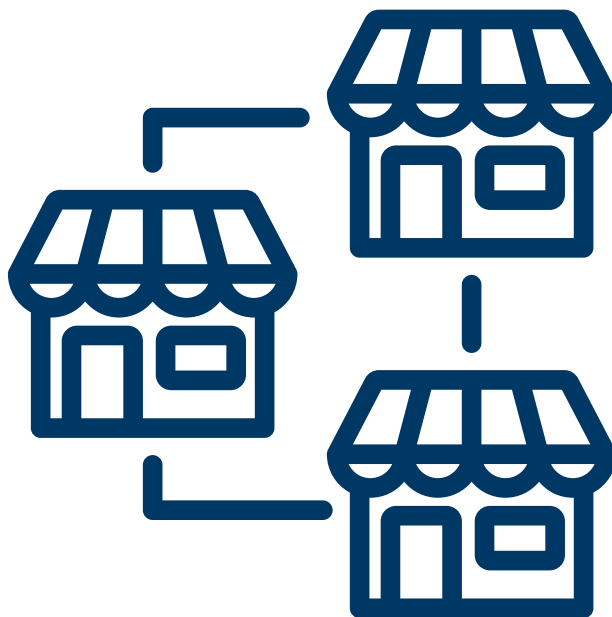
Local governments may prohibit retail sales of cannabis between the hours of 8 a.m. and 10 a.m. Monday-Saturday, and 9 p.m. and 2 a.m. the following day.

Operating Multiple Locations with One License

Certain cannabis licenses allow for multiple retail locations to be operated under a single license, with the following limitations:

- **Retailers:** up to five retail locations.
- **Mezzobusinesses:** up to three retail locations.
- **Microbusinesses:** up to one retail location.
- **Medical cannabis combination businesses:** one retail location per congressional district. Additionally, medical cannabis combination businesses may cultivate at more than one location within other limitations on cultivation.

For all other license types, one license permits the operation of one location. Each retail location requires local certification and/or registration.



Zoning and Land Use

Buffer Guidelines (342.13)

State law does not restrict how a local government conducts its zoning designations for cannabis businesses, except that they may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including playgrounds and athletic fields.

Zoning Guidelines

While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite, and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Industrial hemp is an agricultural product, and should be zoned as such.

Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business. Note that certain types of licenses may be able to perform multiple activities which may have different zoning analogues. In the same way municipalities may zone a microbrewery that predominately sells directly to onsite consumers differently than a microbrewery that sells packaged beer to retailers and restaurants, so too might a municipality wish to zone two microbusinesses based on the actual activities that each business is undertaking. Table 1, included on Pages 13 and 14, explains the types of activities that cannabis businesses might undertake, as well as, some recommended existing zoning categories.

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cultivation	Cultivator Mezzobusiness Microbusiness Medical Cannabis Combination	"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.	Indoor: Industrial, Commercial, Production Outdoor: Agricultural	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Cannabis Manufacturing, Processing, Extraction	Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This group of endorsed activities turn raw, dried cannabis and cannabis parts into other types of cannabis products, e.g. edibles or topicals.	Industrial, Commercial, Production	Odor Potential need for transportation from facility Waste, water, and energy usage Security
Hemp Manufacturing	Lower-Potency Hemp Edible (LPHE) Manufacturing	These business convert hemp into LPHE edible products.	Industrial, Commercial, Production	Odor Waste, water, and energy
Wholesale	Wholesale Cultivator Manufacturer Mezzobusiness Microbusiness Medical Cannabis Combination	This activity and license type allows a business to purchase from a business growing or manufacturing cannabis or cannabis products and sell to a cannabis business engaged in retail.	Industrial, Commercial, Production	Need for transportation from facility Security

Zoning and Land Use (cont.)

Table 1: Cannabis and Hemp Business Activities (continued)

Endorsed Activity	License Type Eligible to Do Endorsed Activity	Description of Activity	Comparable Districts	Municipal Considerations
Cannabis Retail	Retail Mezzobusiness Microbusiness Medical Cannabis Combination	This endorsed activity and license types allow a business to sell cannabis and cannabis products directly to consumers.	Retail, Neighborhood Shopping Districts, Light Industrial, Existing districts where off-sale liquor or tobacco sales are allowed.	Micros may offer onsite consumption, similar to breweries. Micros and Mezzos may include multiple activities: cultivation, manufacture, and/or retail.
Transportation	Cannabis Transporter	This license type allows a company to transport products from one license type to another.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Delivery	Cannabis Delivery	This license type allows for transportation to the end consumer.		Fleet based business that will own multiple vehicles, but not necessarily hold a substantial amount of cannabis or cannabis products.
Events	Event Organizer	This license entitles license holder to organizer a temporary event lasting no more than four days.	Anywhere that the city permits events to occur, subject to other restrictions related to cannabis use.	On site consumption. Retail sales by a licensed or endorsed retail business possible.

Local Approval Process

Local governments play a critical role in the licensing process, serving as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government's certification of zoning compliance and/or local retail registration before operations may commence.



Local Certification of Zoning Compliance (342.13; 342.14)

Following OCM's vetting process, local governments must **certify** that the applicant with preliminary approval has achieved **compliance with local zoning ordinances** prior to the licensee receiving final approval from OCM to commence operations.

During the application and licensing process for cannabis businesses, OCM will notify a local government when an applicant intends to operate within their jurisdiction and request a certification as to whether a proposed cannabis business complies with local zoning ordinances, and if applicable, whether the proposed business complies with state fire code and building code.

According to Minnesota's cannabis law, a local unit of government has 30 days to respond to this request for certification of compliance. If a local government does not respond to OCM's request for certification of compliance within the 30 days, the cannabis law allows OCM to issue a license. OCM may not issue the final approval for a license if the local government has indicated they are not in compliance.

OCM will work with local governments to access the licensing software system to complete this zoning certification process.

Local Approval Process (cont.)

Local Retail Registration Process (342.22)

Once the licensing process begins, local government registration applies to cannabis retailers or other cannabis/hemp businesses seeking a retail endorsement. Local governments must issue a retail registration after verifying that:

- The business has a valid license or license preapproval issued by OCM.
- The business has paid a registration fee or renewal fee to the local government;
 - Initial registration fees collected by a local government may be \$500 or half the amount of the applicable initial license fee, whichever is less, and renewal registration fees may be \$1,000 or half the amount of the applicable renewal license fee, whichever is less.
- The business is found to be in compliance with Chapter 342 and local ordinances.
- If applicable, the business is current on all property taxes and assessments for the proposed retail location.

Local registrations may also be issued by counties if the respective local government transfers such authorities to the county.

Determining a Process for Limiting Retail Registrations

If a local government wishes to place a limitation on the number of retailers and microbusiness/mezzobusinesses with retail endorsements allowed within their locality (as long as there is at least one retail location per 12,500 residents, see Page 10), state law does not define the process for a local government's selection if there are more applicants than registrations available. A few options for this process include the use of a lottery, a first-come/first-serve model, a rolling basis, and others. Local governments should work with an attorney to determine their specific process for selection if they wish to limit the number of licensed cannabis retailers per 342.13. Local governments are not required to limit the number of licensed cannabis retailers.

Local Approval Process (cont.)

Local governments are permitted specific authorities for registration refusal and registration suspension, in addition to—and not in conflict with—OCM authorities.

Registration and Renewal Refusals

Local governments may refuse the registration and/or certification of a license renewal if the license is associated with an individual or business who no longer holds a valid license, has failed to pay the local registration or renewal fee, or has been found in noncompliance in connection with a preliminary or renewal compliance check.



Local Registration Suspension (342.22)

Local governments may suspend the local retail registration of a cannabis business or hemp business if the business is determined to not be operating in compliance with a local ordinance authorized by 342.13 or if the operation of the business poses an immediate threat to the health and safety of the public. The local government must immediately notify OCM of the suspension if it occurs. OCM will review the suspension and may reinstate the registration or take enforcement action.

Expedited Complaint Process (342.13)

Per state law, OCM will establish an expedited complaint process during the rulemaking process to receive, review, read, and respond to complaints made by a local unit of government about a cannabis business. Upon promulgation of rules, OCM will publish the complaint process.

At a minimum, the expedited complaint process shall require the office to provide an initial response to the complaint within seven days and perform any necessary inspections within 30 days. Within this process, if a local government notifies OCM that a cannabis business poses an immediate threat to the health or safety of the public, the office must respond within one business day.

Inspections & Compliance Checks

Local governments are permitted specific business inspection and compliance check authorities, in addition to—and not in conflict with—OCM authorities.

Inspections and Compliance Checks (342.22)

Local governments must conduct **compliance checks** for cannabis and hemp businesses holding retail registration **at least once per calendar year**. These compliance checks must verify compliance with age verification procedures and compliance with any applicable local ordinance established pursuant to 342.13. OCM maintains inspection authorities for all cannabis licenses to verify compliance with operation requirements, product limits, and other applicable requirements of Chapter 342.



Municipal Cannabis Stores

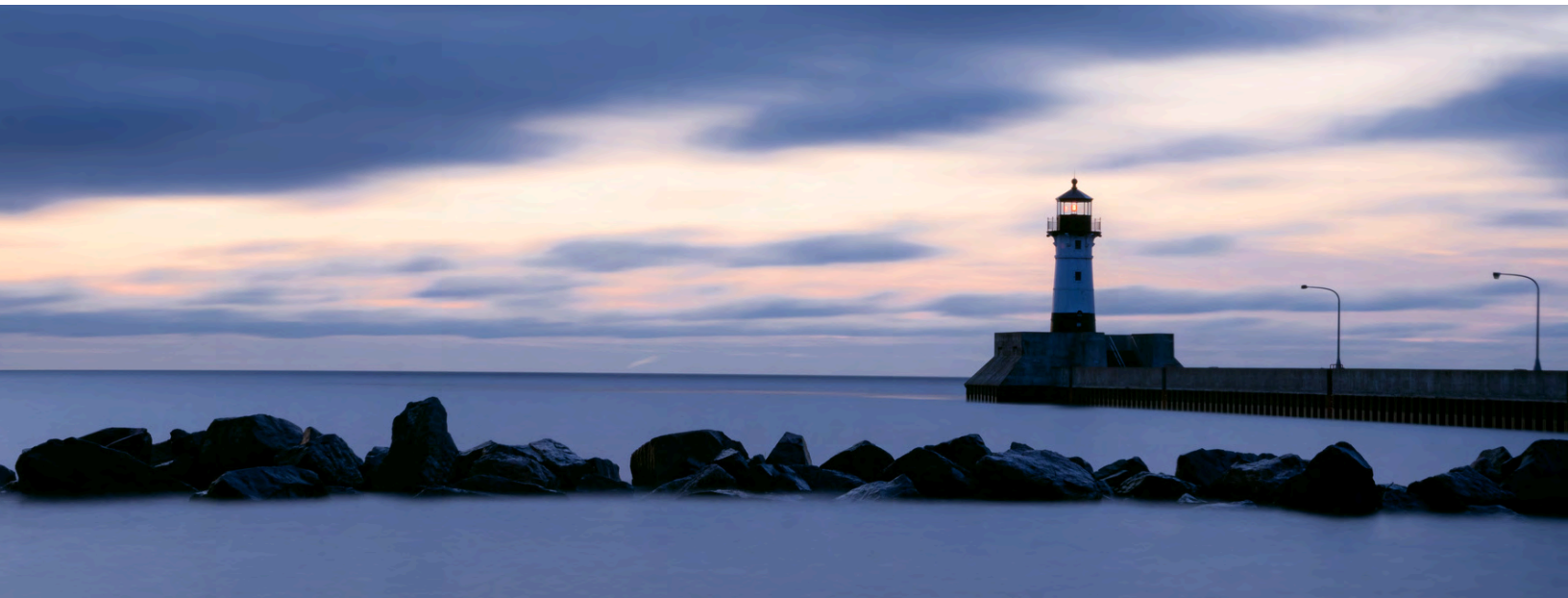
As authorized in Chapter 342.32, local governments are permitted to apply for a cannabis retail license to establish and operate a municipal cannabis store.

State law requires OCM issue a license to a city or county seeking to operate a single municipal cannabis store if the city or county:

- Submits required application information to OCM,
- Meets minimum requirements for licensure, and
- Pays applicable application and license fee.

A municipal cannabis store will not be included in the total count of retail licenses issued by the state under Chapter 342.

A municipal cannabis store cannot be counted as retail registration for purposes of determining whether a municipality's cap on retail registrations imposed by ordinance.



Creating Your Local Ordinance

As authorized in 342.13, a local government may adopt a local ordinance regarding cannabis businesses. Establishing local governments' ordinances on cannabis businesses in a timely manner is critical for the ability for local cities or towns to establish local control as described in the law, and is necessary for the success of the statewide industry and the ability of local governments to protect public health and safety. The cannabis market's potential to create jobs, generate revenue, and contribute to economic development at the local and state level is supported through local ordinance work. The issuance of local certifications and registrations to prospective cannabis businesses is also dependent on local ordinances.

- Local governments may not prohibit the possession, transportation, or use of cannabis, or the establishment or operation of a cannabis business licensed under state law.
- Local governments may adopt reasonable restrictions on the time, place, and manner of cannabis business operations (see Page 11).
- Local governments may adopt interim ordinances to protect public safety and welfare, as any studies and/or further considerations on local cannabis activities are being conducted, until January 1, 2025. A public hearing must be held prior to adoption of an interim ordinance.
- If your local government wishes to operate a municipal cannabis store, the establishment and operation of such a facility must be considered in a local ordinance.



Model Ordinance

For additional guidance regarding the creation of a cannabis related ordinance, please reference the addendum in this packet.

Additional Resources

OCM Toolkit for Local Partners

Please visit OCM webpage (mn.gov/ocm/local-governments/) for additional information, including a toolkit of resources developed specifically for local government partners. The webpage will be updated as additional information becomes available and as state regulations are adopted.

These resources are also included in the addendum of this packet.

Toolkit resources include:

- Appendix A: Model Ordinance
- Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist
- Appendix C: Enforcement Notice from the Office of Cannabis Management
- Appendix D: Notice to Unlawful Cannabis Sellers

Local Organizations

There are several organizations who also have developed resources to support local governments regarding the cannabis industry. Please feel free to contact the following for additional resources:

- League of Minnesota Cities
- Association of Minnesota Counties
- Minnesota Public Health Law Center

Appendix A: Model Ordinance

Cannabis Model Ordinance

The following model ordinance is meant to be used as a resource for cities, counties, and townships within Minnesota. The italicized text in red is meant to provide commentary and notes to jurisdictions considering using this ordinance and should be removed from any ordinance formally adopted by said jurisdiction. Certain items are not required to be included in the adopted ordinance: 'OR' and (optional) are placed throughout for areas where a jurisdiction may want to consider one or more choices on language.

Section 1	Administration
Section 2	Registration of Cannabis Business
Section 3	Requirements for a Cannabis Business (Time, Place, Manner)
Section 4	Temporary Cannabis Events
Section 5	Lower Potency Hemp Edibles
Section 6	Local Government as a Retailer
Section 7	Use of Cannabis in Public

AN ORDINANCE OF THE (CITY/COUNTY OF _____) TO REGULATE CANNABIS BUSINESSES

The (city council/town board/county board) of (city/town/county) hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

(insert local authority) makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes (insert local authority) to protect the public health, safety, welfare of (insert local here) residents by regulating cannabis businesses within the legal boundaries of (insert local here).

(insert local authority) finds and concludes that the proposed provisions are appropriate and lawful land use regulations for (insert local here), that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

A county can adopt an ordinance that applies to unincorporated areas and cities that have delegated authority to impose local zoning controls.

(insert local authority) has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of

a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of (insert local here).

(Optional) (insert city here) has delegated cannabis retail registration authority to (insert county here). However, (insert city here) may adopt ordinances under Sections (2.6, 3 and 4) if (insert county here) has not adopted conflicting provisions.

1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.4 Enforcement

The elected body of a jurisdiction can choose to designate an official to administer and enforce this ordinance.

The (insert name of local government or designated official) is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.

4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the (insert local here) to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

A city or town can delegate authority for registration to the County. A city or town can still adopt specific requirement regarding zoning, buffers, and use in public places, provided said requirements are not in conflict with an ordinance adopted under the delegated authority granted to the County.

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within (insert local here) without first registering with (insert local here).

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of (up to \$2,000) for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

A jurisdiction can choose to conduct a preliminary compliance check prior to issuance of retail registration.

Prior to issuance of a cannabis retail business registration, (insert local here) (shall/shall not) conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, (insert local here) shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

2.3 Registration & Application Procedure

2.3.1 Fees.

(insert local here) shall not charge an application fee.

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by (insert local here) shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2 Application Submittal.

The (insert local here) shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.
- v. (Insert additional standards here)

(B) The applicant shall include with the form:

- i. the application fee as required in [Section 2.3.1];
 - ii. a copy of a valid state license or written notice of OCM license preapproval;
 - iii. (Insert additional standards here)
- (C) Once an application is considered complete, the (insert local government designee) shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

- (A) (Optional) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.
- (B) A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.
- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The (insert local here) shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this/these [chapter/section/ordinances].

The (insert local here) shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 Location Change

A jurisdiction may decide to treat location changes as a new registration, or alternatively treat a location change as allowable subject to compliance with the rest of the registration process.

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of (insert local here).

or

If a state-licensed cannabis retail business seeks to move to a new location still within the legal boundaries of (insert local here), it shall notify (insert local here) of the proposed location change, and submit necessary information to meet all the criteria in this paragraph.

2.4 Renewal of Registration

The (insert local here) shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by (insert local here).

A cannabis retail registration issued under this ordinance shall not be transferred.

2.4.1 Renewal Fees.

The (insert local here) may charge a renewal fee for the registration starting at the second renewal, as established in (insert local here)'s fee schedule.

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.
- Insert additional items here

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

The (insert local here) may suspend a cannabis retail business's registration if it violates the ordinance of (insert local here) or poses an immediate threat to the health or safety of the public. The (insert local here) shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

The (insert local here) shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide (insert local here) and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

A jurisdiction can wait for a determination from the OCM before reinstating a registration.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The (insert local here) may reinstate a registration if it determines that the violations have been resolved.

The (insert local here) shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the (insert local here) may impose a civil penalty, as specified in the (insert local here)'s Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. The jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within (insert local legal boundaries here).

(Optional) If (insert county here) has one active cannabis retail businesses registration for every 12,500 residents, the (insert local here) shall not be required to register additional state-licensed cannabis retail businesses.

(Optional) The (insert local here) shall limit the number of cannabis retail businesses to (insert number <= minimum required).

Section 3. Requirements for Cannabis Businesses

State Statutes note that jurisdictions may “adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business.” A jurisdiction considering other siting requirements (such as a buffer between cannabis businesses, or a buffer from churches) should consider whether there is a basis to adopt such restrictions.

3.1 Minimum Buffer Requirements

A jurisdiction can adopt buffer requirements that prohibit the operation of a cannabis business within a certain distance of schools, daycares, residential treatment facilities, or from an attraction within a public park that is regularly used by minors, including a playground or athletic field. Buffer requirements are optional. A jurisdiction cannot adopt larger buffer requirements than the requirements here in Section 3.1. A jurisdiction should use a measuring system consistent with the rest of its ordinances, e.g. from lot line or center point of lot.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-1,000] feet of a school.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a day care.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of a residential treatment facility.

(Optional) The (insert local here) shall prohibit the operation of a cannabis business within [0-500] feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

(Optional) The (insert local here) shall prohibit the operation of a cannabis retail business within [X] feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

3.2 Zoning and Land Use

For jurisdictions with zoning, said jurisdiction can limit what zone(s) Cannabis businesses can operate in. As with other uses in a Zoning Ordinance, a jurisdiction can also determine if such use requires a Conditional or Interim Use permit. A jurisdiction cannot outright prohibit a cannabis business. A jurisdiction should amend their Zoning Ordinance and list what zone(s) Cannabis businesses are permitted in, and whether they are permitted, conditional, or interim uses. While each locality conducts its zoning differently, a few themes have emerged across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.

3.2.1. Cultivation.

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Manufacturer.

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Hemp Manufacturer.

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Wholesale.

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Retail.

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Transportation.

Cannabis businesses licensed or endorsed for transportation are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.2.1. Cannabis Delivery.

Cannabis businesses licensed or endorsed for delivery are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

3.3 Hours of Operation

A jurisdiction may adopt an ordinance limiting hours of operation between 10 a.m. and 9 p.m., seven days a week, and that State statute prohibits the sale of cannabis between 2 a.m. and 8 a.m., Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays.

(Optional) Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of (insert time here) and (insert time here).

3.4 (Optional) Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by (insert local here)'s sign ordinances.

Section 4. Temporary Cannabis Events

Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event.

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.

A license or permit is required to be issued and approved by (insert local here) prior to holding a Temporary Cannabis Event.

4.1.2 Registration & Application Procedure

A registration fee, as established in (insert local here)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.1.3 Application Submittal & Review.

The (insert local here) shall require an application for Temporary Cannabis Events.

- (A) An applicant for a retail registration shall fill out an application form, as provided by the (insert local here). Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. (Insert additional standards here)
- (B) The applicant shall include with the form:
 - i. the application fee as required in (Section 4.1.2);
 - ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (insert local authority), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

- (C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will approve or deny the request) for approval or denial.
- (D) The application fee shall be non-refundable once processed.
- (E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

A jurisdiction may establish standards for Temporary cannabis events which the event organizer must meet, including restricting or prohibiting any on-site consumption. If there are public health, safety, or welfare concerns associated with a proposed cannabis event, a jurisdiction would presumably be authorized to deny approval of that event.

- **Insert standards here**

(G) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(H) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The (insert city/town/county) shall notify the applicant of the standards not met and basis for denial.

(Optional) Temporary cannabis events shall only be held at **(insert local place)**.

(Optional) Temporary cannabis events shall only be held between the hours of **(insert start time)** and **(insert stop time)**.

Section 5. (Optional) Lower-Potency Hemp Edibles

A jurisdiction can establish different standards or requirements regarding Low-Potency Edibles. A jurisdiction can consider including the following section and subsections in their cannabis ordinance.

5.1 Sale of Low-Potency Hemp Edibles

The sale of Low-Potency Edibles is permitted, subject to the conditions within this Section.

5.2 Zoning Districts

If sales are permitted, a jurisdiction can limit what zone(s) the sales of Low-Potency Edibles can take place in. A jurisdiction can also determine if such activity requires a Conditional or Interim Use permit.

Low-Potency Edibles businesses are permitted as a (type of use) in the following zoning districts:

- (Insert zoning districts use is permitted in here)
- (Insert zoning districts use is permitted in here)

5.3 (Optional) Additional Standards

5.3.1 Sales within Municipal Liquor Store.

A jurisdiction that already operates a Municipal Liquor Store may sell Low-Potency Edibles within the same store.

The sale of Low-Potency Edibles is permitted in a Municipal Liquor Store.

5.3.2 Age Requirements.

A jurisdiction is able to restrict the sale of Low-Potency Edibles to locations such as bars.

The sale of Low-Potency Edibles is permitted only in places that admit persons 21 years of age or older.

5.3.3 Beverages.

The sale of Low-Potency Hemp Beverages is permitted in places that meet requirements of this Section.

5.3.4 Storage of Product.

A jurisdiction is able to set requirements on storage and sales of Low-Potency Edibles.

Low-Potency Edibles shall be sold behind a counter, and stored in a locked case.

Section 6. (Optional) Local Government as a Cannabis Retailer

(insert local here) may establish, own, and operate one municipal cannabis retail business subject to the restrictions in this chapter.

The municipal cannabis retail store shall not be included in any limitation of the number of registered cannabis retail businesses under Section 2.6.

(insert local here) shall be subject to all same rental license requirements and procedures applicable to all other applicants.

Section 7 Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Appendix B: Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Hemp Flower and Hemp-Derived Cannabinoid Product Checklist

Minnesota Statute 18K.02, Definitions
Minnesota Statute 152.01, Subdivision 9
Minnesota Statute 151.72, Sale of Certain Cannabinoid Products

Minnesota Statute 152.0264, Cannabis Sale Crimes
Minnesota Statute 342.09, Personal Adult Use of Cannabis

Question	Yes	No	Comments	Additional Information
Business License and Registration Compliance				
Is the business registered with the Minnesota Department of Health?				All businesses selling hemp-derived cannabinoid products must be registered. See Hemp-Derived Cannabinoid Products (www.health.state.mn.us/people/cannabis/edibles/index.html)
If the business offers on-site consumption, do they have a liquor license?				Local authorities issue on-site consumption licenses. These are required for all businesses permitting on-site consumption of THC.
Product Compliance – All Products				
Does the business ensure that all sales are made to persons 21 years old or older?				Only persons 21 years of age or older may purchase hemp-derived cannabinoid products, with the exception of topicals. These products may be sold to anyone.
Does the business have all edible cannabinoid products, except beverages, behind the counter or in a locked cabinet?				Businesses must ensure all edible cannabinoid products are secure and inaccessible to customers.

Question	Yes	No	Comments	Additional Information
Only delta-8 and delta-9 are allowed for human consumption. Does the business sell edibles or beverages with any other intoxicating cannabinoids?				MDH has identified products containing many different intoxicating cannabinoids, such as HHC, THC-O, THC-P, PHC, delta-10, delta-11, delta-8p, delta-9p, etc. The product must contain only delta-8 and/or delta-9.
Does the business sell any edible products that are similar to a product marketed to or consumed by children?				Edible products that appear similar to candy or snacks marketed toward or consumed by children are not allowed.
Does the label on the edible or beverage state “Keep out of reach of children”?				All products must include the warning label “Keep out of reach of children.”
Is the manufacturer’s name, address, website, and contact phone number included on the label or provided through a QR code?				If not, the product is not in compliance.
Does the QR code on the product bring the user to a Certificate of Analysis on the website, which includes the name of the independent testing laboratory, cannabinoid profile, and product batch number?				All products must be tested by batch in an independent, accredited laboratory. The results must include the cannabinoid profile.
Does the label on the product indicate the cannabinoids by serving and in total?				The label must indicate the potency by individual serving as well as in total.

Question	Yes	No	Comments	Additional Information
Does the label on the product make any claim the product offers any kind of health benefit?				Health claims are not permitted on hemp or cannabis products unless approved by the FDA. At this time, there is not an approved statement.
Does the label on the product state that the product does not claim to diagnose, treat, cure or prevent any disease?				The manufacturer cannot claim the product will provide any health benefit unless the product has been formally approved by the FDA.
Does the business sell CBD (or other forms of cannabidiol) in the form of a softgel, tablet, or tincture?				Non-intoxicating cannabinoids may only be sold in the form of an edible, beverage, or topical. Therefore, softgels and tablets cannot be sold. Tinctures must be labeled as either an edible or beverage and comply with the edible or beverage requirements.
Product Compliance – Edibles				
Does the edible product contain more than 5 mg delta-8 and/or delta-9 per serving?				Edibles may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the edible product package/container contain more than 50 mg total THC (delta-8 and/or delta-9)?				Edibles may not exceed 50 mg total delta-8 or delta-9 per package. The edible cannot contain any other form of THC or intoxicating cannabinoid.
Are all the edible product's servings clearly marked, wrapped, or scored <u>on</u> the product?				Edible product servings must be clearly distinguished on the product. Bulk products that require the consumer to measure are not allowed.

Question	Yes	No	Comments	Additional Information
Does the business sell any edible products in the shape of bears, worms, fruits, rings, ribbons?				Edibles in shapes that appeal to children are not allowed.
Is the edible product in a child-proof, tamper-evident, opaque container?				All edibles must be in a container that is child-resistant and tamper evident. If the container is clear, the business must place the edible into an opaque bag at the point of sale. Clear bags are not allowed.
Product Compliance - Beverages				
Does the beverage product contain more than 5 mg delta-8 or delta-9 per serving?				Beverages may not exceed 5 mg delta-8 and/or delta-9 per serving.
Does the beverage product contain more than 2 servings?				Beverages cannot exceed two servings, regardless of the THC potency.
Is the beverage product in an opaque container?				If the beverage is in a clear container, the business must place the beverage in an opaque bag at the point of sale.
Product Compliance – Smokables (non-flower)				
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain more than 0.3% THC?				<p>A product’s certificate of analysis will show the concentration of THC the product contains. The certificate typically is found through the QR code on the product package. In MDH’s experience, most vapes contain 50% - 90%+ THC.</p> <p>Pre-rolls may consist of raw hemp flower. These products are not regulated by 151.72. However, if a pre-roll is labeled as “infused” or “coated” have additional cannabinoids applied to the material, of which the product typically exceeds the 0.3% THC limit.</p>

Question	Yes	No	Comments	Additional Information
Does the business sell vapes, pre-rolls, dabs, or other smokeable products that contain other intoxicating cannabinoids, such as HHC?				MN Statutes do not allow any cannabinoid, other than delta-8 or delta-9, to be sold if the cannabinoid is intended to alter the structure or function of the body. HHC is a cannabinoid known to have potency greater than THC.
Does the business sell vapes, pre-rolls, dabs, or other smokable products which contain CBD?				Non-intoxicating cannabinoids cannot be smoked, vaped, or inhaled.
Product Compliance – Flower				
Does the business sell raw hemp flower?				<p>Raw hemp flower must contain 0.3% or less of delta-9 on a dry weight basis. Products exceeding 0.3% delta-9 dry weight are marijuana, and are illegal for sale.</p> <p>THC-A is the non psychoactive precursor to delta-9. Once heated THC-A converts to delta-9. In that process some amount of THC-A is lost.</p> <p>To determine whether, once heated, the hemp flower will exceed the allowable 0.3% of delta-9, one can use a decarboxylation formula which takes into account the conversion of THC-A into delta-9.</p> <p>That formula is as follows: Total THC = (0.877 X THC-A) + d-9 THC)</p> <p>Raw flower must include a certificate of analysis to show testing below 0.3% delta-9.</p> <ul style="list-style-type: none"> • A lack of a certificate of analysis would constitute an illegal sale.

Question	Yes	No	Comments	Additional Information
				<ul style="list-style-type: none"> A certificate of analysis showing that under the decarboxylation formula that delta-9 would exceed the 0.3% threshold would also indicate the flower is cannabis and not hemp and therefore being sold illegally.
Product Compliance – On-Site Consumption				
If the business offers on-site consumption, do they serve the edible or beverage in its original packaging?				The business may not pour out or remove an edible from its original packaging.
If the business offers on-site consumption, do they mix a cannabis-infused beverage with alcohol?				The business may not mix cannabis-infused products with alcohol.
If the business offers on-site consumption, do they permit customers to remove from the premises products which have been removed from their original packaging?				Products which have been removed from their original packaging cannot be removed from the premises by the customer.

NOTE: If a person suspects that a hemp-derived cannabinoid product is being sold in violation of Minnesota law, they can use the complaint form at [Submitting Hemp-Derived Cannabinoid Product Complaints \(www.health.state.mn.us/people/cannabis/edibles/complaints.html\)](http://www.health.state.mn.us/people/cannabis/edibles/complaints.html).

Appendix C: Enforcement Notice from the Office of Cannabis Management

Enforcement Notice from the Office of Cannabis Management

Dear Registered Hemp Derived Cannabinoid Business:

The Office of Cannabis Management (OCM), established in 2023, is charged with developing and implementing the operational and regulatory systems to oversee the cannabis industry in Minnesota as provided in Minnesota Statutes Chapter 342.

When Minnesota legalized the sale of adult-use of cannabis flower, cannabis products, and lower-potency hemp edibles/ hemp-derived consumer products, the Minnesota Legislature included statutory provisions, [Minnesota Statutes, chapter 152.0264](#), making the sale of cannabis illegal until a business is licensed by OCM. The Office of Cannabis Management has not yet issued licenses for the cultivation, manufacture, wholesale, transportation or retail sale of cannabis, therefore any retail sales of cannabis products, including cannabis flower, are illegal.

The Office of Cannabis Management has received complaints of retailers selling cannabis flower under the label of hemp flower. Under an agreement between The Minnesota Department of Health (MDH) and OCM, inspectors from MDH will begin to examine any flower products being sold during their regular inspections to determine whether they are indeed hemp flower or cannabis flower.

In distinguishing between hemp and cannabis flower, OCM, consistent with federal rules and regulations related to hemp under 7 CFR 990.1, will consider the total concentration of THC post- decarboxylation, which is the process by which THC-A is converted into Delta-9 to produce an intoxicating effect. The examination of raw flower products will include reviewing the certificate of analysis for compliance in several areas, including:

Compliance with the requirement that raw flower listed for sale includes a Certificate of Analysis (COA). Products for sale without a COA will constitute an illegal sale.

A COA that affirms concentrations of 0.3% or less of Delta-9 on a dry weight basis. Products exceeding 0.3% Delta-9 dry weight are considered marijuana and are therefore illegal to sell.

A COA that confirms that the total levels of Delta-9 and THC-A after the decarboxylation process do not exceed 0.3%. A COA that indicates the raw flower will exceed 0.3 percent Delta-9 post-decarboxylation, or a subsequent test conducted by an independent laboratory utilized by OCM that confirms Delta-9 in excess of 0.3 percent will be considered illegal.

[Minnesota Statutes, Chapter 342](#) governs Minnesota’s cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4](#) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.”

To date, the Office of Cannabis Management has not issued any cannabis licenses, applications for licenses are expected to be available in the first half of 2025. As such, selling cannabis is a clear violation of law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6](#), OCM may assess fines in excess of a \$1 million for violations of this law. Likewise, under [Minnesota Statutes, chapter 342.19](#), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” Furthermore, violations of law may be considered in future licensing decisions made by OCM.

As inspectors enter the field, we encourage you to review the products you are currently selling to ensure they fall within the thresholds outlined above. If you have any questions related to the products you are selling, please send an email to cannabis.info@state.mn.us.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "Charlene Briner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charlene Briner
Interim Director
Office of Cannabis Management

Appendix D: Notice to Unlawful Cannabis Sellers

Notice to Unlawful Cannabis Sellers

This notice is to inform you that your current course of action may run afoul of Minnesota law, and continuing this course of action may result in civil actions and potential criminal prosecution. To avoid such outcomes, you should immediately cease and desist any plans to engage in the unlicensed sale of cannabis and cannabis products.

[Minnesota Statutes, Chapter 342 \(www.revisor.mn.gov/statutes/cite/342\)](http://www.revisor.mn.gov/statutes/cite/342) governs Minnesota’s cannabis market, and empowers OCM to ensure regulatory compliance. [Minnesota Statutes, chapter 342.09, subdivision 4 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.4) prohibits the retail sale of cannabis flower and cannabis products “without a license issued under this chapter that authorizes the sale.” To date the Office of Cannabis Management has not issued any retail, or other, cannabis licenses. As such, your plan to sell cannabis in a retail setting at this date would be in flagrant violation of the law. Be aware that under [Minnesota Statutes, 342.09, subdivision 6 \(www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6\)](http://www.revisor.mn.gov/statutes/cite/342.09#stat.342.09.6), OCM may assess fines in excess of a \$1,000,000 for violations of this law.

Likewise, under [Minnesota Statutes, chapter 342.19 \(www.revisor.mn.gov/statutes/cite/342.19\)](http://www.revisor.mn.gov/statutes/cite/342.19), OCM is empowered to embargo any product that it has “probable cause to believe . . . is being distributed in violation of this chapter or rules adopted under this chapter[.]” It is believed that products attempted to be sold at your retail location might be distributed in violation of the law, and would therefore be subject to embargo by OCM. Under [Minnesota Statutes, chapter 342.19, subd. 2 \(www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2\)](http://www.revisor.mn.gov/statutes/cite/342.19#stat.342.19.2), once embargoed OCM “shall release the cannabis plant, cannabis flower, cannabis product, artificially derived cannabinoid, lower-potency hemp edible, or hemp-derived consumer product when this chapter and rules adopted under this chapter have been complied with or the item is found not to be in violation of this chapter or rules adopted under this chapter.”

While Minnesota has legalized the sale of adult-use of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, the legislature did add new statutory provisions, [Minnesota Statutes, chapter 152.0264 \(www.revisor.mn.gov/statutes/cite/152.0264\)](http://www.revisor.mn.gov/statutes/cite/152.0264), making illegal the unlawful sale of cannabis. As there are not yet any licenses issued by OCM for the cultivation, manufacture, wholesale, transportation, or retail of cannabis, any sales of cannabis products in excess of the limits in 152.0264 is illegal.

If you are only planning to sell cannabinoid products that are derived from hemp, you should ensure that the sale of those products is consistent with [Minnesota Statutes, chapter 151.72 \(www.revisor.mn.gov/statutes/cite/151.72\)](http://www.revisor.mn.gov/statutes/cite/151.72), including but not limited to the requirement that your business be registered with the Commissioner of Health, and that all products are in compliance with the relevant statutes.

Finally, in addition to the state laws outlined above, please be aware that any retail location must be in compliance with local government ordinances and zoning requirements.

OCM takes seriously its charge to enforce Minnesota Statutes, Chapter 342, and its responsibility to ensure a safe and legal cannabis market. In order to avoid the above-described actions, all attempts to open a cannabis retail dispensary in Minnesota without the appropriate license should be ceased.



LOWER-POTENCY HEMP EDIBLES & CANNABIS

A Model Ordinance for Minnesota City Retailers



This model ordinance was prepared to assist Minnesota counties and cities interested in establishing local regulation of cannabis and lower-potency hemp edible retailers.

Edible hemp products containing intoxicating levels of THC were legalized for manufacture and sale in Minnesota on July 1, 2022. Cannabis use was legalized on Aug. 1, 2023, and it is anticipated that cannabis retail establishments will be licensed for sales sometime in 2025. All cannabis retailers or cannabis businesses that are permitted to engage in retail sales, will be required to secure a license from the Office of Cannabis Management and register with their local unit of government before sales are allowed.

Updates to the 2023 cannabis legalization law were made by the Minnesota Legislature in 2024 to allow the Office of Cannabis Management (OCM) to “preapprove” licenses for certain cannabis businesses July 24, 2024, through



August 12, 2024. Full licensing of cannabis businesses and hemp businesses will occur after rulemaking is completed in 2025. Hemp businesses, including lower-potency hemp edible retailers, are currently required to register with the state; the requirement to register with the Minnesota Department of Health began Oct. 1, 2023, and the authority over these registrations transferred to OCM beginning July 1, 2024. Since legalization, some local governments have enacted moratoria, licensing, and other ordinances to regulate cannabis businesses and lower-potency hemp edible retailers. State law requires that local moratoria and licensing over these entities must expire on January 1, 2025. Local units of government are required to register cannabis and lower-potency hemp retailers that are pre-approved for licenses and licensed by the state. While local units of government do not have licensing authority, they may use their registration authority as a framework to set local regulations for the sale of these products through authority granted in the state cannabis law, their authority to regulate to protect the general health, safety, and welfare of the community, and, in some cases, their public health authority. From a public health standpoint, local units of government may wish to explore these other areas of regulatory authority that may be aimed at reducing youth exposure and access, in addition to other areas that emphasize public health and prevention surrounding the sale of adult-use cannabis and lower-potency hemp edibles.

While hemp businesses are subject to OCM licensing requirements, they are not explicitly included in all aspects of the “cannabis business”¹ regulatory scheme. As such, local governments may have broader authority to regulate hemp businesses more stringently beyond the time, place, and manner restrictions prescribed for the regulation of cannabis businesses by local units of government. However, local units of government are not allowed to outright prohibit cannabis and hemp businesses.

It is important to note that local regulation of the retail sale of cannabis and lower-potency hemp edibles is untested in Minnesota courts. While the law is clear about some areas of local regulation that are permitted and not permitted, there is ambiguity in the law. For more information on authority for local regulation of the retail sale of cannabis, please see the Public Health Law Center’s resources: [*Minnesota Regulation of Legalized Cannabis: FAQ Public Health Options*](#) and [*Minnesota’s New Cannabis Law*](#). A jurisdiction planning to adopt this model ordinance, in whole or in part, should first review it with its attorney to determine suitability for the jurisdiction’s circumstances. The city or county attorney should review the planned ordinance to ensure it conforms to applicable state and federal laws.

1 Cannabis businesses are defined to include the cannabis-specific businesses that will be licensed under the law, including cannabis microbusinesses, mezzobusinesses, cultivators, manufacturers, retailers, wholesalers, transporters, testing facilities, event organizers, delivery services, and medical cannabis combination businesses. [MINN. STAT. § 342.01, subd. 14](#)

Tips for Using This Model Ordinance

This model ordinance represents a balance between state standards, best public health policy practices, and practicality for city governments in Minnesota. Communities will differ on their readiness and willingness to adopt certain policy components contained in this model ordinance and, therefore, may or may not choose to adopt policies that may go beyond minimum state requirements. As noted above, some of these provisions would apply only to those selling lower-potency hemp edibles, some will apply only to cannabis retailers, and some will apply to both types of retailers. This is a summary of each category:

Provisions that would apply only to lower-potency hemp edible retailers:

- Limiting the number of lower-potency hemp edible retailers in a jurisdiction and regulating the distance between these retailers and youth-oriented facilities (see [**Registration Cap for Lower-Potency Hemp Edible Retailers and Cannabis Retailers on page 14**](#)).
- Restricting the sale of lower-potency edibles to retail locations in which only persons 21 years and older are permitted, or restricting sales to cannabis retailers;
- Requiring lower-potency hemp beverages to be prohibited in self-service displays as is already the case under state law regarding non-beverage lower-potency hemp edibles.
- Establishing a minimum clerk age for employees selling lower-potency hemp edibles and beverages.
- Prohibiting pharmacies from selling lower-potency hemp edible products.
- Requiring products only be sold in child-resistant packaging.
- Prohibiting sales of beverages for on-site consumption that are removed from their original packaging.
- Prohibiting sales of products that may be added to food or beverages.
- Prohibiting on-site consumption of lower-potency hemp edibles.

Provisions that would apply only to cannabis retailers:

- Prohibiting the sale of flavored products that are consumed by smoking or vaping.
- Restricting the hours of operation.
- Restricting the sale of higher-potency products.

Provisions that apply to both lower-potency hemp edible retailers and cannabis retailers:

- Raising the minimum legal sales age to 25.
- Restricting the redemption of coupons, and other price promotions.
- Prohibiting the delivery and/or online sales of cannabis and lower-potency hemp edible products.
- Prohibiting the distribution of free samples of cannabis and lower-potency hemp edibles.
- Prohibiting all smoking within the retail establishment.

Some provisions in this ordinance mirror the state law requirements while other provisions are more protective than the state law. Public health provisions that strictly conform to the state law are **highlighted in green** ✓ and public health provisions that exceed state law are **highlighted in orange** ⚠. Provisions that are primarily structural or necessary for the operation of the ordinance are not highlighted. This model ordinance includes provisions that mirror state law, which enables local enforcement actions along with the state OCM enforcement of such provisions.

City and County Authority to Register and Regulate Cannabis and Lower-Potency Hemp Edible Retailers

State law allows cities and townships to delegate to the county their authority to register cannabis and lower-potency hemp edible retailers. (Minn. Stat. § 342.22, subd. 1) Counties will be responsible for the registration of retailers in any unincorporated area of the county and in any local units of government within the county that choose to delegate their registration authority. Along with registration authority, counties have the authority to regulate such businesses under the public health authority granted to them by the state under Minn. Stat. Chapter 145A. State law allows cities and towns to enact stronger protections than the county, but they cannot have policies less restrictive than those counties enact under their public health authority. Cities or towns using this model policy should review any county requirements to ensure conformity or identify opportunities to enact more protective regulations.

Customizing the Ordinance

Context boxes are included throughout the ordinance to explain some key provisions. These boxes are not meant to be included in any final ordinance. A local unit of government wishing to adopt all or part of this ordinance should keep this in mind and remove the context boxes.

In some instances, blanks (such as [____]) prompt you to customize the language to fit your community's needs. In other instances, the ordinance offers you a choice of options (such as [choice one/choice two]). Some options are followed by a comment that describes the legal provisions in more detail. A degree of customization is always necessary to make sure the ordinance is consistent with a community's existing laws. Such customization also ensures that communities are using this model ordinance to address local needs and engender health equity.

Immigration Impacts of Cannabis and Lower-Potency Hemp Edibles Use or Sale

Federal law still prohibits and criminalizes the sale, use, possession, or growing of cannabis, despite Minnesota's decriminalization and legalization. As such, anyone who is not a U.S. citizen and who possesses, uses, sells, grows, or interacts in any way with cannabis or works in the cannabis industry may face severe immigration consequences, including the loss of legal permanent residency or other immigration status, or their removal or deportation from the United States. (8 U.S.C. § 1182(a)(2); 8 U.S.C. § 1227(a)(2)(B)(1); 8 U.S.C. § 1227(a)(1)) According to the Immigrant Law Center of Minnesota, even lower-potency hemp edibles may trigger some immigration consequences.

Unfortunately, most non-citizens are not aware of these risks, particularly in states that have decriminalized or legalized cannabis. Prior to issuing a registration, state and local governments are encouraged to alert registrants, registration applicants, and their employees that there are immigration risks for non-citizens who interact with cannabis or the cannabis industry and that these risks exist regardless of any local or state license or registration. Registrants who employ or contract with non-citizens for any task related to their cannabis business may put those non-citizen employees and their family members at risk of losing their legal status or facing deportation from the United States. This is the case even for those non-citizens who work with employment authorization granted by the U.S. Department of Homeland Security.

The Immigrant Law Center of Minnesota provides [background information](#) that could be incorporated into an information notice to be disseminated by the local offices that process cannabis retail establishment registrations. The information is available in [several languages](#). Please contact the [Immigrant Law Center of Minnesota](#) for further information.

For an example of such an information notice from the State of California, see [*Non-U.S. Citizen Referral Process and Possible Legal Consequences when Working in the Cannabis Industry*](#).

Notice

For Cities

This ordinance is drafted in the form prescribed by state law for statutory cities. Statutory cities must publish their ordinances — or a summary thereof — in the city’s official newspaper before they become effective. Home rule charter cities may have to follow the formatting and other procedural requirements found in their city’s charter. Charter cities should consult their charter and their city attorney to ensure they are in compliance with all charter requirements. All cities must provide copies of their ordinances to their county law library or its designated depository pursuant to Minn. Stat. § 415.021.

Additionally, Minn. Stat. § 415.19 requires statutory and home rule charter cities to post proposed new ordinances and ordinance amendments on the city website at least 10 days prior to a final vote by the city council, if the city already posts ordinances on its website. Under the same statute, within 10 days of a final vote, cities must also provide this same notice to all city listserv subscribers via their electronic notification system or, if the city does not have an electronic notification system, in the location where the city posts public notices.

Note

While the Public Health Law Center does not lobby, advocate, or directly represent communities, adopting effective public health policies starts early with education, stakeholder and community engagement, and a strong advocacy plan. If a community is unaware of resources available to them for engaging the community and developing an advocacy plan, or if a jurisdiction is considering adopting an ordinance and is interested in learning about the range of resources available, the Public Health Law Center can help through our publications and referrals to experts in the field.

This model ordinance was prepared by the Public Health Law Center, located at the Mitchell Hamline School of Law in St. Paul, Minnesota, and made possible by the financial support of the Center for Prevention at Blue Cross & Blue Shield of Minnesota.

ORDINANCE NO. [_____]

AN ORDINANCE REGULATING THE RETAIL SALE OF CANNABIS
AND LOWER-POTENCY HEMP EDIBLES WITHIN THE
[CITY OF _____], MINNESOTA

THE [CITY COUNCIL OF THE CITY OF _____] DOES ORDAIN:

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Section 1. Findings of Fact.

Note

The Findings Section is important because it provides the evidentiary basis for the proposed cannabis and lower-potency hemp retailer regulations and demonstrates a municipality's reasoning for adopting specific provisions. Findings of fact could include data, statistics, and relevant epidemiological information, for example, that support the purposes of the ordinance. In addition to providing educational background and building support for the ordinance, the findings can also serve a legal purpose. If the ordinance is challenged in court, the findings are an admissible record of the factual determinations made by the legislative body when considering the ordinance. Courts generally defer to legislative determinations of factual issues and can, in turn, influence a court's legal findings. A list of Findings of Fact supporting this model ordinance appears in a companion publication on Public Health Law Center's website titled, *Minnesota Findings for Local Regulation of Cannabis and Lower-Potency Hemp Edibles*. Jurisdictions may select findings from this list to insert here, along with additional findings on local or regional conditions and outcomes.

NOW THEREFORE it is the intent of the City Council, in enacting this ordinance, to regulate the establishment, operations, and sales of cannabis retailers and lower-potency hemp edible retailers located in [city name] .

Section 2. Authority and Jurisdiction.

Authority. The City Council is authorized to adopt this Ordinance by Minnesota Statutes sections 144.417, subd. 4(a), 145A.05, subd. 9, 412.221, 152.0263, subd. 5, Chapter 342, Chapter 412, and any other applicable state law, as may be adopted or amended from time to time.

Section 3. Definitions.

Except as otherwise provided or clearly implied by context, all terms are given their commonly accepted definitions. For this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning:

Advertisement. Any written or oral statement, illustration, or depiction that is intended to promote sales of approved products or sales at a specific cannabis business or hemp business and includes any newspaper, radio, internet and electronic media, or television promotion; the distribution of fliers and circulars; and the display of window and interior signs in a cannabis

business. “Advertisement” does not include a fixed outdoor sign that meets the requirements in Minn. Stat. § 342.64, subd. 2, paragraph (b) as amended from time to time.

Approved products. Any cannabis plants, cannabis flower, cannabis products, artificially derived cannabinoids, and lower-potency hemp edibles that are a product category approved by the Office of Cannabis Management and that comply with Chapter 342 and rules adopted pursuant to Chapter 342 regarding the testing, packaging, and labeling of cannabis plants, cannabis flower, cannabis products, artificially derived cannabinoids, and lower-potency hemp edibles. “Approved Products” does not include medical cannabinoid products, as defined in Minn. Stat. Ch. 342.

Attractive to underage persons. Products that are attractive to individuals under age 21 as described in Minn. Stat. § 342.62, subd. 3, and products prohibited under Minn. Stat. § 342.06 (d), as may be amended from time to time.

Child-resistant. Packaging that meets the poison prevention packaging standards in Code of Federal Regulations, title 16, section 1700.15.

Compliance checks. The system the city uses to investigate and ensure that those retail establishments authorized to sell approved products and medical cannabinoid products are following and complying with age verification requirements and the requirements of this ordinance. Compliance checks may also be conducted by the city or other units of government for educational, research, and training purposes or for investigating or enforcing state or local laws and regulations relating to approved products.

Delivery sale. The sale of any approved products and medical cannabinoid products to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a registered retail establishment. Delivery sale includes but is not limited to the sale of any approved product and medical cannabinoid product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by registered retail establishments or third parties by any means, including curbside pickup.

Electronic delivery device. Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any nicotine cessation product that has been

authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Flavored product. Any cannabis flower, cannabis product, hemp-derived consumer product or medical cannabinoid product intended to be inhaled as smoke, aerosol, or vapor from the product that: (1) contains any added artificial, synthetic, or natural flavoring, either in the product itself or in its components or parts; (2) presents any descriptor or depiction of flavor that would imply to an ordinary person that the product contains flavors other than the natural taste or smell of cannabis; (3) imparts a taste or smell, other than the taste or smell of cannabis, that is distinguishable by an ordinary consumer prior to or during the consumption of the product; or (4) imparts a cooling, a burning, a numbing, or another sensation distinguishable by an ordinary consumer to impart a flavor other than cannabis either prior to or during the consumption of the product.

Lower-potency hemp edible. “Lower-potency hemp edible” as defined in Minn. Stat. § 342.01, subd. 50, as amended from time to time.

Lower-potency hemp edible retailer. Any place of business with a preapproved license, license, or endorsement to sell lower-potency hemp edible products to the public from the Office of Cannabis Management and that has a lower-potency hemp edible retail registration from the city.

Medical cannabinoid product. “Medical cannabinoid product” as defined in Minn. Stat. § 342.01, subd. 52, as amended from time to time.

Medical cannabis combination business. “Medical Cannabis combination business” as described in Minn. Stat. § 342.515, as amended from time to time.

Moveable place of business. Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and that is not a fixed address or other permanent type of structure licensed for over-the-counter sales transactions.

Pharmacy. A place of business at which prescription drugs are prepared, compounded, or dispensed by or under the supervision of a pharmacist and from which related clinical pharmacy services are delivered.

Registered cannabis retail business. Any cannabis business with a preapproved license, license, or endorsement from the Office of Cannabis Management for retail sales of approved products or medical cannabinoid products and that has a retail registration from a local unit of government.

Registered retail establishment. Refers to registered cannabis retail businesses, medical cannabis combination businesses with retail sales, and lower-potency hemp edible retailers.

Retail establishment. Any place of business where products are available for sale to the general public. “Retail establishment” includes, but is not limited to, grocery stores, tobacco product shops, convenience stores, liquor stores, gasoline service stations, bars, and restaurants.

Sale. Any transfer of goods for money, trade, barter, or other consideration.

Sample. Refers to any approved products or medical cannabinoid products that are offered free of charge or for sale at a nominal cost.

Self-service display. The open display of approved products or medical cannabinoid products in a retail establishment in any manner where any person has access to the products without the assistance or intervention of the registered retail establishment or its employee and where a physical exchange of the products from the registered retail establishment or its employee is not required to access the products.

Smoking. Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, cannabis, or other substance, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated electronic delivery device. “Smoking” does not include the use of traditional, or sacred, tobacco used by any American Indian, Indigenous, and Alaska Native communities for spiritual and medicinal purposes.

Temporary cannabis event. Events described in Minnesota Statutes [342.39](#) and [342.40](#), held by an individual or business with a cannabis event organizer license granted by the Office of Cannabis Management, with approval from the city.

True party of interest. Any party with ownership or control over the business, as defined in Minn. Stat. § 342.185 subd. 1(g).

Vending machine. Any mechanical, electric or electronic, or other type of device that dispenses products upon payment by any form by the person seeking to purchase the product.

Youth-oriented facility. Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-oriented facilities includes, but is not limited to, schools, playgrounds, places of worship, recreation centers, and parks.

Municipal Cannabis Retailer

Similar to municipal liquor stores, state law allows for local governments to operate municipal cannabis retailer businesses. (Minn. Stat. § 342.32, subd. 5) Operating their own retailer would allow local jurisdictions to better control store location, types of products available, advertising, and marketing while making products available. Any municipal cannabis retailers do not count toward the total number of retailer licenses offered by OCM during a licensing period and the municipal retail license does not count toward any local ordinance capping the number of retailers to no more than 1 per 12,500 residents. (Minnesota Session Laws, 2024 Regular Session, Ch. 121 Art. 2 Sec. 65 creates new Minn. Stat. § 342.32, subd. 7)

Section 4. Registration and Operations of Registered Retailers.

- (A) **License required.** No person shall sell or offer to sell any approved product or medical cannabinoid product without first having obtained a license or retail endorsement to do so from the Office of Cannabis Management.
- (B) **Registration required.** No person shall sell or offer to sell any approved product or medical cannabinoid product without first being granted a registration by the city. Operating a retail establishment without a valid retail registration is a violation of this Ordinance and of Minn. Stat. § 342.22, subd. 5(e) and is subject to a civil penalty of up to \$2,000 per violation.

Registration

State law mandates that cannabis businesses and hemp businesses with retail sales, including lower-potency hemp edible retailers and retail businesses selling medical cannabis, must register with the city, town, or county in which the retail establishment is located. A county may issue a registration in cases where a city or town has provided consent for the county to issue the registration for the jurisdiction. A second registration from the county is not required if a city or town provides the registration.

- (C) **Application.** An application for a registration to sell approved products and medical cannabinoid products must be made on a form provided by the city. The application must contain the full name of the applicant and any true parties of interest, the applicant's and true parties' residential and business addresses and telephone numbers, the name of the business for which the registration is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the city will timely review the application. If an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.
- (D) **Action.** The city shall review the application for conformance with this Ordinance and all applicable state and local laws and rules, including but not limited to compliance with local zoning code, building code, and fire code. The city may approve or deny the application for a registration, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the city approves the application, the city will issue the registration to the applicant. If the city denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.
- (E) **Term.** All registrations issued are valid for one calendar year from the date of issue.
- (F) **Revocation or suspension.** Any registration issued may be suspended or revoked following the procedure set forth in [Section 12 \(A\)](#) of this ordinance.
- (G) **Transfers.** All registrations issued are valid only on the premises for which the registration was issued and only for the person to whom the registration was issued. The transfer of any registration to another location or person is prohibited.
- (H) **Display.** All registrations must be posted and displayed at all times at the registered retail establishment or medical cannabis combination business in plain view of the general public.
- (I) **Renewals.** The renewal of a registration issued under this Ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days but no more than 60 days before the expiration of the current registration.
- (J) **Issuance is privilege and not a right.** The issuance of a registration is a privilege and does not entitle the registration holder to an automatic renewal of the registration.

Provisions that exceed state law

(K) **Maximum number of registrations.**

- (1) **Lower-potency hemp edible retailer registrations.** The maximum number of lower-potency hemp edible retailer registrations issued by the city at any time is limited to [see “Registration Cap” context box below]. When the maximum number of registrations has been issued, the city may place persons seeking registration on a waiting list and allow them to apply on a first-come, first-served basis, as registrations are not renewed or are revoked. A new applicant who has purchased a business location with a valid county registration held by a different owner will be entitled to first priority, provided the new applicant meets all other application requirements in accordance with this ordinance.
- (2) **Cannabis retailer registrations.** No registrations will be granted after the county or cities within the county have granted at least one registration for every 12,500 residents in the county.

Registration Cap for Lower-Potency Hemp Edible Retailers and Cannabis Retailers

Communities with a higher concentration of cannabis and lower-potency hemp edible retailers within their jurisdiction expose more youth and young adults to commercial cannabis and lower-potency hemp edible marketing, making it easier for them to obtain the products. Additionally, proximity to cannabis retailers is associated with increased harms of cannabis use including, increases in poison control calls, increased cannabis use during pregnancy, cannabis related hospitalization during pregnancy, and an increase of cannabis use in adults and young adults. (.) One way to address retailer density issues is to place a limit or cap on the number of registrations of cannabis retailers and lower-potency hemp edible retailers that may be issued by the city/county. The above provisions would set the maximum number of registrations available for lower-potency hemp edible retailers and sets a limit of one cannabis retailer per 12,500 residents in the county pursuant to Minn. Stat. § 342.13 (j). Note that while state law allows for local governments to limit the number of cannabis and hemp businesses, it does not allow local jurisdictions to outright prohibit cannabis and hemp businesses. (Minnesota Session Laws, 2024 Regular Session, Ch. 121 Art. 2 § 64)

⚠ Provision that exceeds state law

- (L) **Pharmacies ineligible for registration.** No new or renewed registration will be granted to a pharmacy or any retail establishment that operates an on-site pharmacy.

Section 5. Fees.

No registration will be issued under this ordinance until the appropriate registration fees are paid in full. The fees will be established pursuant to Minn. Stat. § 342.22, subd. 2, as amended from time to time.

Fee Limits

State law limits the registration fees that local jurisdictions may charge for cannabis businesses. This Fees provision reflects and limits fees pursuant to state law. No additional licensing fees may be charged. (See Minn. Stat. § 342.22, subd. 2)

Section 6. Basis for Denial of Registration

- (A) An initial application for registration or a renewal of registration with the city will be denied if:

✔ Provisions that strictly conform to the state law

- (1) the applicant is under 21 years of age;
- (2) the applicant does not have a valid retail license, preapproved license, or retail endorsement from the Office of Cannabis Management;
- (3) the applicant fails to provide any of the information required on the licensing application or provides false or misleading information;
- (4) the applicant is prohibited by state, or local law, ordinance, or other regulation from holding a registration; or,
- (5) the applicant fails a pre-application inspection by the [city/county] as provided under Minn. Stat. § 342.22, subd. 3(b) as amended from time to time.

- (B) If a registration is mistakenly issued or renewed to any person, it will be revoked upon the discovery of ineligibility for registration under this ordinance or state or other local law, ordinance or other regulation. Any revocation will comply with the requirements of Minn. Stat. § 342.22, subd. 5, as amended from time to time.

Section 7. Prohibited Sales and Other Restrictions.

- (A) **In general.** In addition to the prohibitions and restrictions set forth under Minn. Stat. § 342.46, subd. 7, and Minn. Stat. § 342.27, subd. 12 no registered cannabis retailer, lower-potency hemp edible retailer, or medical cannabis combination business shall sell or offer to sell any approved product or medical cannabinoid product:

✔ Provision that strictly conforms to the state law

- (1) **By means of any type of vending machine.**

⚠ Provision that exceeds state law

- (2) **By means of self-service display.** All approved products and medical cannabinoid products, including lower-potency hemp beverages, must be stored in a locked case behind the sales counter, in a storage unit, or in another area not freely accessible by the general public. This does not prohibit registered cannabis retailers from displaying single product samples pursuant to Minn. Stat. § 342.27, subd. 5.

Self-Service Display Prohibition

Minn. Stat. § 342.46, subd. 4 requires lower-potency hemp edible retailers to “ensure that all lower-potency hemp edibles, other than lower-potency hemp edibles that are intended to be consumed as a beverage, are displayed behind a checkout counter where the public is not permitted or in a locked case. All lower-potency hemp edibles that are not displayed must be stored in a secure area.” Cities and counties, therefore, may wish to regulate beverages more stringently in the same manner as non-beverage edibles, such that beverages, too, must be displayed behind a checkout counter where the public is not permitted or in a locked case. Additionally, cities/counties could require the products always be stored in a locked case, whether behind the counter or in another area of the store. Similarly, cannabis products for sale by a cannabis retailers must be stored in a secure area, with the exception that the retailer may display one “sample” of each cannabis flower and cannabis product. (See Minn. Stat. § 342.27, subd. 5)

⚠️ Provision that exceeds state law

- (3) **At a moveable place of business.** Only fixed location businesses may sell approved products and medical cannabinoid products.

✅ Provision that strictly conforms to the state law

- (4) **That does not comply with the packaging and labeling required** under Minn. Stat. §§ 342.62 and 342.63 as may be amended from time to time, except that:

⚠️ Provisions that exceed state law

- (a) No lower-potency hemp edible beverage may be sold outside of its original packaging; and,
- (b) No lower-potency hemp edible product may be sold that does not indicate a single serving by scoring or use of another indicator that appears on the product. If it is not possible to indicate a single serving by scoring or use of another indicator that appears on the product, the lower-potency hemp edible may not be packaged in a manner that includes more than a single serving in each container.
- (5) **By means of delivery sales.** All sales of approved products and medical cannabinoid products must be conducted in person, in a registered retail establishment, in over-the-counter sales transactions.

✅ Provision that strictly conforms to the state law

This does not prohibit sale of medical cannabinoid products by medical cannabis combination businesses by curbside pick-up as allowed in Minn. Stat. § 342.51, subd. 5.

Delivery Sales Prohibition

State law allows for licensed delivery services to transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers. (Minn. Stat. § 342.41) Cannabis delivery services are businesses specifically licensed by the Office

Delivery Sales Prohibition *(continued)*

of Cannabis Management. State law prohibits local jurisdictions from outright prohibiting any cannabis businesses. However, cities and counties *may* have the authority to prohibit delivery sales within their jurisdiction as an effective means of curtailing underage access to approved products. A licensed cannabis delivery business may still be located within the jurisdiction to deliver outside the boundaries of the jurisdiction, where permitted. This approach recognizes the challenges inherent in trying to effectively monitor online retailers and prevent underage access to the vast market of hemp-derived THC products found online, acknowledging that age verification processes do not prevent underage persons from obtaining these and similar products online.

- (6) **By any other means, to any other person, or in any other manner or form prohibited** by state or other local law, ordinance provision, or other regulation.

Provision that strictly conforms to the state law

- (B) **Legal age.** No person shall sell any approved product to any person under the age of 21. Businesses licensed or endorsed to sell medical cannabinoid products may sell medical cannabinoid products to persons under age 21 who are enrolled in the medical registry program pursuant to Minn. Stat. § 342.24, subd. 1.

Minimum Legal Sales Age Higher than Age 21

State law sets a minimum legal sales age for adult-use cannabis and lower-potency hemp edibles at age 21. There is nothing in the law that prohibits a local jurisdiction from setting a higher minimum legal sales age. Evidence supports a higher minimum legal sales age of 25.

For instance, frequent cannabis use between the ages of 14 and 21 is associated with lower high school completion and college graduation and subsequent lower income levels at age 25 (reference provided below). If the minimum legal sales age of 25 is enacted, then other provisions should also be adjusted, such as minimum clerk age and store ownership. If MLSA of 25 is enacted, then other provisions could also be adjusted, such as minimum clerk age and store ownership.

Edmund Silins et al., Young Adult Sequelae of Adolescent Cannabis Use: An Integrative Analysis, 1 The Lancet Psychiatry 286-93 (2014), DOI: 10.1016/S2215-0366(14)70307-4; David Fergusson & Joseph Boden, Cannabis Use and Later Life Outcomes, 103Addiction 969-76 (2008), <https://pubmed.ncbi.nlm.nih.gov/18482420>.

Medical Cannabis Sales to Persons 18 and Older

State law allows medical cannabinoids to be sold to persons age 18 and older if they are enrolled in the medical program as a patient or as a caregiver. This provision allows sales of medical cannabinoid products to persons age 18 to 20 by a registered retail establishment that is approved to sell medical cannabinoid products.

✔ Provision that strictly conforms to the state law

- (C) **Age verification.** Before any sale of approved products, the registered retail establishment must verify by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is at least twenty-one (21) years of age.

⚠ Provisions that exceed state law

- (D) **Signage.** Notice of the legal sales age, age verification requirement, and possible penalties for underage sales must be posted prominently and in plain view at all times at each location where approved products are offered for sale. The required signage, which will be provided to the retail establishment by the city, must be posted in a manner that is clearly visible to anyone who is, or is considering, making a purchase.
- (E) **No admittance of any person under age 21.** No person shall sell or offer for sale any approved products or medical cannabinoid products, except in registered retail establishments that prohibit persons under the age of 21 from entering at all times.

✔ Provision that strictly conforms to the state law

Businesses licensed or endorsed to sell medical cannabinoid products may allow admittance to persons under age 21 who are enrolled in the medical registry program for the sole purpose of purchasing medical cannabinoid products pursuant to Minn. Stat. § 342.24.

⚠ Provisions that exceed state law

- (F) **Sale of lower-potency hemp edibles restricted to registered cannabis retailers.** Lower-potency hemp edibles must only be sold at registered cannabis retail business.

Provisions that exceed state law

- (G) **Proximity to youth-oriented facilities.** No lower-potency hemp edible retailer may be located within [1,000] feet of a youth-oriented facility, as measured by the shortest line from the property line of the space to be occupied by the proposed licensee to the nearest property line of a youth-oriented facility.
- (H) **Proximity to other registered lower-potency hemp edible retailers or cannabis retailers.** No lower-potency hemp edible retailer may be located within [2,000] feet of any other existing registered lower-potency hemp retailer or registered cannabis retail business, as measured by the shortest line from the property line of the space to be occupied by the applicant for a lower-potency hemp edible registration to the nearest property line of the existing lower-potency hemp edible retailer or registered cannabis retail business.
- (I) **Cannabis retailer distance restrictions.**
 - (1) No registered cannabis retail business may be located within 1,000 feet of a school as measured by the shortest line from the property line of the space to be occupied by the proposed retail establishment to the nearest property line of a school.
 - (2) No registered cannabis retail business may be located within 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field, as measured by the shortest line from the property line of the space to be occupied by the proposed retail establishment to the nearest property line of a daycare, residential treatment facility, or attraction within a public park that is regularly used by minors.

Local Restriction of the Location of Cannabis Retailers

State law allows local jurisdictions to set specific minimum distance requirements between the location of cannabis retail businesses and schools, daycares, residential treatment facilities, and attractions within parks that are regularly used by children. (Minn. Stat. § 342.13 (c)). The language here reflects the language in state law. There is not a similar provision in state law limiting the local jurisdictions' authority to restrict the location of lower-potency hemp edible retailers so there are separate provisions at paragraphs (G) and (H) above prohibiting those businesses from locating within 1,000 feet of a youth-oriented facility and requiring minimum distances between cannabis and lower-potency hemp retailers. The above restrictions do not restrict the location of

Local Restriction of the Location of Cannabis Retailers *(continued)*

medical cannabis combination businesses that sell medical cannabinoid products at retail. A jurisdiction may want to extend these location requirements to those businesses, as well.

Note: Some jurisdictions may choose to enact these minimum distance requirements through their zoning code. However, a zoning code may sometimes be subject to discretion by the zoning board to grant zoning variances or other methods to circumvent the intent of these restrictions. As such, setting the minimum distance requirements in the retail sales registration ordinance does not allow for exceptions to the general rule.

Provision that exceeds state law

- (j) **Cannabis retailer hours of operation.** Sales of approved products at a registered cannabis retail business are only allowed between the hours of 10 a.m. and 9 p.m. seven days per week and may not be open to the public or sell any other products at times when the business is prohibited from selling approved products.

Cannabis Retailer Hours of Operation

State law allows local governments to restrict cannabis retailer hours of operation pursuant to Minn. Stat. § 342.27, subd. 7. This provision only applies to registered cannabis retailers. It does not apply to medical cannabis combination businesses nor to lower-potency hemp edible retailers. It could be broadened to apply to lower-potency hemp edible retailers, but that would mean that anyone selling lower-potency hemp edibles would not be able to be open or sell any other products during the mandatory closure period. While this fits with an overall goal of treating the sale of these intoxicating products similarly, it is likely that there will be pushback since lower-potency hemp edibles are currently sold without any restrictions on hours of operation.

Provisions that exceed state law

- (K) **Instructional program.** Registered retail establishments must ensure that all salesclerks complete a training program on the legal requirements related to the sale of approved products or medical cannabinoid products, and the possible consequences of registration or license violations. Registered retail establishments must maintain documentation demonstrating their compliance and must provide this documentation to the city at the time of renewal, or whenever requested to do so during the registration term.
- (L) **Minimum clerk age.** Individuals employed by a registered retail establishment and medical cannabis combination business must be at least 21 years of age to sell approved products and medical cannabinoid products.

Minimum Age for Clerks

State law prohibits cannabis businesses from employing any person under age 21 if the scope of work includes handling cannabis. As such, the law requires that all clerks selling at cannabis retailers would have to be at least 21 to sell products and this provision reflects that requirement (Minn. Stat. § 342.24, subd. 1) Cities and counties may also be interested in establishing a minimum age for employees to sell lower-potency hemp edibles at registered retail establishments. In the commercial tobacco control context, the tobacco industry has acknowledged that peer pressure facing young clerks from their underage peers seeking to purchase products at the counter plays a role in youth access. Establishing a minimum clerk age addresses the peer pressure issue and youth access. This sample language allows individuals under minimum clerk age to work for a lower-potency hemp edible retailer but not engage in sales of approved products. For example, a 20-year-old clerk employed at a grocery store may sell potato chips and soda to a customer, but not lower-potency hemp edibles (including beverages) that are also offered for sale at the same retail establishment.

Provision that exceeds state law

- (M) **Samples prohibited.** No samples of any approved products or medical cannabinoid products may be distributed free of charge or at a nominal cost. The distribution of approved products or medical cannabinoid products as a free donation is prohibited.

Prohibiting Free Samples and the Sampling of Approved Products in Retail Settings

Under Minn. Stat. § 342.46, subd. 7, lower-potency hemp edible retailers are prohibited from distributing or allowing free samples of lower-potency hemp edibles, except when the business is licensed to permit on-site consumption and samples are consumed within its licensed premises. A provision prohibiting all samples would be more protective of public health than state law.

State law also prohibits cannabis retailers from “giving away” cannabis products. (342.09, subd. 1 (b)(8)) While it is unclear whether this provision in state law prohibits giving away products for a nominal cost, as well, local jurisdiction can make clear that no samples are allowed with the provision included in this model ordinance.

Provisions that exceed state law

- (N) **Smoking prohibited.** Smoking is prohibited within the indoor area of any registered retail establishment.
- (O) **On-site consumption prohibited.** No registered retail establishment may allow on-site consumption of lower-potency hemp edible products on the premises.
- (P) **Sale of other products.** Registered cannabis retail businesses and medical cannabis combination businesses are limited to selling only the products allowed under Minn. Stat. § 342.27 subd. 3 as amended from time to time. The sale of any products other than approved products by registered retailers must comport with all requirements of state law.
- (Q) **Child-resistant packaging.** All sales of any approved products and medical cannabinoid products must be packaged in child-resistant packaging. Upon request by the city, a registered retail establishment must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

Note

Cannabis retailers are limited in the products they are allowed to sell under state law. (Minn. Stat. § 342.27, subd. 3) Limiting the availability and exposure to lower-potency hemp edibles to cannabis retailers would reduce youth access and would reduce exposure and marketing of the products at the point of sale.

✓ Provisions that strictly conform to the state law

- (R) **Advertising restrictions.** Registered retail establishments must follow all advertisement restrictions pursuant to Minn. Stat. § 342.64, as amended from time to time.
- (S) **Products that are attractive to underage persons.** No person shall sell or offer for sale any approved products and medical cannabinoid products that are attractive to underage persons.

Products that are attractive to children

Prohibiting products that are intentionally designed and marketed to attract youth has strong potential to subvert youth initiation and use of these products. State law prohibits products that resemble commercially available food product or is “designed to appeal to persons under age 21.” (Minn. Stat. § 342.62, subd. 3) The law specifically prohibits the Office of Cannabis Management from approving products that is or appears to be a lollipop or ice cream; bears the likeness or contains characteristics of a real or fictional person, animal, or fruit; are modeled after a type or brand of products primarily consumed by or marketed to children; are similar to certain food products; or are added to a finished food product that does not contain cannabinoids. (Minn. Stat. § 342.06 (d)) Given that many edible products are marketed as gummies and other food products attractive to youth, it is important to ensure these products do not portray images containing cartoons, toys, robots, real or fictional animate creatures, or any likenesses to images, characters, or phrases commonly used to advertise to youth. This includes products that imitate packaging or labeling for candy, cereals, sweets, chips or other foods typically marketed to youth.

⚠ Provision that exceeds state law

- (T) **Coupon and price promotion.** No registered retail establishment may accept or redeem any coupon, price promotion, or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any approved products to a consumer at no cost or at a price that is less than the non-discounted, standard price listed by a retailer on the item or on any shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.

Product Discounts

The price of these cannabis and lower-potency hemp edible products, like any product promotion strategy, directly affects consumption levels, particularly among price-sensitive consumers, such as people with lower incomes, including youth and young adults. For example, the commercial tobacco industry devotes billions of dollars per year to innovative pricing strategies designed to entice new customers to purchase their products and to discourage current users from quitting. Jurisdictions, in turn, can prohibit the redemption of such price promotions and coupons to negate industry discount marketing strategies, which has been shown in the commercial tobacco control space to be an effective point-of-sale regulation in curbing youth initiation and use.

Note: This provision does not apply to sale of medical cannabinoid products.

Provision that exceeds state law

(U) **Flavored product.** No person shall sell or offer for sale any flavored products intended to be inhaled as smoke, aerosol, or vapor.

Prohibiting flavored products intended to be smoked or vaped

Flavored products are a common and effective marketing tactic to attract children and youth. This tactic has been extremely successful with commercial tobacco marketing, particularly with electronic cigarettes (vapes). Flavored cigarettes have been banned across the United States since 2009 and many flavored e-cigarettes have been banned at the federal level, along with the many jurisdictions in Minnesota and across the nation that prohibit the sale of flavored commercial tobacco products. The Office of Cannabis Management will have the authority to approve or deny classes of cannabis products, including flavored products for smoking or vaping. It is unknown what the OCM will do with this class of products, however, local jurisdictions *may* have the authority to enact stricter restrictions and prohibit flavored cannabis products that may be smoked or vaped. This approach may be particularly attractive to Minnesota jurisdictions that have already prohibited or are considering prohibiting the sale of flavored commercial tobacco products.

✓ Provision that strictly conforms to the state law

(V) **Potency and amount per sale transaction.**

- (1) Registered cannabis retail businesses may sell or offer for sale approved products that comply with potency limits in accordance with Minn. Stat. § 342.27, subd. 2, c, d, and e, as amended from time to time.
- (2) Lower-potency hemp edible retailers and cannabis retailers may sell or offer for sale lower-potency hemp edible products that comply with potency limits in accordance with Minn. Stat. § 342.46, subd. 6, as amended from time to time.

Section 8. Temporary Cannabis Events.

⚠ Provisions that exceed state law

- (A) No sales of approved products are allowed at temporary cannabis events.
- (B) No use of approved products is allowed at temporary cannabis events.

Section 9. Compliance Checks and Inspections.

- (A) All registered retail establishments must be open to inspection by authorized city officials or their designees during regular business hours.
- (B) In accordance with Minn. Stat. § 342.22, subd. 4, city will conduct compliance checks of every retail establishment with a retail registration issued by the city. The checks will assess compliance with age verification requirements and all provisions of this ordinance.
- (C) From time to time, but at least [twice] per year, the city must conduct compliance checks to ensure compliance with all provisions of this ordinance.
- (D) In accordance with state law, the city will conduct at least two annual compliance checks that involves participation of a person at least 17 years of age, but under the age of 21 to enter the registered retail establishment to attempt to purchase approved products under the supervision of a law enforcement officer or an employee of the city. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check.

Compliance Checks

State law requires municipalities to conduct age verification compliance checks of both registered cannabis retail businesses and lower-potency hemp edible retailers at least once each calendar year. Cities may, however, require additional compliance checks. For retailer education purposes, and to identify and cite repeat offending retailers, the model language above requires at least two compliance checks per year.

Along with the state minimum requirements for underage compliance checks, the city should adopt inspection and compliance check procedures that test for retailer compliance with all provisions of the ordinance. For example, if a city requires lower-potency hemp edible beverages offered for sale to be stored behind the sales counter, in a locked case or unit not freely accessible to the public, the city should inspect each retailer to ensure compliance with that provision.

Section 10. Responsibility.

All registered medical cannabis combination businesses, cannabis retail businesses and lower-potency hemp edible retailers are responsible for the actions of their employees regarding the sale, offer to sell, and furnishing of approved products or medical cannabinoid products on the licensed and registered premises. The sale, offer to sell, or furnishing of any approved product or medical cannabinoid product by an employee will be considered an act of the registrant.

Section 11. Defenses.

It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

Penalizing Underage Purchase, Use, and Possession and the Use of False Identification

This model ordinance does not include penalties for underage Purchase, Use, and Possession (PUP) nor penalties for the use of false IDs for the following reasons. At its core, a point-of-sale ordinance is intended to regulate the behavior of retailers. Penalizing underage persons detracts from the focus of the retailer regulations and siphons enforcement resources away from the retailers to young consumers, many of whom may struggle with addiction, substance abuse, and mental health issues. There is no strong evidence to support an assertion that PUP penalties are effective in significantly reducing youth use of these products. And while the cannabis and consumer hemp industries are fairly new, especially in Minnesota, PUP laws were historically lobbied for by the commercial tobacco industry to punish youth users while the industry simultaneously targeted, and continues to target, youth to replace an older, sicker, and dying customer base and maintain profits.

Section 12. Violations, Penalties, and Administrative Hearings.

(A) Violations.

- (1) **Notice.** A person violating this ordinance may be issued, either personally or by mail, an administrative citation from the city that sets forth the alleged violation and informs the alleged violator of their right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.
- (2) **Hearings.**
 - (a) Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the City Administrator or other designated city officer. Failure to properly request a hearing within 10 business days of the issuance of the citation will terminate the person's right to a hearing.
 - (b) The city Administrator or other designated city officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator at least 10 business days prior to the hearing.

- (3) **Hearing officer.** The City Council will designate a hearing officer. The hearing officer will be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.
 - (4) **Decision.** A decision will be issued by the hearing officer within 10 business days of the hearing. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the city and the accused violator by in-person delivery or mail as soon as practicable. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the city and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in **Section 12 (A)(6)** of this ordinance.
 - (5) **Costs.** If the citation is upheld by the hearing officer, the city's actual expenses in holding the hearing up to a maximum of [\$1,000] must be paid by the person requesting the hearing.
 - (6) **Appeals.** Appeals of any decision made by the hearing officer must be filed in [____] County district court within 10 business days of the date of the decision.
 - (7) **Continued violation.** Each violation, and every day in which a violation occurs or continues, will constitute a separate offense.
- (B) **Administrative penalties.**
- (1) **Registrants.** Any registrant cited for violating this ordinance, or whose employee has violated this ordinance, will be charged an administrative fine of [\$300] for a first violation; [\$600] for a second offense at the same registered premises within a 36-month period; and [\$1,000] for a third or subsequent offense at the same location within a 36-month period from the first violation. Upon the third violation, the registration will be suspended for a period of not less than [30] consecutive days and may be revoked. Upon a fourth violation within a 36-month period from the first violation, the registration will be revoked..
 - (2) **Registration suspension.** In accordance with Minn. Stat. § 342.22, subd. 5, the city will suspend the retail registration of any registered retail establishment for 30 days for violations of this ordinance or if the operation of the business poses an immediate threat to the health or safety of the public.

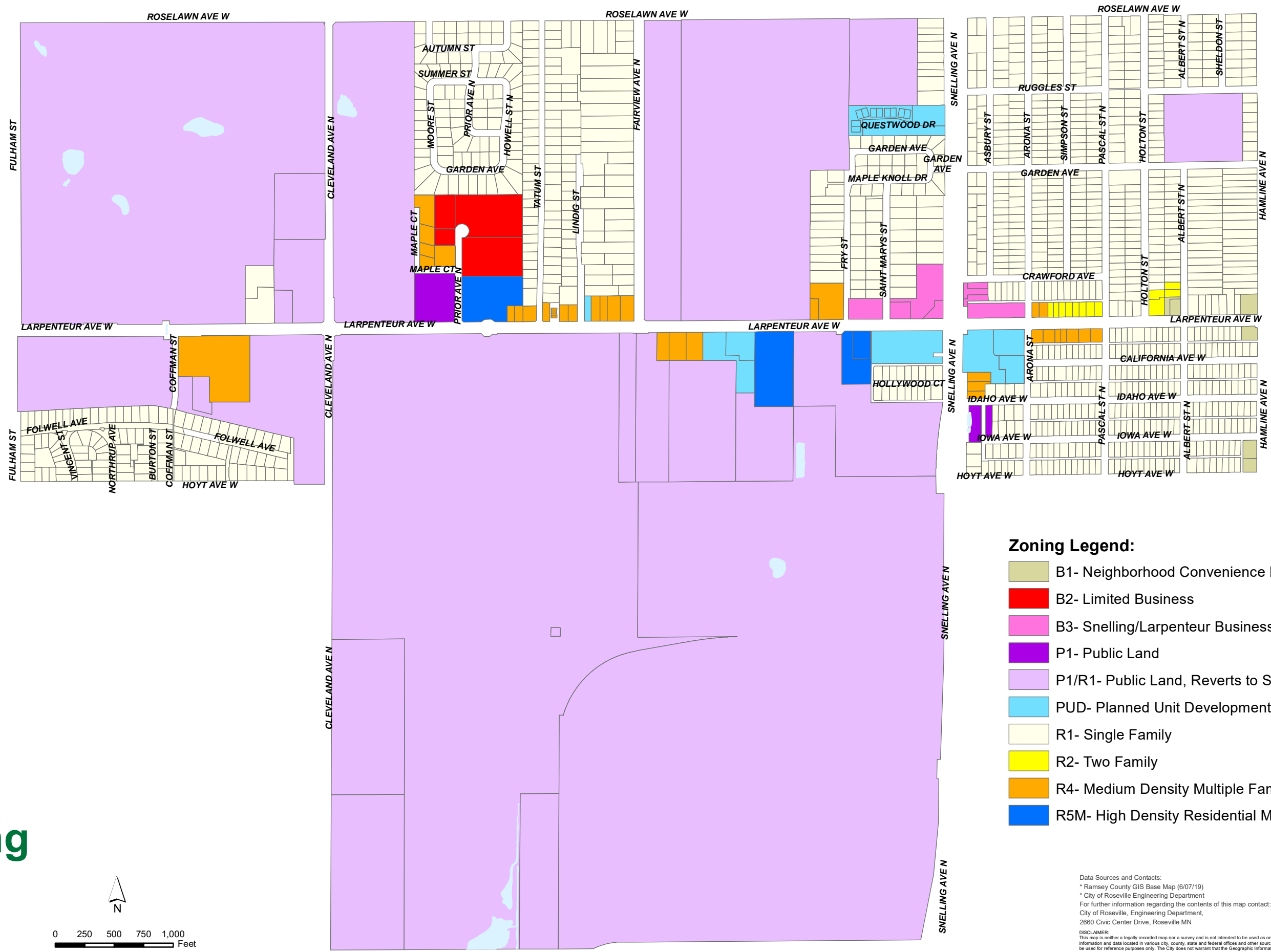
- (3) **Retail establishment operating without a registration.** Pursuant to Minn. Stat. § 342.22, subd. 5(e), any retail establishment found to be making or attempting to make any sales to a customer or patient without a valid retail registration will be charged a civil penalty of \$2,000 for each violation.
- (C) **Tobacco retail licensees.** In accordance with Minn. Stat. § 461.12, subd. 2a, a tobacco retail license will be suspended for no less than seven (7) days and may be revoked for certain cannabis-related violations by the licensed tobacco retailer on the licensed premises.
- (D) **Statutory penalties.** If the administrative penalties for violations of this ordinance authorized to be imposed by Minn. Stat. Chapter 342, as amended from time to time, differ from those established in this ordinance, then the higher penalty will prevail.
- (E) **Complaints submitted to the Office of Cannabis Management.** In accordance with Minn. Stat. § 342.13 (h), any violations of this ordinance will be submitted as complaints to the Office of Cannabis Management.

Section 13. Severability.

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

Section 14. Effective Date.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as amended from time to time.



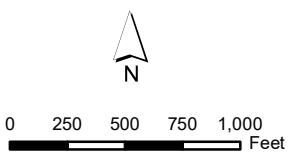
Zoning Legend:

- B1- Neighborhood Convenience Business
- B2- Limited Business
- B3- Snelling/Larpenteur Business District
- P1- Public Land
- P1/R1- Public Land, Reverts to Single Family
- PUD- Planned Unit Development
- R1- Single Family
- R2- Two Family
- R4- Medium Density Multiple Family and Townhouses
- R5M- High Density Residential Mixed Use

Zoning



Prepared by:
City of Roseville Engineering Department
June 19, 2019



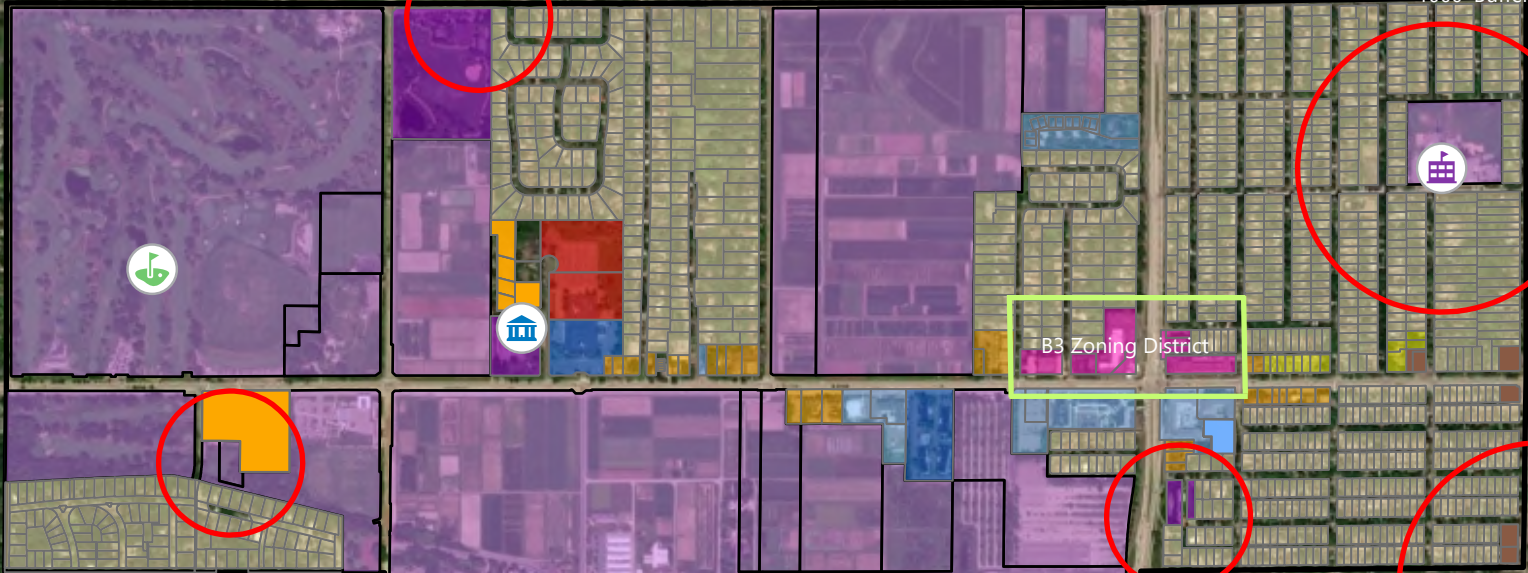
mapdoc: BaseMap.mxd
map: BaseMap.pdf

Data Sources and Contacts:
* Ramsey County GIS Base Map (6/07/19)
* City of Roseville Engineering Department
For further information regarding the contents of this map contact:
City of Roseville, Engineering Department,
2660 Civic Center Drive, Roseville MN

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Community Park - 500' Buffer

Falcon Heights Elementary School -
1000' Buffer



B3 Zoning District

Grove Park - 500' Buffer

Curtiss Field - 500' Buffer

Chelsea Heights Elementary School -
1000' Buffer

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Meeting Date	October 2, 2024
Agenda Item	Policy C3
Attachment	
Submitted By	Jack Linehan, City Administrator

Item	Metropolitan Council Livable Communities Act (LCA) Pre-Development Grant Program Award Consideration
Description	<p>The City of Falcon Heights has tabled this item until the subgrantee returns to favorable status with the City.</p> <p>Staff will provide an update on code violations and requests from the City Council. Upon receipt, the City Council is requested to instruct the City Administrator how to proceed.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • N/A
Action(s) Requested	Staff recommends the City Council discuss the grant award and advise staff on how to proceed.

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Meeting Date	October 2, 2024
Agenda Item	Policy C4
Attachment(s)	Renderings, Updated Park Layout
Submitted By	Jack Linehan, City Administrator

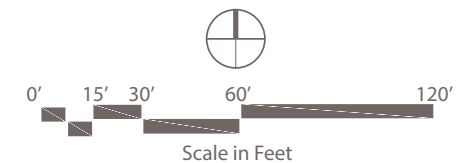
Item	Community Park Update
Description	<p>Staff has been working with our consultants to modify the Community Park project under the direction of moving towards a pre-fabricated restroom/concession building and outdoor shelter. These pre-fab structures have a current lead time of 9 to 12 months, so getting them ordered soon will be critical for a summer/fall 2025 construction.</p> <p>WSB has provided updated renderings based on direction following the September workshop. Included is a potential design consideration for the primary restroom/concession building. It is important to note that color and finishes can be changed to closer match the originally designed park building, with the example a stock image from a potential manufacturer.</p> <p>Additionally, WSB has incorporated the designs in to an updated site plan. The new site plan has a few key changes to the previous one approved by City Council, which includes:</p> <ol style="list-style-type: none"> 1) Change from a park building to the restroom structure, located south of the shelter 2) The former park building site will be preserved as green open space, minimizing tree loss as well as reserving space in the event the City eventually wants to construct a park building 3) Brought the splash pad / playground further east to distance from the community garden 4) Reduced the parking lot size to remain within the existing footprint. Expanding the parking lot was based on potential demand from park building rentals. 5) Preserved the existing picnic shelter in the NE. 6) Added the stormwater pond in the NW corner as required by the water shed. Underground storage under the parking lot was considered, but it carries a significant increase in price.

	<p>The plans as presented are estimated to be under the budgeted \$3.5M, including contingencies and overhead costs.</p> <p>Staff is seeking direction to move forward with finalizing plans and bidding for the upcoming months.</p>
Budget Impact	TBD
Attachment(s)	<ul style="list-style-type: none"> • Sample Concessions/ Restroom Building Renderings • Park Layout Concepts
Action(s) Requested	The City Council is requested to review the latest renderings and provide feedback to staff.



Falcon Heights Community Park | Concept 1

Falcon Heights, Minnesota
 September 6, 2024 | WSB Project number: 023655-000



K:\023655-000\3D\023655-000 Final Concept Plan



Falcon Heights Community Park | Bird's Eye Perspective

Falcon Heights, Minnesota

September 6, 2024 | WSB Project number: 023655-000



Falcon Heights Community Park | Shelter Perspective

Falcon Heights, Minnesota

September 6, 2024 | WSB Project number: 023655-000



Falcon Heights Community Park | Restroom + Plaza Perspective

Falcon Heights, Minnesota

September 6, 2024 | WSB Project number: 023655-000



Falcon Heights Community Park | Splash Pad + Playground Perspective

Falcon Heights, Minnesota

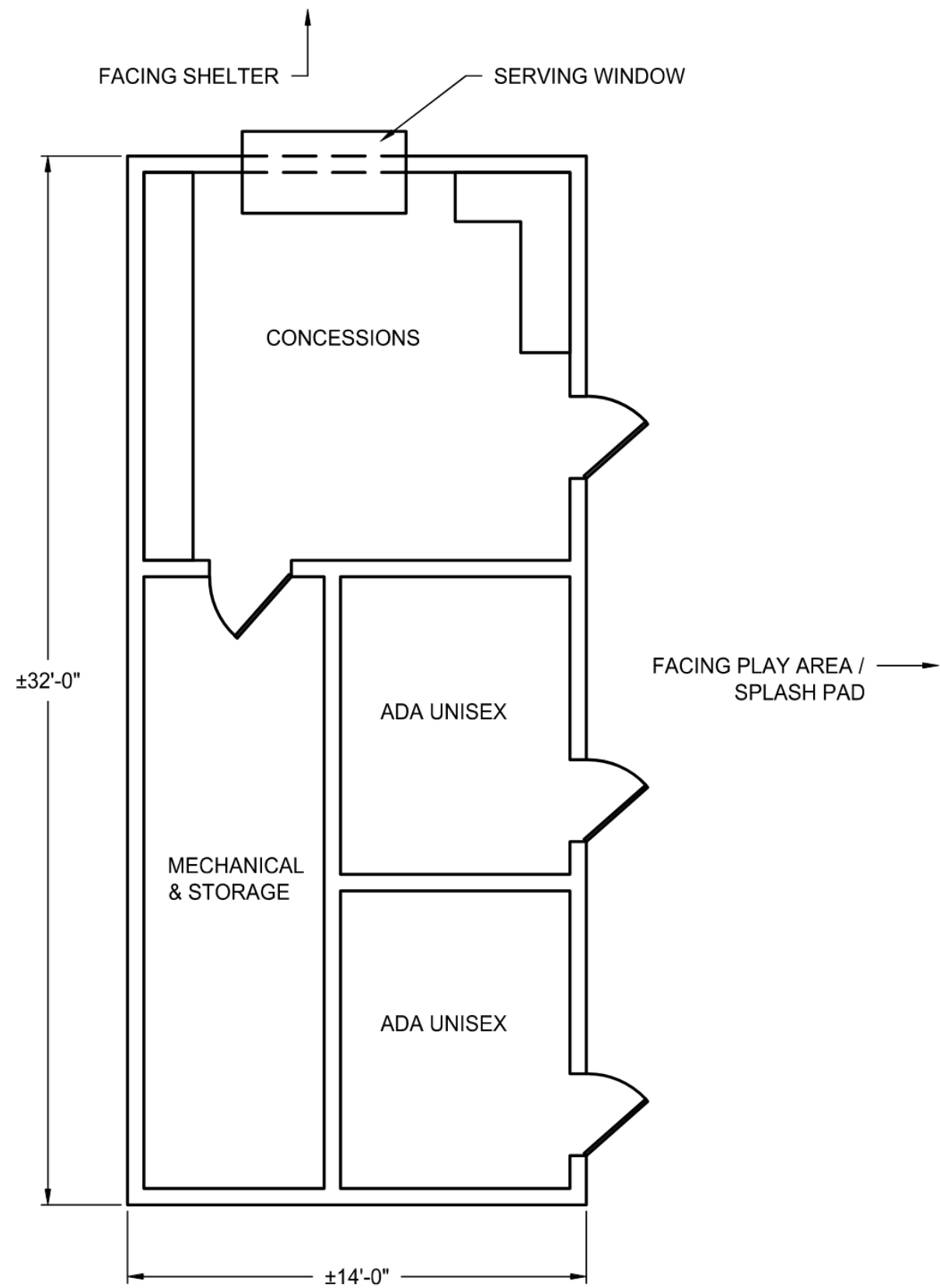
September 6, 2024 | WSB Project number: 023655-000



Falcon Heights Community Park | Splash Pad + Playground Perspective

Falcon Heights, Minnesota
September 6, 2024 | WSB Project number: 023655-000

FLOOR PLAN LAYOUT:



RESTROOM INSPIRATION- "PRAIRIE STYLE" INCLUDING A TWO-TONED STYLE WITH MONOSLOPE ROOFING AND AWNINGS.

EXTERIOR OPTIONS:



Falcon Heights Community Park | Pre-Fabricated Restroom

Falcon Heights, Minnesota
 September 26, 2024 | WSB Project number: 023655-000

K:\023655-000\Graphics\Shelter\023655-000 Prefab Restroom Styles

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Meeting Date	October 2, 2024
Agenda Item	Policy C5
Attachment	Resolution 22-30, Dischargement Form, Mounds View Covenant Steps; Falcon Heights JustDeeds Report
Submitted By	Jack Linehan, City Administrator

Item	Racial Covenants Dischargement Process
Description	<p>Mapping Prejudice published their initial findings on racial covenants in Ramsey County in 2022. At the time, they had found over 2,400 historical deeds that had racial covenants in Ramsey County and over 100 of the properties were in Falcon Heights. As of 2024, Falcon Heights has over 400 racial covenants primarily in the Northome, Northeast Quadrant, and Snelling West neighborhoods. Falcon Heights has the highest percentage of homes with racial covenants in Minnesota. While new racial covenants were made illegal in 1953 and existing covenants were no longer enforceable starting in 1962, the impact of the covenants remains today as reflected in home-ownership statistics in Falcon Heights.</p> <p>The City Council approved Resolution 22-30 to partner with Just Deeds and Mapping Prejudice in July 2022. The program launched with the plan that the City would send a letter to the ~100 impacted properties, and deeds would be disavowed and discharged. Since 2022, only two deeds in Falcon Heights have been discharged despite having nearly 40 residents register to discharge their deeds. This is largely due to the backlog the pro-bono volunteers at Just Deeds have experienced. Cities with in-house legal assistance, such as St. Paul, have seen more significant progress.</p> <p>The City of Mounds View recently approved an ordinance requiring the dischargement of racial covenants with the sale of property. To institute this, the staff at Mounds View have taken on the process administratively with the assistance of the staff at the Ramsey County Recorder of Deeds.</p> <p>City staff have worked with Mounds View staff to develop a voluntary program for dischargement. The program would kick-off at Human Rights Day, with the approximately 400 homes identified as having a racial covenant being invited to learn from Mapping Prejudice & Just Deeds, and then stations set up to begin the discharging process. After Human Rights Day, staff would</p>

	<p>make available appointment times similar to AARP Tax-Aide to discharge covenants.</p> <p>It has been requested that the City Council discuss the dischargement plan further, and consider whether a formal ordinance should be considered that requires dischargement.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Resolution 22-30 • State of MN Dischargement Form 40.10.1 • City of Mounds View Steps for Dischargement • Falcon Heights JustDeeds Report
Action(s) Requested	Provide staff direction on whether to consider a formal ordinance mandating racial covenant discharge.

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

July 13, 2022

No. 22-30

**RESOLUTION CONDEMNING THE USE OF DISCRIMINATORY COVENANTS,
DISCHARGING DISCRIMINATORY COVENANTS ON CITY-OWNED PROPERTY,
AND APPROVING PARTICIPATION IN THE JUST DEEDS COALITION**

WHEREAS, discriminatory covenants were tools used by real estate developers to prevent BIPOC and non-Christian individuals from buying or occupying property in certain areas, and they were common throughout the United States from the early 1900s to the 1960s; and

WHEREAS, the purpose of discriminatory covenants was to racially and religiously homogenize communities by excluding BIPOC and non-Christian individuals from Falcon Heights. These tools segregated the metro area and built a hidden system of apartheid; and

WHEREAS, in 2016, the University of Minnesota founded Mapping Prejudice to expose the racist practices that shaped the landscape of the metro area. Mapping Prejudice researched restrictive covenants in Ramsey County and created the first-ever comprehensive map of racial covenants in an American city. The project mapped 1,830 covenants in Ramsey County, including 101 covenants in Falcon Heights; and

WHEREAS, an example of a common covenant in Falcon Heights declared that “RESTRICTION AND; and that said property shall in no manner be conveyed to persons of African or Oriental descent”; and

WHEREAS, the discriminatory covenants in Falcon Heights are concentrated along its borders with St. Paul and Roseville; and

WHEREAS, there are parcels located in the Northeast Quadrant, Northhome, and Snelling West that contain discriminatory covenants; and

WHEREAS, restrictive covenants are no longer enforceable. Legal efforts to eliminate Discriminatory Covenants include Shelley v. Kraemer, 334 U.S. 1 (1948), in which the United States Supreme Court prohibited courts from enforcing Discriminatory Covenants and the Minnesota legislature in 1953 enacted statutes that prohibited new covenants, but existing covenants were still legal in Minnesota until 1962; and

WHEREAS, as a result of these judicial and legislative actions, today, Minnesota law and federal law prohibit discrimination in the sale or lease of housing based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status and those state and federal prohibitions extend to the refusal to sell or to circulate, post or cause to be printed, circulated, or posted, any limitation,

specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status; and

WHEREAS, in 2019, the Minnesota Legislature passed a law authorizing property owners to individually discharge or renounce discriminatory covenants by recording a discharge form in the county property records; and

WHEREAS, discriminatory covenants promoted and established residential racial segregation, which historically and currently has impacted property ownership, accumulation of wealth, property transfers, mortgage eligibility, rental eligibility, property values, property tax base, internet access, and more. Discriminatory covenants fortified systemic racism and compounded economic divestment in specific communities within Ramsey County; and

WHEREAS, discriminatory covenants benefitted White communities. For example, homes that were racially covenanted are still predominantly owned by White people and are worth approximately 15% more today than non-covenanted properties; and

WHEREAS, discriminatory covenants created demographic patterns that remain in place today. Due in part to this historical practice, the population of the City of Falcon Heights is less racially diverse than the populations of all of its neighboring communities and has a lower percentage of minority owned businesses than many neighboring communities; and

WHEREAS, in 2022, the City Council directed the Community Engagement Commission to begin work on the Just Deeds Project, which connects residents to pro bono attorneys who can help remove discriminatory covenants from property titles in Falcon Heights; and

WHEREAS, the State of Minnesota, including the City of Falcon Heights, recognizes the harm that Discriminatory Covenants—and the racial, religious, and other discriminatory practices that they represent—cause to society in general and to the individuals who are adversely affected by racial, religious, and other discrimination through the presence of discriminatory covenants in the public land records.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. The City of Falcon Heights disavows and condemns the past use of discriminatory covenants and prohibits discriminatory covenants from being used in the future.
2. The City Attorney is directed to investigate and to identify any real property owned or leased by the City that contains discriminatory covenants and to prepare and record an affidavit or request an examiner's directive discharging such discriminatory covenants pursuant to Minnesota Statute § 507.18, subd. 5.
3. City staff is directed to participate in the work of the Just Deeds Coalition to educate the community about this and other historically discriminatory practices; to identify contemporary discriminatory systems, policies, and practices; and to take action to

dismantling racist systems, practices, and policies in the City of Falcon Heights to create equity for all.

Moved by:

Approved by: _____

Randall C. Gustafson
Mayor

GUSTAFSON
LEEHY
MEYER
WEHYEE
ANDREWS

_____ In Favor
_____ Against

Attested by: _____

Jack Linehan
City Administrator

(Top 3 inches reserved for recording data)

**DISCHARGE OF RESTRICTIVE COVENANT AFFECTING
PROTECTED CLASSES
Minn. Stat 507.18**

**Minnesota Uniform Conveyancing Blanks
Form 40.10.1 (2019)**

Pursuant to Minnesota Statutes, section 507.18, any restrictive covenant affecting a protected class, including covenants which were placed on the real property with the intent of restricting the use, occupancy, ownership, or financing because of a person's race, color, creed, national origin, or religious beliefs, is discharged and released from the land described herein.

State of Minnesota, County of _____

I/we _____ having an ownership or other
(insert name(s) of Owner(s))
interest in all or part of the real property described herein, solemnly swear that the contents of this form are true to the best of my/our knowledge, except as to those matters stated on information and belief, and that as to those matters I/we believe them to be true.

Name and address of Owner(s):

The real property owned by Owner(s) is located in _____ County, Minnesota, and is legally described as follows:

Owner(s) _____ swear(s) and affirm(s) that
(insert name(s) of Owner(s))

Owner(s) is/are 18 years of age or older and is/are not under any legal incapacity and that the information provided in this form is true and correct based on the information available and based on reasonable information and belief:

- (1) a restrictive covenant which had the intent to restrict the use, occupancy, ownership, or financing of this property based on a protected class, including race, color, creed, national origin, or religion, existed at one time related to the property described in this form;

- (2) the restrictive covenant is contained in an instrument dated _____, and recorded as Document Number _____ (or in Book _____ of _____, Page _____) in the Office of the County Recorder of _____ County, Minnesota;
- (3) restrictive covenants relating to or affecting protected classes are unenforceable and void pursuant to Minnesota Statutes, sections 507.18 and 363A.09, the United States Constitution, and the Minnesota Constitution;
- (4) Minnesota Statutes, section 507.18, provides for the discharge of a restrictive covenant of the nature described herein through the use of this statutory form to permanently discharge such covenants from the land described herein and release the current and future landowner(s) from any such restrictive covenant related to or affecting protected classes;
- (5) the instrument containing such restrictive covenants shall have full force in all other respects and shall be construed as if no such restrictive covenant was contained therein; and
- (6) the filing of this form does not alter or change the duration or expiration of covenants, conditions, or restrictions under Minnesota Statutes, section 500.20.

The affiant(s) know(s) the matters herein stated are true and make(s) this affidavit for the purpose of documenting the discharge of the illegal and unenforceable restrictive covenants affecting protected classes.

Affiant (Owner's signature)

Affiant (Owner's signature)

Signed and sworn to before me on _____, by _____
(month/day/year)

(insert name(s) of Affiant(s)/Owner(s))

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Discharging of Racial Covenants from your Legal Property Record

Completion of Form 40.10.1 (2019)

Background:

Racial Covenants are restrictions placed on residential properties (deeds, titles) from the 1940s to the early 1960's. Most homeowners do not realize these exist. Standardized forms used during that time in real estate transactions contained these provisions which were seldom overlooked as part of the purchasing/closing process. A Supreme Court ruling in 1948 (Shelley v. Kraemer) ruled them unenforceable and in 1953 the Minnesota Legislature prohibited their use. However, they remain on the official records until they are legally removed – discharged.

Examples of Racial Covenants:

DATE - 1946-04-23

COVENANT

no person or persons other than of the Caucasian race shall be permitted to occupy said premises or any part thereof

DATE - 1948-04-01

COVENANT



No lot, plot, or parcel shall be sold, leased, mortgaged, used or occupied, nor any right thereto be granted, given, or permitted to any person, other than a member of the Caucasian race, except that this covenant shall not prevent occupancy by persons.

Removing them from your property title/deed:

While no longer enforceable, they remain a permanent part of your legal property record. Completion and filing of form 40.10.1 will remove (discharge) them from the legal property record.

Discharge Process Form: Fill out the form:

Is a very simple process.

2. Obtain/complete Minnesota Uniform Conveyance Form 40.10.01

40. [10.1DischargeofRestrictiveCovenant-fillable.pdf \(mn.gov\)](https://www.mn.gov/40.10.1DischargeofRestrictiveCovenant-fillable.pdf).

3. Google Mapping Prejudice - <https://mappingprejudice.umn.edu>.

1. Click on “See all Covenants.”

2. Scroll cursor over your property

3. Click the mouse

4. A pop up will appear that contains:

1. Your legal description of your property (Addition, Lot, Block Number) this information goes on the first page where it asks for “The real property owned, Fill in Ramsey in the blank and your property information – legally described as .

2. The date of the Covenant – fill that in the first blank of question 2 on page w.

• The document number which goes in the second blank

1. There is no Book of _____ of _____ , Page _____ to fill in. Ramsey County does not record in that manner.

2. Fill in the word Ramsey in the last blank

3. At the very bottom left hand corner of the page there is a place to insert name and address after: “THIS INSTRUMENT WAS DRAFTED BY”

You write in your name and address there.

- Be sure to sign the form in front of the notary, and not before-and bring a form of your identification with you (state i.d. or driver's license)

- 4. Have the form notarized (Come to City Hall and we will notarize it). NOTE – All property owners need to sign (Husband and Wife or Joint owners). City Hall is open Monday thru Thursday from 7:00 AM to 5:00 PM

- 5. Mail form to Ramsey County address below and Attention Todd Uecker.

If you come to City Hall, we will notarize and mail the form for you.

- Ramsey County Recorder's Office
90 Plato Blvd W
Saint Paul, MN 55107

ATTN: Todd Uecker

Questions:

Call City or email City Administrator Nyle Zikmund (note, email is best)

612-860-7442

Nyle.zikmund@moundsviewmn.org

Falcon Heights Report



	Address	Assigned Volunteer or Employee	Created	Project Status	PID	Addition/Lot/Block	Covenant Doc ID#	Corrected Address	Abstract/Torrens	Torrens Certificate No.	legal names and relationships of owners	Notes
1	1387 Idaho Ave West	Amber Bougie	09/26/22 4:28 PM	Assigned					Torrens	586228		COT doesn't show covenant;
2	1354 California Ave W	Amber Bougie	09/26/22 4:27 PM	Completed	222923210071		178075		Torrens	643671		8/27/24 emailed EOT re:
3	1771 Albert St N	Amber Bougie	09/26/22 4:20 PM	Completed	152923340050	Lot 6, Keller Manor	947212		Abstract	NA		9/20/24 PC Client and emailed
4	1717 Holton Street	David Pearson	02/14/24 10:13 AM									
5	1482 Idaho Ave W	David Pearson	02/04/24 3:37 PM	Assigned								
6	1764 Asbury Street	David Pearson	01/12/24 3:44 PM	Assigned								
7	1498 California Ave W	David Pearson	12/16/23 7:29 AM	Assigned								
8	1530 Iowa Avenue West	David Pearson	08/25/23 8:33 AM	Assigned								
9	1905 Arona Street	David Pearson	01/08/23 1:01 PM	Assigned								
10	1452 Iowa Ave W	David Pearson	12/05/22 11:40 AM	Assigned								
11	1794 Simpson Street	David Pearson	11/25/22 11:19 AM	Assigned			184244		Torrens	592481		
12	1396 Larpenteur Ave W	David Pearson	11/10/22 9:14 AM	Assigned			178075		Torrens	596309		COT doesn't show covenant;
13	1795 Simpson St.	David Pearson	10/08/22 9:15 PM	Assigned					Torrens	646915		
14	1764 N Albert St	David Pearson	09/26/22 4:25 PM	Assigned					Abstract			
15	1457 Idaho Ave W		11/24/23 6:37 AM		222923210057							
16	1764 N Albert St		10/20/23 1:18 PM									
17	1765 Saint Marys St		09/21/23 5:44 PM									
18	1764 N Albert St		08/25/23 1:23 PM									
19	1488 Iowa Avenue West		06/01/23 10:42 AM									
20	1446 California Avenue West		05/19/23 2:08 PM									
21	1447 Iowa Av West		05/09/23 10:12 PM		222923210127							
22	1911 Snelling Ave N		04/13/23 2:36 PM									
23	1447 Idaho Ave W		04/13/23 8:52 AM									
24	1506 Crawford Avenue		04/12/23 4:50 PM		152923330117		194914					
25	1825 Pascal St		04/12/23 12:33 PM									
26	1800 Holton Street		04/12/23 12:21 PM									
27	1484 California Ave W		04/12/23 8:42 AM									
28	1498 California Ave W		04/12/23 7:56 AM									
29	1801 Asbury St		04/11/23 11:15 PM									
30	1764 Pascal St		04/11/23 7:19 PM									
31	1503 Hoyt Ave W		04/11/23 5:55 PM									
32	1724 Arona St		04/11/23 10:36 AM									
33	1368 Idaho Ave W		03/07/23 9:47 AM									
34	1777 Simpson Street		03/06/23 11:44 AM									
35	1764 Asbury Street		02/09/23 8:16 PM									
36	1362 LARPELLEUR AVE W		02/02/23 10:11 AM									
37	1382 Iowa Avenue West		09/27/22 8:12 AM						Torrens	645538		

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Meeting Date	October 2, 2024
Agenda Item	Policy C6
Attachment	See Below
Submitted By	Kelly Nelson, Administrative Services Director/Deputy Clerk

Item	City Code Updates - City Inspections
Description	<p>City Code frequently needs updates as issues are raised and Staff enforces code. To reflect practices similar to those in neighboring cities and to help protect renters' rights, Staff has reviewed the City's current practices for inspecting rental properties and has proposed updates to the inspection process as outlined in City Code. The proposed changes made to Sec. 105-94 are attached for review and discussion by City Council.</p> <p>Changes of Note Include:</p> <p>(No changes made to (a) in Sec. 105-94)</p> <ul style="list-style-type: none"> • b). Wording added to reflect that individual units in multifamily dwellings may be subject to inspection. <ul style="list-style-type: none"> • The current City Code states that common areas of multifamily dwellings shall be inspected. The attached draft adds wording to reflect that inspections of multifamily dwellings shall include common areas but that they MAY also include any dwelling unit, with permission from any owner, operator, occupant or other person(s) in charge. • c). Wording added to further state actions the City may take if any owner or (tenant) occupant refuses entry for an inspection. <ul style="list-style-type: none"> ○ In addition to outlining legal steps the City may pursue, wording is added to state how the license itself may be suspended, revoked or denied. • (d). Adding mention of a re-inspection fee to City Code. <ul style="list-style-type: none"> ○ The current fee schedule lists a re-inspection fee of \$50 (due to initial failure). The proposed change adds additional fees if multiple re-inspections are needed. If during an initial inspection, a correction notice is issued, then one re-check will be included in the inspection fee. Should any code violations still exist and second/further inspections are needed, then an additional fee or fees will be charged to the owner. These fees are stated in the Fee Schedule draft.

	<ul style="list-style-type: none"> • (e). Wording added stating that a re-inspection fee can be waived by the City Administrator or their designee in case of error, mistake, injustice, or other good cause. • (f). Wording added stating that the owner/owner’s representative/tenant must be present during the inspection and must permit free access and entry for inspection purposes. <ul style="list-style-type: none"> ○ Occasionally, an owner asks if they can provide a code to enter an unattended premise. The Fire Marshal will not enter an unoccupied property for inspections. • (g). Wording added stating that no-shows or refusals to permit entry to the rental dwelling may be subjected to reinspection fees. <ul style="list-style-type: none"> ○ The City does not currently have an established fee that is issued for no-shows at inspections. Staff proposes redefining the Re-Inspection fee of \$50 to be more all-encompassing so that it includes both no-shows and second and subsequent re-inspections.
Budget Impact	None.
Attachment(s)	<ul style="list-style-type: none"> • City Code -City Code - Chapter 105 Buildings and Building Regulations Drafted Changes • Current Fee Schedule -Drafted Changes to License Re-Inspections
Action(s) Requested	Staff requests City Council discuss these potential amendments to City Code and to the Fee Schedule.

Chapter 105 - BUILDINGS AND BUILDING REGULATIONS

Article/Division/Section:

ARTICLE I	<u>IN GENERAL</u>
105-1	<u>Placement of addresses on principal structures</u>
105-2	<u>Fire code</u>
105-3 – 105-22	<i>Reserved</i>
ARTICLE II	<u>STATE BUILDING CODE</u>
105-23	<u>Codes adopted by reference</u>
105-24	<u>Application, administration and enforcement</u>
105-25	<u>Permits and fees</u>
105-26	<u>Optional provisions</u>
105-27 – 105-55	<i>Reserved</i>
ARTICLE III	<u>PROPERTY MAINTENANCE</u>
105-56	<u>General requirements</u>
105-57	<u>Purpose</u>
105-58	<u>International Property Maintenance Code adopted</u>
105-59	<u>Deletions</u>
105-60	<u>Amendments</u>
105-61 – 105-85	<i>Reserved</i>
ARTICLE IV	<u>RENTAL HOUSING</u>
105-86	<u>Purpose</u>
105-87	<u>Definitions</u>
105-88	<u>License required</u>
105-89	<u>Application for license</u>
105-90	<u>License approval</u>
105-91	<u>License renewal</u>
105-92	<u>License fees</u>
105-93	<u>Furnish license</u>
105-94	<u>City inspections</u>
105-95	<u>Maintenance standards</u>
105-96	<u>Crime free/criminal activity lease requirements</u>
105-97	<u>Revocation, suspension, and civil fines</u>
105-98	<u>Hearing on penalties, revocation, violation, suspension and civil fines</u>
105-99	<u>Summary action</u>
105-100	<u>Applicable laws</u>
105-101	<u>Multiple suspensions</u>
105-102 – 105-109	<i>Reserved</i>
ARTICLE V	<u>ELECTRICAL REGULATIONS</u>
105-110	<u>Purpose; application of this article</u>

105-111	Electrical inspector, qualifications and appointment
105-112	Standards for electrical equipment installation
105-113	Connections to installations
105-114	Permits and inspectors
105-115 – 105-119	<i>Reserved</i>
ARTICLE VI	VACANT PROPERTIES
105-120	Definitions
105-121	Policy
105-122	Registration required; form
105-123	Presumptions, exceptions, and fee waivers
105-124	Recordkeeping
105-125	Fees

ARTICLE I - IN GENERAL

Sec. 105-1 - Placement of addresses on principal structures

- (a) *Purpose.* The placement of numbers indicating correct addresses on all principal structures and accessory dwelling units within the city is deemed to be in the interests of health, welfare and safety of its residents. Properly numbered structures will allow for identification for police and fire protection purposes.
- (b) *Numbered addresses.* All residential structures and garages abutting alleys shall have the proper street address affixed as designated by the city. All businesses or commercial establishments shall have the proper street addresses affixed to both the front and back of the establishment.
- (c) *Requirements.* All letters shall be a minimum of four inches in height. (Code 1993, § 5-3.04)

Sec. 105-2 - Fire code

The Minnesota State Fire Code, as now or hereafter amended, is hereby adopted by reference. A copy shall be available in the city offices.

(Code 1993, § 2-3.02)

State Law reference – State fire code, Minn. Stats. § 299F.011; adoption by reference, Minn. Stats. § 471.62.

Secs. 105-3 – 105-22 - Reserved

ARTICLE II - STATE BUILDING CODE

Sec. 105-23 - Codes adopted by reference

The Minnesota State Building Code, as adopted by the commissioner of administration pursuant to Minn. Stats. §§ 16B.59—16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the state commissioner of administration, through the building codes and standards division is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Code. The Minnesota State Building Code is hereby incorporated in this Code as if fully set out herein.

(Ord. No. 03-05, § 1, 8-13-2003)

State Law reference – Adoption by reference, Minn. Stats. § 471.62.

Sec. 105-24 - Application, administration and enforcement

The application, administration, and enforcement of the Code shall be in accordance with the Minnesota State Building Code. The code enforcement agency of this municipality is called the Falcon Heights building official. This code shall be enforced by the state certified building official designated by this municipality to administer the code.

(Ord. No. 03-05, § 2, 8-13-2003)

Sec. 105-25 - Permits and fees

The issuance of permits and the collection of fees shall be as authorized in Minn. Stats.

§326B.153. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the municipality. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minn. Stats. 326B.148.

(Ord. No. 21-02, § 1, 4-28-2021)

Sec. 105-26 - Optional provisions

The following are hereby adopted:

- (1) Minn. Rules chapter 1306 with subpart 2, Existing and New Buildings. All floors, basements, and garages are included in this floor area threshold.
- (2) Minn, Rules chapter 1335, Floodproofing Regulations, sections 100 through sections 1406 of the 1972 edition of the “Floodproofing Regulations” from the Office of the Chief Engineers, U.S. Army, Washington, D.C.
- (3) Appendix chapter K (Grading), of the 2018 International Building Code

(Ord. No. 21-02, § 1, 4-28-2021)

Secs. 105-27 – 105-55 - Reserved

ARTICLE III - PROPERTY MAINTENANCE¹

Sec. 105-56 - General requirements

The requirements of this article apply to all buildings, structures and property within the city. All buildings and portions of buildings, including mechanical, electrical, plumbing and other building systems, previously constructed or installed in accordance with city and state codes must be maintained in conformance with the requirements of the codes in effect at the time of construction or installation.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-57 - Purpose

The purpose of this article is to protect, preserve, and promote the physical and mental health of the people, investigate and control communicable diseases, regulate privately and publicly-owned dwellings for the purpose of sanitation and public health, and protect the safety of the people and promote the general welfare by legislation which shall be applicable to all dwellings now in existence or constructed in the future and which (i) establishes minimum standards for basic equipment and facilities for light, ventilation and heating, for safety from fire, for the use and location, and amount of space for human occupancy, and for safe and sanitary maintenance; (ii) determines the responsibilities of owners, operators and occupants of dwellings; and (iii) provides for the administration and enforcement of this article.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-58 - International Property Maintenance Code adopted

The International Property Maintenance Code, 2012 Edition, is hereby adopted by reference and incorporated herein, subject to the amendments set forth in this article.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-59 - Deletions

The following sections of the International Property Maintenance Code are deleted: 302.4, 302.8, 303, 307, 402.1, 404.4.1, 404.5, 503.4, Chapter 8 all sections.

(Ord. No. 12-04, § 1, 5-23-2012)

Sec. 105-60 - Amendments

The following sections of the International Property Maintenance Code are amended to read as follows:

Section 101.1 Title

These regulations shall be known as the Property Maintenance Code of the City of Falcon Heights hereinafter referred to as "this Code."

Section 102.3 Application of Other Codes

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code and Falcon Heights City Code.

Section 102.7 Referenced Codes and Standards

The codes and standards referenced in this Code shall mean the applicable provision of the Falcon Heights City Code or Minnesota State Building Code, whichever is the most restrictive requirement permitted under statute and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply unless preempted by or in conflict with the State Building Code.

Section 103.2 Appointment

The City Administrator or the City Administrator's designated agents shall be the code official responsible for the administration and enforcement of this Code. Given limited city resources and local community standards, the City Administrator and other City Code Officials shall have discretion in responding to complaints of violations and prioritizing compliance initiatives and enforcement actions.

Section 103.5 Fees

The fees for activities and services performed by the City in carrying out its responsibilities under this Code shall be adopted by Resolution of the City Council.

Section 106.3 Prosecution of Violation

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any expenses incurred by the City in carrying out the enforcement of the provisions of this Code shall be included as a special assessment against the property.

Section 107.2 Form

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to impose a special assessment in accordance with Section 106.3.

Section 108.1 General

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be subject to the provisions of this Code.

Section 108.2 Closing of Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be assessed to the real estate upon which the structure is located.

Section 108.3 Notice

Whenever the code official has determined a structure or equipment is unsafe, a structure is unfit for human occupancy or a structure is unlawful under the provisions of this Article, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the unsafe equipment. The notice shall be in the form prescribed in Section 107.2.

Section 108.4 Posting

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall place a posting on the premises or on the defective equipment which shall provide a statement of the penalties for occupying the premises or operating the equipment.

Section 108.4.1 Posting Removal

The code official shall provide written approval and remove the posting whenever the defect or defects upon which the enforcement action and posting were based have been eliminated. It shall be unlawful for any person to deface, obscure or remove a posting without the approval of the code official. Any person who defaces, obscures or removes a posting shall be subject to the penalties provided by this Code.

Section 108.5 Prohibited Occupancy

Any occupied structure posted by the code official shall be vacated as ordered by the code official. Any person who shall occupy posted premises or shall operate posted equipment, and any owner or any person responsible for the premises who shall let anyone occupy a posted premises or operate posted equipment shall be liable for the penalties provided by this Code.

Section 109.6 Hearing

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon filing a written notice of appeal with the Clerk, be afforded an appeal/hearing as described in this Code.

Section 110.3 Failure to Comply

If the owner of a premise fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost thereof assessed to the real estate upon which the structure is located.

Section 111.1 Application for Appeal

Any person directly aggrieved by a notice issued under this Code, may within ten days after service of the same, appeal to the Council by filing a written notice of appeal with the Clerk. In the case of an appeal from a notice issued to vacate pending elimination of imminent dangers, the appeal shall be heard as soon as possible after the time of filing. In the case of appeals from other notices, the appeal shall be heard at such time as may be established by the Council, but the taking of an appeal from a notice other than one to vacate pending the elimination of imminent dangers shall, during the pendency of such appeal, restrain the City and its officers from proceeding in any manner to enforce such notice.

Section 111.2 Decision of the Council

All appeals under this Code shall be heard by the Council. The Council may affirm in whole or in part or deny the existence of a violation of this Code, and if the violation is found to exist, confirm or modify the corrective action to be taken or the order requiring vacation of the premises and the time allowed for it.

Section 111.3 Correction of Violation by City; Assessment of Cost

In all cases of violation of this Code to which M.S. 145A.03 through 145A.09 are applicable, the Sanitarian may proceed as provided in M.S. 145A.03 through 145A.09 to abate or remove the violation and to have the cost of it specially assessed against the lot or parcel where the violation was located. In suitable cases, said statutory remedies and procedure may be used either concurrently with, or separate from, the procedures prescribed in this Code.

Section 112.4 Failure to comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

Section 201.3 Terms Defined in Other Codes

Where terms are not defined in this Code and are defined in the Falcon Heights City Code or the Minnesota State Building Code, such terms shall have the meanings ascribed to them as stated in those codes.

Section 304.14 Insect Screens

Except for owner-occupied residential dwellings, during the period from May 15 to October 15 every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 305.1 General

The interior of a rental structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. The property owner is ultimately responsible for the whole property.

Section 307.1 General

Every exterior and interior flight of stairs shall have handrails on both sides of the stair.

Exception: Stairs having four or more risers and permitted by the Minnesota State Building Code to be less than 44" wide may have handrails on one side. Stairs

having less than four risers and permitted by the Minnesota State Building Code to be less than 44" wide are not required to have handrails.

Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards.

Handrails shall not be less than 34 inches (864 mm) high or more than 38 inches (965 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 42 inches (1067 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exceptions:

1. Guards may be not less than 36 inches (914mm) high where permitted by the Minnesota State Building Code.
2. Guards shall not be required where exempted by the adopted building code.

Section 308.4 Multiple Occupancies

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. Whenever infestation exists in two or more dwelling units in a dwelling, extermination of the infested areas shall be the responsibility of the owner and operator.

Section 401.3 Alternative Devices

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Minnesota State Building Code shall be permitted.

Section 402.3 Other Spaces

All other spaces shall be provided with natural or artificial light to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures. Minimum artificial light shall provide 10 foot candles of light over the room area at a height of 30 inches.

Section 505.1 General. Amended to read:

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Minnesota State Building Code.

Section 602.2 Residential Occupancies

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) at a distance 3 feet above floor level in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -15 ° F. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 Heat supply

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 15 to May 15 to maintain a temperature of not less than 68°F (20°C) at a distance 3 feet above floor level in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature shall be -15 ° F.

Section 602.4 Occupiable Work Spaces

Indoor occupiable work spaces shall be supplied with heat during the period from September 15 to May 15 to maintain a temperature of not less than 65°F (18°C) at a distance 3 feet above floor level during the period the spaces are occupied.

Section 604.2 Service

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the currently adopted National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

Section 605.2 Receptacles

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area and bathroom in a dwelling shall contain at least one receptacle. Any electrical outlet within six feet of a water source or water outlet shall include operable ground fault circuit interrupter protection.

Section 606.1 General

Elevators, dumbwaiters and escalators shall be maintained in compliance with Minnesota Elevators and Related Devices Code. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in Minnesota Elevators and Related Devices Code, except

where otherwise specified by the authority having jurisdiction.

Section 702.1 General

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Minnesota State Fire Code.

Section 702.2 Aisles

The required width of aisles in accordance with the Minnesota State Fire Code shall be unobstructed.

Section 702.3 Locked Doors

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Minnesota State Building Code.

Section 702.4 Emergency Escape Openings

Required emergency escape openings for Group IRC, Group R and Group I-1 shall comply with Minnesota State Fire Code Section 1026, Emergency Escape and Rescue.

Section 704.1 General

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Minnesota State Fire Code.

Section 704.2 Smoke Alarms

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. on the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. in each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Minnesota State Fire Code.

(Ord. No. 12-04, § 1, 5-23-2012)

Secs. 105-61 – 105-85 - Reserved

ARTICLE IV - RENTAL HOUSING²

Sec. 105-86 - Purpose

It is the purpose of this article to protect the public health, safety and welfare of citizens of the city who have as their place of abode a living unit furnished to them for the payment of a rental charge to another by adopting licensing regulations for all rental dwellings and multifamily rental dwellings in the city.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 9, 9-11-2019)

Sec. 105-87 - Definitions

For the purposes of this article, the terms defined in this section shall have the meanings given them as follows:

Compliance official means the city administrator or his or her designee.

Operate means to charge a rental charge or other form of compensation for the use of a unit in a rental dwelling/multifamily rental dwelling.

Rental dwelling means any single-family dwelling, accessory dwelling unit, duplex dwelling or triplex dwelling, which is rented for more than four consecutive months in any calendar year. Rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

Multifamily rental dwelling means any building or portion thereof, including the real property upon which it is located and which surrounds it, that contains four or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out. Multifamily rental dwelling does not include Minnesota Department of Health–licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 10, 9-11-2019)

Sec. 105-88 - License required

No person, firm, partnership, corporation or other legal entity shall operate a rental dwelling or multifamily rental dwelling in the city without first obtaining a license. The license is issued annually and is valid until the date of expiration. Changes that result in a 25% change in ownership of a property requires a new license. The new owner(s) must submit an application for a new license within thirty calendar days of acquiring the

property. Property owners that are listed on a stock exchange are exempt from [section 105-88](#).

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 11, 9-11-2019)

Sec. 105-89 - Application for licenses

Applications for licenses shall be made in writing on forms provided by the city and accompanied by the fee amounts as established by the City Council. Such application shall be submitted at least 60 days prior to the expiration date of the license, and shall specify the following:

- (1) Name and address of the owner of the rental dwelling/multifamily rental dwelling.
- (2) Name and address of any agent actively managing the rental dwelling/multifamily rental dwelling. The agent must live within the Seven County Metropolitan area and must have a background check conducted by the police department.
- (3) Name and address of all partners if the registrant is a partnership.
- (4) Name and address of all officers of the corporation if the registrant is a corporation.
- (5) Name and address of the vendee if the rental dwelling/multifamily rental dwelling is owned or being sold on a contract for deed.
- (6) Legal address of the rental dwelling/multifamily rental dwelling.
- (7) Number and kind of units within the rental dwelling/multifamily rental dwelling classified as dwelling units, tenement units, or rooming units or other.
- (8) Name and address of on-site operating manager, if any.
- (9) If property contains an accessory dwelling unit, property owner must reside on the property and verify their permanent residence in either the single-family residence or accessory dwelling unit on the property.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 12, 9-11-2019)

Sec. 105-90 - License approval

The compliance official may either approve or deny the license, or may delay action for up to 60 days to permit the city to complete any investigation of the application or the applicant as deemed necessary. If the compliance official approves the license, a license shall be issued to the applicant. If the compliance official denies the application, a notice of denial shall be sent to the applicant at the business address provided on the application along with the reasons for the denial. The notice shall also inform the applicant of their right to appeal the decision to the city council pursuant to the process set forth in this article.

(Ord. No. 13-06, § 1, 12-11-2013)

Sec. 105-91 - License renewal

Notwithstanding the application signature requirements, renewals of the license as required annually by this Code may be made by filling out the required renewal form provided by the city to the owner, operator or agent of a rental dwelling/multifamily rental dwelling and mailing said form together with the required registration fee to the compliance official. Failure to file the completed application with the city at least 60 days prior to the expiration of the license is a violation of this article.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 13, 9-11-2019)

Sec. 105-92 - License fees

The license fees shall be in the amount established by the City Council. Failure to pay the license fee for renewal of a license is a violation of this article.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 14, 9-11-2019)

Sec. 105-93 - Furnish license

Every registrant of a rental dwelling/multifamily rental dwelling shall be given a copy of the license. The license shall contain a statement that the tenant or tenants may contact the attorney general for information regarding the rights and obligations of owners and tenants under state law. The statement shall include the telephone number and address of the attorney general.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 15, 9-11-2019)

Sec. 105-94 - City inspections

- (a) Rental dwellings shall be inspected by the compliance official or designated representative in their entirety every 24 months. An application and payment is required annually on-a continuous basis. Rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. Rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.
- (b) Multifamily rental dwellings shall be inspected by the compliance official or designated representative every 24 months. An inspection will be made of the common areas of the property and the compliance official or designated representative shall have the authority to enter, at all reasonable times, any dwelling unit, with permission from any owner, operator, occupant or other person(s) in charge. An application and payment is required annually on a continuous basis. Multifamily rental dwellings that fail their first inspection will be subjected to additional inspections until an inspection certificate is given by the compliance official. Multifamily rental dwellings that fail their first inspection will be subjected to an inspection the subsequent year.

- (c) Pursuant to this section, the compliance official shall make inspections to determine the condition of rental dwellings/multifamily rental dwellings located within the city for the purpose of enforcing the rental licensing standards. The compliance official or designated representative may enter, examine and survey at all reasonable times all rental dwellings/multifamily rental dwellings and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the compliance official or designate representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. If any owner or (tenant) occupant fails or refuses to permit entry to a rental dwelling under its control for an inspection pursuant to this article, the compliance official or designated representative may pursue any remedy at law or under the city code, including, but not limited to, securing an administrative search warrant for the rental dwelling, denying a rental license application, revoking or suspending a rental license, or denying a renewal license.
- (d) The license application fee shall cover an initial inspection of the property and up to one recheck in the event that correction notices are issued during the initial inspection. If the inspector determines code violations still exist and a second/further inspection(s) is/are needed, then a fee will be charged for each subsequent re-inspection occurring after the due date for compliance with an order, as published in and according to the City's current adopted fee schedule.
- (e) The City Administrator or their designee may waive a re-inspection fee in case of error, mistake, injustice, or other good cause.
- (f) The owner/owner's presentative/tenant must be present during the inspection and must permit free access and entry for inspection purposes.
- ~~(e)~~(g) Should an owner fail to keep a scheduled inspection without reasonable cause or refuse to permit entry to the rental dwelling, a re-inspection fee may be charged.
- ~~(d)~~(h) The city may, upon receipt of a creditable ~~third-party~~ third-party complaint or a complaint by residents with reasonable concerns, require an inspection of rental dwellings/multifamily rental dwellings. A complaint-based inspection may require individual dwelling units to be inspected.
- ~~(e)~~(i) The owner's rental housing license may be suspended, revoked or denied renewal for failing to maintain the licensed building in compliance with the property maintenance code as set forth in chapter 105, article III of this Code or otherwise failing to comply with the requirements of the City Code or applicable state or federal law.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 16, 9-11-2019)

Sec. 105-95 - Maintenance standards

- (a) Every rental dwelling/multifamily rental dwelling shall maintain the standards in

[chapter 105, article III](#), housing code, and [chapter 22](#), blight, in addition to any other requirement of the ordinance of the city or special permits issued by the city, or the laws of the State of Minnesota.

- (b) Any code violation noted by the city must be remedied in a timely fashion by the property owner and reinspected for compliance by the city.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 17, 9-11-2019)

Sec. 105-96 - Crime free/criminal activity lease requirements

- (a) All tenant leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain the following crime free/criminal activity language:

- (1) *Drug-related activity.*

- a. Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in drug-related criminal activity, on or near the premises.
- b. Resident, any member of the resident's household or a guest or other person affiliated with resident shall not engage in any act intended to facilitate drug-related criminal activity on or near the premises.
- c. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
- d. Resident, any member of the resident's household or a guest, or other person affiliated with the resident shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise.
- e. Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

- (2) *Criminal activity.*

- a. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in criminal activity, engage in any act intended to facilitate criminal activity, or permit the dwelling unit to be used for or facilitate criminal activity on or near the premises.
- b. Three criminal activity violations involving the same tenancy within a continuous 12-month period shall be a substantial and material violation of the lease and good cause for termination of the tenancy.
- c. Notwithstanding the above provision, criminal activity that jeopardizes the health, safety, and welfare of the landlord, his or her agent, other residents,

neighbors or other third party, or involving imminent or actual serious property damage shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.

(3) *Definitions.*

- a. The term "criminal activity" means the violation of the following:
 1. Minn. Stats. §§ 609.75 through 609.76, which prohibit gambling;
 2. Minn. Stats. §§ 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 3. Minn. Stats. § 340A.401, which prohibit the unlawful sale of alcoholic beverages;
 4. Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 30-3 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon;
 5. Minn. Stats. §§ 609.185, 609.19, 609.195, 609.20, and 609.205 which prohibit murder and manslaughter;
 6. Minn. Stats. §§ 609.221, 609.222, 609.223, and 609.2231 which prohibit assault;
 7. Minn. Stats. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451 which prohibit criminal sexual conduct;
 8. Minn. Stats. §§ 609.52 which prohibit theft;
 9. Minn. Stats. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632 which prohibit arson;
 10. Minn. Stats. § 609.582 which prohibit burglary;
 11. Minn. Stats. § 609.595 which prohibit damage to property;
 12. [Chapter 22, article III](#) of this Code, which prohibits nuisances;
 13. Minn. Stats. § 609.72, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation; and
 14. [Section 30-3](#) of the Falcon Heights City Code which prohibits the discharge of a firearm.
- b. The term "drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of controlled substance or any substance represented to be drugs in violation of Minn. Stats. §§ 152.01 through 152.025, and 152.027, subs. 1 and 2 and Section 102 of the Controlled Substance Act, 21 U.S.C. § 802).

(4) *Non-exclusive remedies.* The crime free/criminal activity provisions are in

addition to all other terms of the lease and do not limit or replace any other provisions.

- a. These lease provisions shall be incorporated into every new lease for a tenancy beginning January 1, 2009 and all renewed leases thereafter.
- b. Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used in violation of the drug-related activity provision of [subsection \(a\)\(1\)](#) or criminal activity provision of [subsection \(a\)\(2\)\(c\)](#), the city shall cause notice to be made to the owner and property manager of the violation. The owner or property manager shall notify the tenant or tenants within ten days of the notice of violation of the crime free/criminal activity lease language and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.
- c. Upon determination by the compliance official that a licensed premises or unit within a licensed premises was used for criminal activity as set forth in [subsection \(a\)\(2\)](#) herein, the city shall cause notice to be made to the owner and property manager of the violation and direct the owner and property manager to take steps to prevent further criminal activity violations.
- d. If a second criminal activity violation occurs within a continuous 12-month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the second violation. The owner or property manager shall respond in writing within ten days of receipt of the notice with an action plan to prevent further criminal activity violations.
- e. If a third criminal activity violation occurs within a continuous 12-month period involving the same tenancy, the city shall cause notice to be made to the owner and property manager of the third violation. The owner or property manager shall notify the tenant or tenants within ten days of the violation of the crime free/criminal activity lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.
- f. The provisions of subsections c., d., e., and f. herein do not apply if the determination that the premises have been used in violation of the crime free/criminal activity provisions of subsections [\(a\)\(1\)](#) and [\(a\)\(2\)](#) herein originates from a call from or at the request of one or more of the tenants occupying the premises for police or emergency assistance, or in the case of domestic abuse, from a call for assistance from any source. The term "domestic abuse" has the meaning given in Minn. Stat. § 518B.01, subd. 2.

(Ord. No. 13-06, § 1, 12-11-2013)

Sec. 105-97 - Revocation, suspension, and civil fines

- (a) *Violations.* The following actions by property owners or license holders are misdemeanors and are subject to civil penalties, may constitute the basis for revocation of licenses and/or may result in injunctive action by the city. The property owner shall be responsible for the conduct of its agents or employees while engaged in normal business activities on the licensed premises. Any violation of this article shall be considered an act of the property owner or license holder for purposes of imposing a civil penalty or license revocation. If a license is revoked it is unlawful for the owner to permit new occupancy of any vacant rental unit, or any units that become vacant during license injunction.
- (b) *Basis for sanctions.* The compliance official may revoke, suspend, deny or decline to renew any license issued under this article for part or all of a rental dwelling/multifamily rental dwelling upon any of the following grounds:
- (1) *Leasing without a license.* Leasing residential units without a license is subject to license suspension or revocation;
 - (2) *Violation of codes.* Violation of the city maintenance code, building code, or fire code;
 - (3) *Hazardous or uninhabitable units.* Leasing units that are deemed hazardous or uninhabitable or units within a building that are deemed hazardous or uninhabitable;
 - (4) *Commission of a felony.* Commission of a felony related to the licensed activity by the property owner or manager;
 - (5) *Consideration of suspension or revocation.* At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license, the license may be brought forth to the city council for consideration of license suspension or revocation;
 - (6) *Updated application requirement.* Failure to provide an updated application with current information within 30 days of application renewal request from the city;
 - (7) *False statements.* False statements on any application or other information or report required by this article to be given by the applicant or licensee;
 - (8) *Fees.* Failure to pay any application, inspection, penalty, reinspection or reinstatement fee required either by this section or city council resolution. Fee amounts are subjected to change through the city fee schedule;
 - (9) *Correction of deficiencies.* Failure to correct dwelling deficiencies in the time specified in a compliance order;
 - (10) *Inspection.* Failure to schedule an inspection within 90 days of application filed and/or allow an authorized inspection of a rental dwelling/multifamily rental dwelling;
 - (11) *Violation of statute.* Violation of an owner's duties under Minn. Stats. §§ 299C.66 to 299C.71 ("Kari Koskinen Manager Background Check Act");
 - (12) *Delinquent taxes or fines.* Real estate or personal property taxes or municipal

utilities have become delinquent or have unpaid fines.

(c) *Penalties.*

- (1) *Revocation.* Any violation of this article may be grounds to revoke a license. Any civil penalty, revocation or combination thereof under this section does not preclude criminal prosecution under this article or Minnesota statutes. All fines are cumulative and revocation periods will run consecutively.
- (2) *Violation.* Any person that maintains a rental dwelling/multifamily rental dwelling without having a property registered or after the registration for the property has been revoked or suspended or who permits new occupancy in violation is guilty of a misdemeanor and upon conviction is subject to a fine and imprisonment as prescribed by state law.
 - a. *First violation:* Compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - b. *Second violation:* If a second violation occurs within 60 days of a first violation the compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations.
 - c. *Third or more violation:* If another instance of violations occurs within 60 days of the calendar year compliance official will give notice to the licensee of the violation, request fine payment and direct the licensee to take steps to prevent further violations. If a fourth or subsequent violation occurs, suspension of the license will be pending until a hearing.
- (3) *Suspension.* The city council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (4) *Civil fines.* The city council may impose civil fines in addition to revocation or suspension for violations of any provision of this article as follows:

Within One Calendar Year	Fine Per Unit/Common Building
First Violation	\$300.00
Second Violation	600.00
Third or more within a 12-month period	900.00

Renting without a license after 30 days' notice shall be subject to \$1,000.00 fine per unit and also be a misdemeanor offense

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 18, 9-11-2019)

Sec. 105-98 - Hearing on penalties, revocation, violation, suspension and civil fines

- (a) *Hearing.* Following receipt of a notice of denial or nonrenewal issued by the compliance official or a notice of a violation and penalty issued under [section 105-97](#) of this article, an applicant or license holder may request a hearing before the city council. A request for a hearing shall be made by the applicant or license holder in writing and filed with the compliance official or compliance official's designee within ten days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before a committee consisting of the compliance official or compliance official's designees. After the committee conducts the hearing it shall report its findings and make a recommendation to the full city council.
- (b) *Findings.* If after the hearing the applicant or license holder is found ineligible for a license, or in violation of this article, the council may affirm the denial, impose a civil penalty, suspend, or revoke a license or impose any combination thereof.
- (c) *Default.* If the applicant or license holder has been provided written notice of the denial, nonrenewal, or violation and if no request for a hearing is filed within the ten-day period, then the denial or revocation take immediate effect by default. The compliance official or designee shall mail notice of the denial, fine, suspension, or revocation to the applicant or license holder. The compliance official shall investigate compliance with the denial or revocation.
- (d) *Penalties for default.* Failure to comply with all terms of this section during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of revocation, suspension or continuation of nonrenewal of the license.
- (e) *Appeal.* Following receipt of a decision by the compliance official to deny, revoke, suspend, or not renew a license, the owner/licensee may request a hearing before the city council. The request must be made in writing to the compliance official within ten days of the compliance official's decision.
- (f) *Written notice, hearing.* A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity for a hearing before the city council before final action to revoke, suspend, deny, or not renew a license. A hearing will be conducted before the city council at a public meeting, or the city council may retain an administrative hearing officer or other impartial third party to conduct the public hearing. The licensee shall have the right to be

represented by counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the city council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.

- (g) *Decision basis.* The council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to deny, not renew, suspend or revoke a license only upon written findings.
- (h) *Affected facility.* The council may suspend or revoke a license or not renew a license for part or all of a facility.
- (i) *Suspension.* Licenses may be suspended for up to 90 days and may, after the period of suspension, be reinstated subject to compliance with this article and any conditions imposed by the city council at the time of suspension including, but not limited to, receivership or city obtaining control to manage the property temporarily.
- (j) *Written decision, compliance.* A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be relet or occupied.
- (k) *Continuing obligations, penalty.* Revocation, suspension or nonrenewal of a license shall not excuse the owner/licensee from compliance with all terms of this article, this Code, and state laws for as long as any units in the facility are occupied. Failure to comply with all terms of this article during the term of revocation, suspension or nonrenewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or nonrenewal specified in the city council's written decision.
- (l) *New licenses prohibited.* A person who has a rental license revoked may not receive a rental license for another property within the city for a period of one year from the date of revocation. The person may continue to operate other currently licensed rental properties if the properties are maintained in compliance with city codes and other applicable regulations.

(Ord. No. 13-06, § 1, 12-11-2013)

Sec. 105-99 - Summary action

- (a) When the condition of the rental dwelling/multifamily rental dwelling of any license holder or their agent, representative, employee or lessee is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard or other

unsafe or dangerous condition and thus give rise to an emergency, the compliance official shall have the authority to summarily condemn or close off such area of the rental dwelling/multifamily rental dwelling.

- (b) Any person aggrieved by a decision of the compliance official to cease business or revoke or suspend the license or permit shall be entitled to appeal to the city council immediately, by filing a notice of appeal. The administrator shall schedule a date for hearing before the city council and notify the aggrieved person of the date.
- (c) The hearing shall be conducted in the same manner as if the aggrieved person had not received summary action.
- (d) The decision of the compliance official shall not be voided by the filing of such appeal. Only after the city council has held its hearing will the decision of the compliance official be affected.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 19, 9-11-2019)

Sec. 105-100 - Applicable laws

Licenses shall be subject to all of the ordinances of the city and the State of Minnesota relating to rental dwellings/multifamily rental dwellings; and this article shall not be construed or interpreted to supersede or limit any other such applicable ordinance or law.

(Ord. No. 13-06, § 1, 12-11-2013; Ord. No. 19-06, § 20, 9-11-2019)

Sec. 105-101 - Multiple suspensions

If the license of more than one dwelling unit in a licensed premises is suspended within 12 months, the period of suspension for the second and subsequent dwelling units licensed that are suspended may be doubled for the suspension period specified in [section 105-96](#).

(Ord. No. 13-06, § 1, 12-11-2013)

Secs. 105-102 – 105-109 - Reserved

ARTICLE V - ELECTRICAL REGULATIONS³

Sec. 105-110 - Purpose; application of this article

- (a) The purpose of this article is to implement the provisions of the Minnesota State Building Code and Minnesota Rules Chapter 1315 which adopts the National Electrical Code.
- (b) The provisions of this article shall apply to all installations of electrical conductors, fittings, devices, fixtures hereinafter referred to as "electrical

equipment", within or on public and private buildings and premises, with the following general exceptions. The provisions of this article do not apply to the installations in mines, ships, railway cars, aircraft, automotive equipment or the installations or equipment employed by a railway, electric or communication utility in the exercise of its functions as a utility, except as otherwise provided in this article.

- (c) As used in this article, "reasonably safe to persons and property" as applied to electrical installations and electrical equipment means safe to use in the service for which the installation or equipment is intended without unnecessary hazard to life, limb or property.
- (d) For purposes of interpretation of the provisions of this article, the most recently published edition of the National Electrical Code shall be prima facie evidence of the definitions and scope of words and terms used in this article.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-111 - Electrical inspector, qualifications and appointment

Creation; qualifications. There is hereby created the office of electrical inspector. The person chosen to fill the office of electrical inspector shall be of good moral character, shall be possessed of such executive ability as is requisite for the performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property; the statutes of the state relating to electrical work and any orders, rules and regulations issued by authority thereof; and the National Electrical Code as approved by the American Standards Association; shall have two years' experience as an electrical inspector or five years' experience in the installation of electrical equipment, or a graduate mechanical or electrical engineer with two years of practical electrical experience.

- (1) *Licensed inspector.* The electrical inspector shall be a licensed master or journeymen electrician as defined under Minnesota Statutes.
- (2) *Duties of the electrical inspector.* It shall be the duty of the inspector to enforce the provisions of this article. The inspector shall, upon application, grant permits for the installation or alteration of electrical equipment, and shall make inspections of electrical installations, all as provided in this article. The inspector shall keep complete records of all permits issued, inspections and reinsertions made and other official work performed in accordance with the provisions of this article.
 - a. *No financial interest.* It shall be unlawful for the inspector to engage in the sale, installation or maintenance of electrical equipment, directly or indirectly, and the inspector shall have no financial interest in any concern engaged in any such business.
 - b. *Authority of electrical inspector.* The inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his

official duties, or for the purpose of making any inspection, reinsertion or test of electrical equipment contained therein or its installation. When any electrical equipment is found by the inspector to be dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in writing and shall make any changes or repairs required in the judgment of the inspector to place such equipment in safe condition. If such work is not completed within 15 days, or any longer period that may be specified by the inspector in said notice, the inspector shall have the authority to disconnect or order discontinuance of electrical service to said electrical equipment. In cases of emergency where necessary for safety to persons and property, or where electrical equipment may interfere with the work of any fire department, the inspector shall have the authority to disconnect or cause disconnection immediately of any electrical equipment.

(Ord. No. 11-02, § 1, 7-13-2011; Ord. No. 21-01, § 4, 01-13-2021)

Sec. 105-112 - Standards for electrical equipment installation

- (a) All installations of electrical equipment shall be reasonably safe to persons and property and in conformity with the provisions of this article and the applicable statutes of the state and all orders, rules and regulations issued by the authority thereof. All electrical equipment shall be listed and labeled by a testing agency.
- (b) Conformity of installations of electrical equipment with applicable regulations set forth in the current National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that such installations are reasonably safe to persons and property. Noncompliance with the provisions of this article or the National Electrical Code as adopted by the Minnesota Rules shall be prima facie evidence that the installation is not reasonably safe to persons and property.
- (c) The electrical inspector may, with approval of the building official, authorize installations of special wiring methods other than herein provided for.
- (d) Buildings or structures moved from without to within and within the limits of the city shall conform to all of the requirements of this Code for new buildings or structures.
- (e) Existing buildings or structures hereafter changed in use shall conform in all respects to the requirements of this Code for the new use.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-113 - Connections to installations

- (a) It shall be unlawful for any person to make connections from a supply of electricity to any electrical equipment for the installation of which a permit is required or which has been disconnected or ordered to be disconnected by the electrical inspector.

- (b) The public or private utility providing services shall disconnect the same upon a written order from the electrical inspector, if the inspector considers any electrical installation unsafe to life and property or installed contrary to this Code.

(Ord. No. 11-02, § 1, 7-13-2011)

Sec. 105-114 - Permits and inspectors

- (a) *Permit required.* An electrical permit is required for each installation, alteration, addition or repair of electrical work for light, heat and power within the limits of the city. Permits for the installation of electrical work in new structures shall only be issued to electrical contractors duly licensed by the state. Permits for the installation, alteration, addition or repair of electrical work in existing structures shall only be issued to electrical contractors duly licensed by the state or to resident owners of property where the work is to be done.
- (b) *Public service corporation exception.* No permit shall be required for electrical installations of equipment owned, leased, operated or maintained by a public service corporation which is used by said corporation in the performance of its function as a utility, except that such electrical installation shall conform to the minimum standards of the National Electrical Safety Code.
- (c) *Ownership.* Ownership of any transmission or distribution lines or appurtenances thereto, including, but not limited to, transformers, shall not be transferred by a public service corporation to any person, except another franchised public service corporation dealing in electric energy for distribution and sale, without a permit first having been issued therefore by the city. Such permit shall be issued only after the facilities to be transferred have been inspected and approved as provided in this article and upon payment of an inspection fee as set forth in this section of the article.
- (d) *Application and plans.* Application for such permit, describing the electrical work to be done, shall be made in writing, to the city by the person so registered to do such work. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the electrical installation as described will be in conformity with all the legal requirements. The fees for electrical inspection as set forth in this section shall accompany such application. If applicant has complied with all of the provisions of this section, a permit for such electrical installation shall be issued.
- (e) *Concealment.* All electrical installations which involve the concealment of wiring or equipment shall have a "rough-in" inspection prior to concealment, wherein the inspector shall be duly notified in advance, excluding Saturday, Sunday and holidays.
- (f) *Inspection fees.*
 - (1) *Permits required.* Before commencing any installation of any work regulated by this section, a permit therefore shall be secured from the building department and the fee for such permit paid. The fees schedule set forth in Minn. Stats. § 326B.37 is adopted by reference and incorporated herein. No such permit shall be issued to do any of the work or make any installation regulated by this section except to persons licensed to do such work under the terms of this section. Holders of a contractor's

license shall not obtain permits for electrical work unless the work is supervised by them and is performed by workers employed by them or their firm.

- (2) *Fees double, when.* Should any person begin work of any kind, such as set forth in this section, or for which a permit from the electrical inspector is required by ordinance, without having secured the necessary permit therefore from the inspector of buildings either previous to or during the day of the commencement of any such work, or on the next succeeding day where such work is commenced on a Saturday or on a Sunday or a holiday, he shall, when subsequently securing such permit, be required to pay double the fees provided for such permit.
 - (3) *Additional fees and/or shortages.* Additional fees and/or fee shortages must be received by the city within 14 days of written notice. If additional fees and/or fee shortages are not received within 14 days of notice, permits for electrical installations will not be accepted by the city until such time as the additional fees and/or fee shortages are received.
- (g) *Electrical inspections.*
- (1) At regular intervals, the electrical inspector shall visit all premises where work may be done under annual permits and shall inspect all electrical equipment installed under such a permit since the day of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this section, after the fee required has been paid.
 - (2) When any electrical equipment is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the electrical inspector and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such scheduled inspection; provided, that on large installations where the concealment of equipment proceeds continuously, the person installing the electrical equipment shall give the electrical inspector due notice and inspections shall be made periodically during the progress of the work.
 - (3) If upon inspection, the installation is not found to be fully in conformity with the provisions of this section, the electrical inspector shall at once forward to the person making the installation a written notice stating the defects which have been found to exist.

(Ord. No. 11-02, § 1, 7-13-2011)

Secs. 105-115 through 105-119 - Reserved

(Ord. No. 22-01, § 2, 7-13-2022)

ARTICLE VI – VACANT PROPERTIES

Sec. 105-120 - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compliance official has the meaning assigned in [Sec. 105-87](#).

Vacant Properties means a property with a building or buildings constructed or reconstructed for a business or residential purpose that is unoccupied. This definition does not include an uninhabited accessory dwelling unit, unless both the accessory dwelling unit and single-family residence are unoccupied.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-121 - Policy

The purpose of this subsection is to protect the public health, safety, and welfare by establishing a program for the identification and registration of vacant Properties within the City.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-122 - Registration required; form

(1) The owner of a vacant Property located within the City, or an agent of the owner, shall register the property with the compliance official. The registration shall be submitted on forms provided by the compliance official and shall include the following information supplied by the owner:

- (a) Street address of the Vacant property;
- (b) The names and addresses of the owner or owners;
- (c) The contact phone number and email address of the owners and any property managers or caretakers responsible for the upkeep or supervision of the property;
- (d) The date the building became vacant, the period of time the building is expected to remain vacant;
- (e) A plan for compliance with all applicable provisions of City Code and other applicable regulations, including building maintenance, snow removal, yard maintenance, and nuisance prevention;
- (f) Whether service for water, sewer, natural gas and electric utilities is active;
- (g) The owner must notify the compliance official of any changes in information

supplied as part of the vacant building registration within 30 days of any change;

- (h) The addresses of all other properties within the City, whether vacant, undeveloped, or occupied, that the owner owns or has an ownership interest in;
 - (i) If a property is vacant and the owner fails to complete the registration process, the City may administratively register the property.
- (2) The current owner of a vacant property shall file a new registration with the compliance official within 30 days of any of the following occurring:
- (a) Any transfer of ownership interest in the property;
 - (b) Change of the contact phone number or email address of the owner or the property manager or caretaker; or
 - (c) Change to the plan for compliance with applicable City Code provisions.
- (3) The owner of a vacant property shall file a new registration every two years. (Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-123 - Presumptions, exceptions, and fee waivers.

- (1) Any one of the following conditions shall constitute a rebuttable presumption that a building is vacant. It shall be the responsibility of the owner to establish that it is not a vacant property if any of these conditions exist.
- (a) Discontinuance of trash service;
 - (b) Disconnection from water or sewer service; or
 - (c) Water usage of less than an average of 50 gallons over a three-month period.
- (2) Vacant Properties are not required to register or pay the registration fee if any of the following apply:
- (a) the City or any governmental entity is the owner of the vacant property;
 - (b) the owner possesses a valid building permit for remodeling the building located thereon or for construction of a new building on such property;
 - (c) there is a valid, unexpired business license issued by the City;
 - (d) there is a valid, unexpired residential rental license issued pursuant to [Article IV of Chapter 105](#);
 - (e) there is a valid development agreement or redevelopment agreement with the City; or
 - (f) the property is actively marked as “for sale” at a reasonable price by the owner

or the owner's designee, broker, or agent. It is the obligation of the vacant Property owner to produce evidence of active marketing at a reasonable price to claim this exemption. A property listed on the MLS (multiple listing service) or similar listing service is presumed to be actively marketed.

- (3) The following vacant Properties are required to register, but the registration fee is waived;
- (a) Residential properties with one or two dwelling units where the owner intends to resume occupancy of at least one unit as a dwelling within 180 days; provided, however, that failure to actually resume use of the vacant Property as a dwelling within 180 days will result in imposition of the waived registration fee; or
 - (b) The City Administrator may grant a waiver of the registration fee one time for an owner suffering hardship and for which the registration fee is a burden.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-124 - Recordkeeping

The compliance official shall maintain a record of all vacant buildings that have become known to the compliance official, including those registered and those not registered.

(Ord. No. 22-01, § 1, 7-13-2022)

Sec. 105-125 - Fees

The City Council may, by fee schedule or ordinance, adopt a fee or fees for the registration required by this article. If adopted, the fee must be limited to the reasonable costs associated with registration, enforcement, and compliance of this article.

(Ord. No. 22-01, § 1, 7-13-2022)

Footnotes:

¹ **Editor's note** – Ord. No. 12-04, § 1 adopted May 23, 2012, amended Art. III in its entirety to read as set out herein. Former Art. III, §§ 105-56 – 105-63, pertained to housing code and derived from the Code of 1993, §§ 10-1.01, 10-1.02, 10-2.01 – 10-2.04, 10-3.01, 10-4.01; Ord. No. 97-05, § 1, adopted July 9, 1997.

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² **Editor's note** – Ord. No. 13-06, § 1, adopted Dec. 11, 2013, amended Art. IV in its entirety to read as set out herein. Former Art. IV, §§ 105-86 – 105-99, pertained to similar subject matter and derived from Ord. No. 08-04, § 1, adopted Oct. 22, 2008.

³ **Editor's note** – Ord. No. 11-02, § 1, adopted July 13, 2011, set out provisions intended for use as Art. IV, §§ 105-70 – 105-74. Inasmuch as there were already provisions so designated, these provisions have been redesignated as Art. V, §§ 105-110 – 105-114, at the discretion of the editor.

DRAFT

**CITY OF FALCON HEIGHTS
2024 Fee Schedule**

A. LICENSES

1. Business Licenses

<u>Item</u>	<u>Fee</u>
Bus Benches (Courtesy)	\$ 50.00 per bench
Gasoline Station Operator License	
Fewer than 15 hours	\$ 100.00
15-20 hours	\$ 400.00
20 hours or more	\$ 500.00
Municipal Business	
10,000 sq. ft. or less	\$ 100.00
10,001 sq. ft. or more	\$ 200.00
Pool Hall	\$ 800.00
Precious Metal Dealer	
Investigation fee/general	\$ 1,500.00
Investigation fee/MN only	\$ 500.00
License fee	\$ 2,000.00
Restaurant	
Lunchroom	\$ 50.00
Fewer than 15 hours	\$ 100.00
15-20 hours	\$ 400.00
20 hours or more	\$ 500.00
Therapeutic Massage License	
Investigation fee	\$ 350.00
License fee	\$ 100.00
Home Occupation License	\$ 50.00
Retail Grocery License	\$ 50.00
Holiday Tree Sales License	\$ 50.00
Car Wash License	\$ 50.00

2. Liquor Licenses

<u>Item</u>	<u>Fee</u>
Bottle Club	\$ 300.00
Liquor, Off-Sale	\$ 310.00
Liquor, On-Sale	\$ 4,000.00
Liquor, Special Event	\$ 25.00
Liquor, Sunday	\$ 200.00
Malt Beverage, Off-Sale	\$ 150.00
Malt Beverage, On-Sale	\$ 500.00
Malt Beverage, On-Sale (with wine license)	\$ 1.00
Wine License	\$ 2,000.00
Temporary Liquor License	\$ 50.00
Background Checks (per license)	\$ 500.00

3. Other Licenses

<u>Item</u>	<u>Fee</u>
Amusement machines (per machine)	\$ 30.00
Cigarette sales	\$ 250.00
Contractor licenses	\$ 35.00
Peddlers and solicitors	
(For profit)	\$ 25.00 per individual
(Charitable)	Free, but license still required
Pedicab	\$50.00 per pedicab \$25.00 per driver
Pool tables (per table)	\$ 30.00
Refuse Haulers	\$ 100.00
Low-Density Rental License	\$ 50.00/per unit
High-Density Multifamily Rental License	
5-19 units per building	\$ 150.00
20-49 units per building	\$ 200.00
50-99 units per building	\$ 250.00
100+ units per building	\$ 300.00

License Re-inspection (due to initial re-inspection failure; failure to show, or refusal to permit entry) \$ 50.00 first occurrence
\$75.00 second
\$100 third and subsequent

B. PERMITS

1. Building permit fees:

Total Valuation	Fee
\$1.00 - \$500.00	\$29.50
\$501.00 - \$2,000.00	\$28.00 for first \$500, \$3.70/each additional \$100, to and including \$2000
\$2,001.00 - \$25,000	\$83.50 for first \$2000, \$16.55/each additional \$1000, to and including \$25,000
\$25,001.00 - \$50,000	\$464.15 for first \$25,000, \$12.00/each additional \$1000, to and including \$50,000
\$50,001.00 - \$100,000.00	\$764.15 for first \$50,000, \$8.45/each additional \$1000, to and including \$100,000.00
\$100,001.00 - \$500,000.00	\$1,186.65 for first \$100,000, \$6.45/each additional \$1000, to and including \$500,000
\$500,001.00 - \$1,000,000.00	\$3,886.65 for first \$500,000, \$5.50/each additional \$1,000, to and including \$1,000,000
\$1,000,001 and up	\$6,636.65 for first \$1,000,000, \$4.50/each additional \$1,000

Other Inspections and Fees:

1. Inspections outside of normal business hours \$47.00 per hour¹ (minimum charge – two hours)
2. Re-inspection fees assessed under provisions of Section 305.8 \$47.00 per hour¹
3. Inspections for which no fee is specifically indicated \$47.00 per hour¹ (minimum charge – one-half hour)
4. Additional plan review required by changes, additions or revisions to plans \$47.00 per hour¹ (minimum charge – one-half hour)
5. For use of outside consultants for plan checking and inspections, or both actual costs²

¹Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

²Actual costs include administrative and overhead costs.

**Building Permits are subject to the State Surcharge*

2. Relocation of structure or building: \$ 150.00
3. Demolition or removal of structure: \$ 1.25/1,000 cubic ft.; minimum \$ 50.00
4. Residential Solar Installation
 - Flat fee: \$200
 - State Surcharge: \$1.00
5. Mechanical permit fees
 - a. Residential Work
 - Base Fee** \$50.00
 - State Surcharge** \$1.00
 - Furnace/Boiler (warm air or hot water heating system)**
 - \$70.00 New
 - \$40.00 Replacement
 - \$30.00 Unit heaters
 - Air conditioning and refrigeration**
 - \$50.00 New
 - \$30.00 Replacement
 - Other Items**
 - \$35.00 Gas line/piping
 - \$40.00 Duct work
 - \$45.00 Wood burning furnace per unit
 - \$40.00 Swimming pool heater per unit
 - \$35.00 Air exchanger with duct work per unit
 - \$35.00 Gas or oil space heater per unit
 - \$35.00 Gas direct vent heater per unit

line) \$35.00 Gas fireplace log or heater per unit
 \$35.00 Gas hot water heater for domestic hot water (only if replacing gas

b. Commercial Work

Gas piping, refrigeration, chilled water, pneumatic control, ventilation, exhaust, hot water, steam, and warm air heating systems.

This fee shall be \$50 plus 1-1/4 percent (1.25%) of the total valuation of the work. Value of the work must include the cost of installation, alteration, addition, and repairs, including fans, hoods, HVAC units and heat transfer units, and all labor and materials necessary for installation. In addition, it shall include all material and equipment supplied by other sources when those materials are normally supplied by the contractor.

6. Plumbing Permit Fees
 \$35.00 base fee plus \$10.00 per fixture installed, \$ 1.00 state surcharge

7. Right of Way Permit Fees

<u>Item</u>	<u>Fee</u>
Registration fee	\$ 25.00
Hole	\$400.00
Trench	\$400.00 + \$40.00 per 100 lineal feet or portion thereof
Boring	\$400.00 + \$ 40.00 per 100 lineal feet or portion thereof
Obstruction	\$50.00 + \$ 0.20 per lineal foot

Small Cell Wireless

Permit fee	\$ 100.00
Rent on City structure	\$ 150.00 per year
Maintenance for colocation	\$ 25.00 per year
Monthly electrical services	
Radio node less than 100 watts	\$ 73.00 per month
Radio node over 100 watts	\$ 182.00 per month

8. Sewer Connection or Repair \$ 50.00

9. Water Connection

<u>Meter Size</u>	<u>Fee</u>
3/4"	\$ 62.00
1"	\$ 115.00
1-1/2"	\$ 265.00
2"	\$ 470.00
3"	\$ 1,080.00

10. Street Opening Fee \$ 25.00 (plus cost of permit)

11. Zoning Permit

<u>Item</u>	<u>Fee</u>
Fence	\$50.00
Temporary Sign	\$50.00
Permanent Sign (each)	\$ 50.00
Residential driveway	\$ 40.00
Commercial driveway	Subject to Building Permit Fees

12. Mobile Storage Structure/Dumpster Permit

<u>Location</u>	<u>Fee</u>
On private property	
14 days	\$ 10.00
30 days	\$ 20.00
On public street	
72 hours	\$ 10.00

(Permits may be renewed once in a 90 calendar-day period)

13. Chicken Permit (first time and subsequent applications) \$ 50.00

14. Beekeeping Permit (first time and subsequent applications) \$50.00

C. PLANNING FEES*

<u>Item</u>	<u>Fee</u>
Comprehensive Plan Amendment	\$ 500.00
Conditional Use Permit	\$ 500.00
Design Review	
(when required by code)	\$ 50.00
Lot Split (one lot into two)	\$ 500.00
Planned Unit Development	\$ 500.00
Rezoning/Zoning Amendment	\$ 500.00
Subdivision (>1 new lot)	\$ 500.00 + \$ 100.00/lot created
Variance	\$ 500.00
Tax Increment Finance (TIF)	
Application Fee	\$5,000.00 Non-Refundable
Escrow	\$10,000.00

*Fee plus actual cost billed by contractors or city consultant fees.

D. FACILITY RENTAL FEES

Private use of public facilities is permitted on a space available basis. Reservations and damage deposits are required for private use of the following community facilities. Discounted rates are available for weekly bookings:

Park Facility Rental Amenities & Fees

Facility	Amenities available	Rental Fees	
		Half Day 9am-3pm / 4pm-10pm	Full Day 9am-10pm
Community Park Building & Upper Picnic Area (2050 Roselawn Ave; corner of Roselawn and Cleveland)	Park building Full kitchen (stove, oven, refrigerator/freezer, sink, microwave) Tables & chairs Inside bathrooms 2 BBQ grills 9 Outdoor picnic tables Parking lot (50 vehicle capacity) plus off-street parking	Not Available	\$150 + tax
East Picnic Area (near playground)	2 Picnic tables Trash receptacles Portable toilet Parking lot (50 vehicle capacity) plus off-street parking	\$20 + tax	\$35 + tax
Lower Picnic Area (Southwest corner of park)	2 Picnic tables 1 BBQ grill Trash receptacles Portable toilet Parking lot (50 vehicle capacity) plus off-street parking	\$20 + tax	\$35 + tax
Play Kit Rental	Includes variety of balls, Frisbees, and other play equipment	\$15 + tax	
Set up/Tear Down	\$25		

Disclaimers:

- A damage deposit (\$200-400, or as determined by the City Administrator) is required for park facility rentals. The deposit must be made in a separate form from the payment and will be refunded upon return of facility key and inspection of the facilities.
- Nonprofit organizations must provide a copy of a Tax Exempt form (MN Dept. of Rev, IRS, W9 or MN Dept. of Taxation)
- Key pick up must be arranged two (2) days prior to scheduled event. Keys may be picked up at City Hall.
 - Regular business hours: Monday –Friday 8:00am-4:30pm
 - Summer hours (Memorial Day-Labor Day): 7:30am- 5:00pm Monday-Thursday, Friday 7:30am-noon
- Keys can be returned during business hours to City Hall. After hours drop-off is available via the drop box outside the main entrance.
- Rental permits will be issued once payment is received. Staff cannot reserve the facility without

payment.

- If you plan on bringing any outside equipment (i.e. inflatable devices, dunk tanks etc.) into the park, you must disclose this to a city employee during the reservation process. The City may require documentation such as a hold harmless agreement or certificate of insurance naming the City as an additional insured.

City Hall Facility Rental Fees

	Capacity	Rental Fees		
		3 hours	Half Day 9am-3pm/4pm-10pm	Full Day 8am-10pm
Council Chambers Full room (includes kitchen facility)	150 75 Seated	\$125.00 + tax	\$200.00 + tax	\$275.00 + tax
Partial Council Chambers (Front or Back Half)	75 30 Seated	\$60.00 + tax	\$115.00 + tax	\$175.00 + tax
Kitchen Facility	10 6 Seated	\$30.00 + tax	\$60.00 + tax	\$75.00 + tax
Conference Room	8 maximum	\$35.00 + tax	\$70.00 + tax	\$125.00 + tax
Set Up Fee (government entities exempt)		\$30.00		

Disclaimers:

- A \$200 refundable damage deposit is required for City Hall rentals. The deposit must be made in a separate form from the payment and will be refunded upon return of facility key and inspection of the facilities.
- Nonprofit organizations must provide a copy of a Tax Exempt form (MN Dept. of Rev, IRS, W9 or MN Dept. of Taxation)
- Key pick up must be arranged two (2) days prior to scheduled event. Keys may be picked up at City Hall.
 - Regular business hours: Monday –Friday 8:00am-4:30pm
 - Summer hours (Memorial Day-Labor Day): 7:30am- 5:00pm Monday-Thursday, Friday 7:30am-noon.
- Keys can be returned during business hours to City Hall. After hours drop-off is available via the drop box outside the main entrance.
- Rental permits will be issued once payment is received. Staff cannot reserve the facility without payment.
- City Hall cannot be rented for private social gatherings.

Field/Court/Rink Rental Fees

Discounted rates are available for Multi-day bookings (see below)

Individual/Group type	Single Day Use		Multi-day Use (weekly fee)
	3 hour block	Additional hours	
Resident	\$20 + tax	\$10/hour + tax	-
Non-resident	\$30 + tax	\$10/hour + tax	-
Youth organizations (must be open to youth aged 2-18 in Falcon Heights)	\$20 + tax	\$10/hour + tax	2 days/week: \$35 3 days/week: \$50 4 days/week: \$65 5 days/week: \$80 6+ days/week: \$100
Adult organizations	\$30 + tax	\$10/hour + tax	2 days/week: \$40 3 days/week: \$55 4 days/week: \$70 5 days/week: \$85 6+ days/week: \$105

Disclaimers:

- Fees apply only for games and practices. Tournaments or special events/services are subject to additional fees.
- Field/Court/Rink use permits will be issued when payment and application are received.
- All short term rentals (1-5 times) entitle the customer to use of the field as is; anything additional will be the customer's responsibility (i.e. striping the field or providing bases.)
- Special request of services will be dealt with on a case by case basis and may include extra fees. All requests should be discussed with the Parks and Recreation Department at 651-792-7617.

E. FACILITY USE BY PUBLIC SERVICE ORGANIZATIONS

1. Public facilities are available for use on a reservation basis.
2. The following shall be allowed use of public facilities but set up/tear down fees apply:
 - a. Specifically listed local organizations:
 - League of Women Voters
 - Senior Citizen Groups (Falconeers, Roseville Area Seniors)
 - Ramsey County League of Local Governments
 - League of Minnesota Cities/ Association of Metropolitan Municipalities
 - Watershed management organizations
 - Scouts, Brownie Troops, 4-H, Campfire
 - Neighborhood Groups (e.g. Grove Association, Maple Knoll Courtyard Homeowner's Association)
 - 55 Alive Mature Driving Class
 - Cable Commission
 - Developers when presenting to neighbors
 - Legislators for informational (non-campaign) meetings, except after the filing date and before the November election of a legislative election year unless requested by a majority of the city council
 - Northeast Youth and Family Service
 - Lauderdale and Falcon Heights Lions Club
 - Roseville Rotary Club
 - Party Precinct caucuses, legislated district conventions and county conventions under the requirements of MN State Statute 202A.192
 - AARP Tax Services
 - Hobby groups or clubs that meet the following criteria:
 - Falcon Heights based (A minimum of 25% of on-going members or participants are Falcon Heights residents).
 - Non-profit
 - Open membership
 - Founded on a hobby
 - Actively reaches out to include people of different ages, especially youth, to encourage intergenerational exchanges of information
 - Encourages a community service and/or benefit component
 - Falcon Heights neighborhood or community groups whose activities are open to all and for the sole purpose of developing, fostering and strengthening neighborhood and community well-being.
 - b. Any organization that meets the above guidelines yet uses a facility more than twice a year shall be charged \$100 per year.
 - c. The organization or group cannot be a private, business, political, or religious organization.
 - d. Any organization denied free use under this policy as defined in this section may appeal to the city council.

F. MISCELLANEOUS FEES

<u>Item</u>	<u>Fee</u>
Agendas (City Council or Commissions) ¹	\$ 15.00/year
City Council Minutes ¹	\$ 35.00/year
Commission Minutes ¹	\$ 20.00/year
New Resident Handbook	\$1.00 printing fee
Single copies	\$ 0.25 + tax/page for first 100 pages
Assessment search	\$ 20.00
Maps	\$ 6.50
Open burning permit (no charge for recreational fires)	\$ 25.00
Returned Check Fee	\$ 25.00
Credit/Debitcard convenience fee	2.95% per transaction

The charges apply only when hard copies are mailed. These documents can be viewed free of charge on the website or at City Hall.

G. FALSE ALARM FEES

1. Fire False Alarms (at an address or property within one calendar year)

- \$ 0 for first false alarm
- \$ 175 for second false alarm
- \$ 300 for third false alarm
- \$ 400 for fourth false alarm
- \$ 500 for fifth and subsequent false alarm

2. Security False Alarms (at an address or property within one calendar year)

- \$ 0 for first false alarm
- \$ 60 for second false alarm
- \$ 100 for third false alarm
- \$ 200 for fourth false alarm
- \$ 300 for fifth false alarm
- \$ 400 for sixth false alarm
- \$ 500 for seventh and subsequent false alarm

3. Penalties and Assessment

Penalties for late payment and assessment of unpaid fees are the same as stipulated for unpaid utility fees in the city code.

H. VEHICLE EMERGENCY RESPONSE

The fee for emergency personnel response to accidents is \$350.00/vehicle.

I. PARKING FEES

<u>Item</u>	<u>Fee</u>
Application fee to designate "residential area" permit parking	\$ 200.00
Annual residential area parking permits	
First two vehicles	\$ 15.00/vehicle
Third and subsequent vehicles	\$ 25.00/vehicle

Lost permit replacement	\$ 5.00
Temporary parking permit (up to 3 weeks)	\$ 3.00/ vehicle
Temporary parking permit for 5 or more vehicles for a one-time/one-day event	\$ 25.00
Parking fine	
September 16 th - August 14 th	\$50.00/violation
August 15 th - September 15 th	\$100.00/violation

J. SANITARY SEWER

The sanitary sewer fee for residential units is \$37.75 per quarter plus \$0.0247784 per cubic foot of water usage during the months of November – January. For apartment units, the rate will be \$37.75/unit/quarter plus \$0.0247784 per cubic foot of water used in November. For residential units, this will serve as the maximum fee for other quarters throughout the year, but the actual amount billed may be lower depending on water usage. For commercial units, the fee is \$0.0247784 per cubic foot of water usage during each month.

K. STORM DRAINAGE

The fee for storm drainage is \$28.50 per quarter for residential units and \$261.58 per acre for commercial and apartment units.

L. HYDRANT WATER

The fee for hydrant water is 6% surcharge of the water bill.

M. RECYCLING

The recycling charge is \$14.25 per quarter for residential units.

N. STREET LIGHTING

The street lighting fee is \$6.00 per quarter for residential units and \$0.02 per lineal foot frontage for commercial properties monthly.

O. FEES FOR UNSPECIFIED REQUESTS

A private party or public institution (hereinafter applicant) making a request to the City for approval of a project or for public assistance must cover the City's consultants' costs associated with reviewing the request. Prior to having the request considered by the City, the applicant must deposit an escrow fee in an amount that is estimated to cover the City's consultants' costs as determined by the City Administrator. If the City's consultants' costs exceed the initial escrow deposited by the applicant, an additional escrow fee will be required to cover the additional costs. The City shall use the applicant's fees to cover the City's actual consultants' costs in reviewing the request regardless of the City's action on the applicant's request. If the applicant's escrow fees exceed the City's actual consultants' costs for reviewing the request, the remaining escrow fees shall be refunded to the applicant.

P. SNOW AND ICE REMOVAL

Cost of abatement¹.

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¹This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

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