

City of Falcon Heights Environment Commission

City Hall
2077 Larpenteur Avenue West

AGENDA

Monday, October 13, 2025
6:30 p.m.

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL: Beth Mercer-Taylor (Chair) ____ Georgiana May ____
 John Pellegrini (Vice-Chair) ____ David Smith ____
 Adam Keester ____ Nuz Sanidad ____
 Monika Chandler ____

 Staff Liaison Lynch ____
 Council Liaison Mielke ____

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. September 8, 2025

E. NEW BUSINESS

1. Green-To-Go Ordinance
2. Landscaping Updates to City Code

F. INFORMATION AND ANNOUNCEMENTS

1. Staff Liaison Report
2. Council Liaison Report

G. ADJOURN

Next regular meeting date: November 10, 2025

City of Falcon Heights Environment Commission

City Hall
2077 Larpenteur Avenue West

Minutes

Monday, September 8, 2025
6:30 p.m.

A. CALL TO ORDER: 6:30 p.m.

B. ROLL CALL: Beth Mercer-Taylor (Chair) A Georgiana May X
 John Pellegrini (Vice-Chair) X David Smith X
 Adam Keester X VACANT
 VACANT

Staff Liaison Lynch X
Council Liaison Mielke X

C. APPROVAL OF AGENDA

Vice-Chair Pellegrini made a motion to approve the agenda. Motion passed by consent.

D. APPROVAL OF MINUTES

1. August 11, 2025

Vice-Chair Pellegrini made a motion to approve the August 11, 2025 minutes. Motion passed by consent.

E. NEW BUSINESS

1. Community Park Landscaping Update

Staff Liaison Lynch gave a brief update on the landscaping choices for the Community Park renovation. The consultants took the feedback from the Environment Commission and made several changes to plant choice to accommodate more native plantings, as requested.

2. Future Topics Discussion

Staff Liaison Lynch opened up the floor to potential topics for later meetings or new projects. Commissioner May brought CERTs Seed Grants to the attention of the commission as a potential grant opportunity for a project. These are grants for communities for energy efficiency and renewable energy projects across Minnesota. The deadline for the current round of funding is October 1, 2025, and generally the amount funding is \$5,000-\$10,000.

Several potential projects discussed included LED lighting upgrades for City Hall, or for a portion of City Hall, an electric vehicle charging station at City Hall or one of the parks, or funding for Home Energy Squad audits for residents.

Commissioners also discussed the plan for future meetings. The October meeting will be a final look at City Code changes around boulevard trees and native landscaping, the November meeting will potentially be a joint meeting to discuss partnering with the City of Lauderdale's Environment Commission on an Arbor Day Foundation tree sale, and beginning in December, the Commission will begin to look at sustainability efforts for the Les Bolstad Golf Course sale and new development.

F. INFORMATION AND ANNOUNCEMENTS

1. *Staff Liaison Report – Staff Liaison Lynch gave an overview on the current status of the Les Bolstad Golf Course sale. She explained there is an Open House on September 16 at City Hall to gather feedback around the “vision” of the City for the new development. This visioning document will then go to the Planning Commission and City Council in a joint workshop on September 23, and finally go to the University of Minnesota for them to include in their RFP for developers.*

She also gave an update on boulevard trees. She mailed around 100 letters to qualifying property owners the previous week notifying them of the opportunity to receive a free boulevard tree. She is beginning to get responses in for those.

2. *Council Liaison Report – Council Liaison Mielke explained that demolition on Community Park is about to begin. The timeline was pushed back a little due to the availability of the pre-fabricated structure that will be going on the site. Additionally, there will be two new Environment Commissioners – Nuz Sanidad will be appointed at the September 10, 2025 City Council meeting and Monika Chandler, who was interviewed earlier in the day, will be appointed at the September 24, 2025 City Council meeting.*

G. Adjourn

Meeting was adjourned at 7:46 p.m.

Next regular meeting date: October 13, 2025

Meeting Date	October 13, 2025
Agenda Item	E-1
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Green-To-Go Ordinance
Description	Commissioner Pellegrini contacted staff about potentially looking at an ordinance similar to the City of Roseville Green-To-Go initiative. Noelle Bakken, Sustainability Specialist with the City of Roseville, and Ness Carda, Sustainability Intern, spoke at the July Environment Commission meeting. The Environment Commission is being presented with a drafted ordinance for the Falcon Heights food establishments and a proposed outline of an implementation plan. Commissioners should review these and provide feedback on suitability and outreach to restaurants and food establishments.
Budget Impact	None.
Attachment(s)	- Green-To-Go Flyer – City of Roseville - Drafted Green-To-Go Ordinance for Falcon Heights - Outline of Implementation Plan
Action(s) Requested	Staff requests the Commission discuss the drafted ordinance and plan/timeline for Falcon Heights implementation.

CHAPTER ## - GREEN TO GO PACKAGING

ARTICLE #s?

Section ##-1 – Purpose.

It is the intent of the City Council, by means of this Chapter, to:

- (a) Promote waste reduction in order to:
 - (1) Lower the amount of greenhouse gases emitted during the incineration and landfilling of non-recyclable and compostable food and beverage packaging and non-packaging items.
 - (2) Assist the City of Falcon Heights in reaching the waste reduction goals established by the City's Climate Action Plan, the State of Minnesota, and Ramsey County.
- (b) Promote waste prevention by:
 - (1) Encouraging the use of reusable food and beverage packaging when possible.
 - (2) Reducing or eliminating products that create waste such as single-use, disposable food and beverage packaging and non-packaging items that cannot be recycled or composted and must be disposed of by incinerating or landfill.
- (c) Promote waste recycling by maximizing the amount of single-use food and beverage packaging and non-packaging items that can be recycled or composted.
- (d) Minimize contamination in organics and recycling.

Section ##-2 – Definitions.

The following words have the meaning ascribed to them, unless the context clearly indicates a different meaning:

Certified compostable means that a material or product will biodegrade without leaving a residue or any toxicity in the soil. Any compostable plastic or lined paper must meet the Advancing Standards Transforming Markets International (ASTM)~~ASTM~~ standards for compostable products, as certified by the Biodegradable Products Institute (BPI) or other similar independent certification bodies.

Commercially compostable means that certified compostable materials will biodegrade at a commercial site used to compost organic materials where the environment is carefully controlled and regulated to facilitate optimal degradation.

Food and beverage packaging means packaging used to serve food and beverage products intended for immediate consumption including cups, plates, bowls, serving trays, to-go containers, clamshells, wrappers, and lids.

Food establishment means a retail operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.

Green To Go Packaging means and includes any of the following:

1. *Compostable packaging* means packaging that is separable from solid waste by the generator or prior to collection for the purpose of composting. Compostable packaging must be made of unlined paper (unless lining is certified compostable), certified compostable plastic that meets ASTM standards that are acceptable at the Ramsey County composting facility, or other cellulose-based packaging capable of being decomposed through composting or anaerobic digestion.
2. *Recyclable packaging* means food or beverage packaging that is separable from solid waste prior to collection for the purpose of recycling. Recyclable packaging must be accepted by the local material recovery facilities (MRF) receiving and processing the materials and have existing robust recycling markets as determined by Ramsey County. This includes glass bottles, aluminum cans, and plastic food and beverage packaging. Plastic food and beverage packaging must be acceptable as determined by Ramsey County.
3. *Reusable packaging* means food or beverage packaging that is capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage.

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Mobile food unit means a food establishment that is inside, on or otherwise attached to a vehicle.

Commented [HL1]: Food trucks aren't addressed anywhere else in Code. We may want to keep this out, otherwise we need to update the Zoning ordinance as well.

Non-packaging food service items means items that are not packaging, but are used to consume food, including straws and utensils.

Single-use means an item designed and intended for a single use.

Sec. ##-3 – Regulations.

- (a) No person owning, operating, or conducting a food establishment or any person or organization providing free food or beverage products within the City of ~~Roseville-Falcon Heights~~ in a manner which would require a permit or license from the City or State of Minnesota, may provide any food and beverage packaging which is not Green to Go. Presence of food and beverage packaging other than Green to Go will be presumed to be non-compliant with this Chapter.
- (b) To reduce contamination in recycling and organics, all food establishments must implement the following:
 1. Single-use cups and containers that are utilized with lids must have lids of the same category of packaging.

2. Recyclable packaging must only have recyclable lids.
 3. Compostable packaging must only have compostable lids.
- (c) Compostable cups must be labeled to clearly indicate to the consumer that the cup is compostable. Labeling must include at least one of the following:
1. The words "certified compostable," "commercially compostable" or other language which meet ASTM standards. "Made from plants," "bio-based," or "biodegradable" are not acceptable alternatives on their own.
 2. The logo of a third-party certification or testing body indicating the cup meets commercially compostable standards, as approved by the City of RosevilleFalcon Heights.
- (d) All food establishments must implement the following in relation to non-packaging food service items:
1. Single-use utensils including, but not limited to, forks, spoons, and knives must be compostable.
 2. Single-use straws of any kind will only be provided to consumers upon request. Front-of-house straw dispensers, which allow customers to self-serve, meet this requirement.
- (e) A food establishment which utilizes single-use compostable and/or recyclable food packaging to serve consumers on-site must have on-site collection for Green to Go packaging.
1. A food establishment that does not utilize single-use packaging to serve consumers onsite is exempt from the requirement to have on-site collection for Green to Go packaging.
 2. A food establishment that does not have dine-in seating for consumers is exempt from the requirement to have on-site collection for Green to Go packaging.
 3. If a mobile food unit or other food establishment is being hosted by an entity as part of an event or regular business, the hosting entity must provide on-site collection for Green to Go packaging.
- (f) Containers for the on-site collection of Green to Go packaging must be co-located with garbage containers.
1. If garbage receptacles are available to consumers, then receptacles for separating Green to Go packaging must also be made available to consumers in the same location.
 2. If garbage receptacles are not available to consumers and are instead placed in areas for use by staff only, then receptacles for separating Green to Go packaging are only required in those locations.
- (g) A food establishment must arrange for the collection of Green to Go packaging by a licensed solid waste collector for delivery to an appropriate transfer station or processing facility.

Commented [HL2]: Same note as above about food trucks.

Commented [HL3R2]: Another note - How do we require food trucks to be Green To Go just for our City when they may not have that capability for other cities?

Commented [HL4]: Could we write in language that allows them to self-haul to a Ramsey County food scraps site?

Sec.##-4 – Exclusions and exceptions.

Notwithstanding any other provisions to the contrary, this Chapter does not apply to:

- (a) Manufacturers, brokers, distributors, or warehouse operators who conduct or transact no retail food or beverage business;
- (b) Food and beverage service provided through patient care at hospitals and nursing homes;
- (c) Food and beverage service provided through licensed caterers;
- (d) Food packaging pre-packaged by a manufacturer, producer, or distributor;
- (e) Plastic films less than ten mils in thickness;
- (f) Any packaging, which is not considered Green To Go packaging, but for which there is not a commercially available or economically practical alternative as determined by the City of ~~Roseville~~Falcon Heights. The ~~C~~city of ~~Roseville~~Falcon Heights will maintain a list of types of packaging exempted under this paragraph which will be available from the ~~Public Works~~Community Development department.

Sec. ##-5 – Enforcement.

- (a) A violation of this ordinance is punishable as an administrative offense pursuant to City Code Section 102.01.
- (b) The administrative offenses provided for in this Chapter are in addition to any other legal or equitable remedy available to the City for violation of the City Code.
- (c) At the time a violation occurs, a warning notice will be given in writing. The food establishment will be given 60 calendar days to take corrective action prior to any enforcement action under this Chapter.

Commented [HL5]: All of this would have to be updated to FH's enforcement policies.

City of Falcon Heights Green To Go Ordinance – Outreach and Implementation Plan

Falcon Heights Environment Commission

DATE

I. Outreach

- a. Initial letters to businesses
- b. On site meeting – materials distributed at this meeting to include handout on program, list of resources for compostable and recyclable material manufacturers, list of waste haulers currently accepting compostables, and list of resources available to businesses for financial assistance.
- c. Potentially partner with City of Roseville for a Packaging Fair if they will be holding another one in the future.

II. Implementation

- a. **November-December 2025** – Environment Commission (or just Staff and Council Liaisons) meets with City Council to discuss Green-To-Go Ordinance.
- b. **December 2025-January 2026** – Businesses which would potentially be subject to the Green To Go Ordinance are contacted via letter to inform of the upcoming Green to Go Ordinance. Meetings are set up between Community Development Coordinator and appropriate party(ies) at the business.
- c. **December 2025-February 2026** – Meetings take place on site. Community Development Coordinator explains the program and looks through current to-go materials and waste bins on site to advise on current suitability for the future program.
- d. **March-April 2026** – Ordinance in effect; exact month of adoption will depend on City Council meeting schedule and any potential changes. 2026 to be educational only. Businesses subject to the Green To Go Ordinance may choose to begin implementation on their own. No enforcement by the City during 2026.
- e. **January 2027** – Full compliance expected; enforcement begins. **Enforcement to be complaint-based, as is currently the process for potential City Code violations.

Questions and Potential Issues for Discussion

- Should we do a resident and/or business survey?
- Financial issue – sometimes these products are double the cost of the currently-used products.
- Enforcement issue – Enforcement should be complaint driven; also residents and businesses should be made aware of the ordinance and the opportunity to report violations.
- Food trucks are not regulated by City Code.
- Caterers may not be based in the City of Falcon Heights but could operate here.
- What else?

Meeting Date	October 13, 2025
Agenda Item	E-2
Attachment	See below.
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Landscaping Updates to City Code
Description	The City of Falcon Heights promotes and understands the importance of pollinator yards/gardens and native plantings. City Code has a section regarding this, but it likely needs to be updated to allow for easier access to these important plantings and clearer for code enforcement.
Budget Impact	None.
Attachment(s)	- City Code - Chapter 54 - Vegetation - Drafted Changes - Current Native Landscaping Diagram
Action(s) Requested	Staff requests the Commission discuss the drafted changes to City Code.

Chapter 54 - VEGETATION

Article/Division/Section:

ARTICLE I	<u>IN GENERAL</u>
54-1 – 54-33	<i>Reserved</i>
ARTICLE II	<u>PLANTING, MAINTENANCE AND REMOVAL</u>
54-34	<u>Purpose</u>
54-35	<u>Applicability</u>
54-36	<u>City forester</u>
54-37	<u>Regulations for public property</u>
54-38	<u>Regulations for private property</u>
54-39	<u>Declared shade tree pests, control measures, and control areas</u>

ARTICLE I - IN GENERAL

Secs. 54-1 – 54-33 - Reserved

ARTICLE II - PLANTING, MAINTENANCE AND REMOVAL

Sec. 54-34 - Purpose

- (a) Purpose. It is the purpose of this article to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city.
- (b) Plant protection. It is the intent of the council to conduct a plant protection and export program pursuant to the authority granted by Minn. Stats. § 18G.
- (c) The provisions of this section are adopted as an effort to control and prevent the spread of shade tree pests and to maintain a healthy urban forest improve air and water quality, and to strengthen climate resiliency, in addition to and in accordance with Minn. Stats. §§ 89.001, 89.01 and 89.51-64.

(Code 1993, § 8-4.01; Ord. No. 18-09, § 1, 9-26-2018)

Sec. 54-35 - Applicability

This Code provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, parks and public places within the city; and to trees, plants, and shrubs located on private property that constitute a hazard as described herein.

(Code 1993, § 8-4.02)

Sec. 54-36 - City forester

The city forester shall be under the direction of the city administrator at all times. The authority and duties of the city forester are as follows:

- (1) The forester shall have jurisdiction and supervision over all trees, shrubs, and other plants growing within the city.
- (2) The forester may order the trimming, treatment or removal of any trees or plants on public or private property that constitute a nuisance or hazard, or whenever necessary to prevent the spread of disease or harmful insects.
- (3) The forester shall act as the city tree inspector and shall coordinate all activities between the state department of agriculture and the council.

(Code 1993, § 8-4.03; Ord. No. 18-09, § 2, 9-26-2018)

Sec. 54-37 - Regulations for public property

(a) *Planting.*

- (1) No trees, shrubs, ~~or landscaping rocks or herbaceous plant materials, including annual or perennial flowers,~~ may be planted or placed in a public right-of-way except by authorized city personnel.
- (2) No tree shall be planted on a public right-of-way, except to replace a tree that has been removed or that has been identified as a new location for a tree by the city administrator or designee.
- (3) The city administrator or designee shall determine the specific location of any tree to be planted on a public right-of-way.
- (4) Any tree to be planted on a public right-of-way must be of cultivated nursery stock, and must be at least 1½ inches in diameter, measured at a point two feet above the ground.
- (5) Any tree to be planted on a public right-of-way must be planted in soil adequate to ~~insure~~ ensure growth, in accordance with standards set by the forester.
- (6) Areas currently vacant of trees in the public right-of-way are eligible for a tree according to the schedule set by the city administrator or designee. Property owners abutting the same right-of-way will be contacted by city staff before the tree is planted to allow for feedback regarding type of tree, placement, and other similar concerns. If city staff has not received feedback from the property owner within 10 days of the dated letter, city staff will move forward with planting at their discretion.

(b) *Maintenance of trees.*

- (1) Public trees will be trimmed according to a schedule established by the forester and approved by the city administrator.
- (2) Only persons authorized by the city administrator may trim boulevard trees.

Commented [HL1]: Thoughts on this? We want to do an "opt-in" program, but this should not be a free for all for boulevard trees. This needs to be based off a careful schedule which should be set based on the Climate Action Plan.

- (3) The forester may chemically vaccinate boulevard trees against disease whenever necessary.
- (c) *Removal of trees.*
- (1) The city administrator has sole authority to order removal of any tree on a public right-of-way.
- (2) Trees will be removed by city staff or contracted firms.
- (2)(3) Trees removed by city staff or contracted firms will be replaced by another suitable tree within one year of removal. If a tree cannot be replanted on site, a new tree must be planted within in a nearby public space within one year of removal of the original tree.
- (d) *Miscellaneous.* No person shall:
- (1) Damage, cut, trim, carve, kill or injure any tree or plant on public property;
- (2) Attach any rope, wire or other contrivance to any tree or plant on public property unless authorized by the forester;
- (3) In any way injure or impair the natural beauty or usefulness of any area of public property; nor
- (4) Cause or permit any wire charged with electricity or any harmful gaseous, liquid or solid substances to come into contact with any tree or plant on public property.
- (e) *Care and maintenance of boulevards and adjacent property.* Owners of property abutting the right-of-way of a public street or alley shall properly maintain the ~~grass~~ landscaping on the property and on the public right-of-way to the curbline or traveled portion of the street or alley. Proper maintenance shall include sodding, planting, mowing or weed abatement whenever necessary. Per section 42-27(d)(1), ornamental planting and landscaping is permitted in the right-of-way, however landscaping rocks are never permitted to be placed within, and trees are never permitted to be planted by adjoining property owners or residents. Plantings must not violate applicable clear zone requirements nor obstruct visibility on the roadway, and the city may remove such plantings, if necessary for maintenance, safety, or construction purposes, with no compensation due the property owner.

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(Code 1993, § 8-4.04; Ord. No. 0-95-03, § 1, 1-25-1995; Ord. No. 20-02, § 1, 2-12-2020)

Sec. 54-38 - Regulations for private property

- (a) *Purpose and application.* It is the purpose of this section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping which promotes resiliency, diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety, order, and may decrease adjacent property values. It is also in the public's interests to encourage diverse landscaping, particularly that which restores

native vegetation. Native vegetation requires fewer inputs of water, fertilizers, ~~and herbicides, pesticides, and fewer emissions from lawncare equipment.~~ Native vegetation supports a broader range of biodiversity, including pollinators, and birds, and other wildlife. The city enacts this section to balance these competing interests.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Edible landscaping means the intentional ~~planting, caring for, or otherwise~~ cultivating of plants that could produce food ~~that is~~ consumed by people. These plants may include fruit and nut trees, berry bushes, vegetables, herbs, or edible flowers.

Native plants are those plant species, grasses ~~(including prairie grasses),~~ sedges (solid, triangular- stemmed plants resembling grasses), rushes, forbs (flowering broadleaf plants), vines, trees and shrubs that are ~~plant species~~ native to the state of Minnesota prior to European settlement.

Noxious weeds are annual, biennial, or perennial plants that the Commissioner of Agriculture designated to be injurious to public health, the environment, public roads, crops, livestock, or other property (Minnesota Noxious Weed Law, Minn. Stat. Sec. 18.75-18.91).

Ornamental plants means plant species, grasses, flowering annual, biennial, and perennial plants, shrubs, trees, and vines that may not be native to Minnesota, ~~but are adapted. Ornamental grasses do not include turfgrasses.~~

Turf grass means commercially available cultured turf grass varieties, including bluegrass, fescue and ryegrass blends, commonly used in regularly cut lawn areas.

Planned landscape area means an area where ornamental plants, or native plants are planted ~~pursuant to a plan~~ in a deliberate and planned manner.

Rain garden means a shallow excavated depression ~~(typically no more than 18 inches deep)~~ with loosened sub-soils in which ornamental or native plants ~~that are adapted to moist conditions and have deep roots~~ are planted for the purpose of ~~infiltrating and~~ filtering rain water and reducing storm water runoff. Temporary ponding of water in rain gardens ~~typically may occur for no more than 48 hours after rainfall assuming no subsequent rainfall, but typically drains within 48 hours.~~

Residential garden means an area of edible landscaping on a lot that is conducted by the property owners or residents of that lot.

Restoration area means an area where native plants are being, or have been, intentionally re-established.

Weeds are ~~(i) prohibited noxious weeds, as classified by the Minnesota Department of Natural Resources, or (ii) any volunteer plant, except trees and other woody~~

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~~vegetation, which is not customarily or intentionally planted.~~ For the purposes of this definition, weeds do not include dandelions or clover.

- (c) ~~Location of restoration areas, planned landscape areas, and edible landscaping area, and residential gardens.~~

(1) ~~Vegetation in a restoration area, planned landscape area, or residential garden that is adjacent to a front lot line, corner side lot line, or rear lot line abutting a street, alley, or publicly maintained pavement or sidewalk should be maintained with plants that do not bend over the property line or otherwise impede use of public areas.~~

(2) ~~Vegetation in a restoration area, planned landscape area, or residential garden that is adjacent to an interior side lot line or rear lot line not abutting a street or alley should not bend over or impede use of the adjacent property.~~

(1) ~~Setback. A restoration area, planned landscape area, or residential garden must provide the following minimum setbacks:~~

a. ~~Front lot line, corner side lot line, or rear lot line abutting a street or alley: two feet, and two feet from publicly maintained pavement or sidewalk~~

b. ~~Interior side lot line or rear lot line not abutting a street or alley: two feet; provided, however, for the exception in the required side yard or rear yard setback, as described in section 54-38(e)(2).~~

(2) ~~Mitigations for reductions in side or rear yard setback. A required interior side yard or rear yard (not abutting a street or alley) setback may be reduced to zero feet for a restoration area, planned landscape area, or residential garden if:~~

a. ~~A fence at least three feet in height is installed on the lot line adjoining the restoration area, planned landscape area, or residential garden; or~~

b. ~~The restoration area, planned landscape area, or residential garden abuts:~~

1. ~~A restoration area, planned landscape area, or residential garden on any adjoining lot;~~

2. ~~A public park or open space;~~

3. ~~A wetland, pond, lake or stream;~~

4. ~~Natural area; or~~

e. ~~The restoration area or planned landscape area is located on slopes equal to, or greater than, three feet horizontal to one foot vertical (3:1).~~

- (d) *Maintenance Standards.* Every owner of property shall maintain the vegetation growing thereon according to the minimum standards set forth in this subsection:

(1) ~~The setback area required by section 54-38(e) shall be composed of a soil retention cover such as mulch, regularly mowed turf grasses or groundcovers maintained at six~~

Commented [HL3]: Added Georgiana's language here which I like. Basically reduces the setback to 0 (outside of the boulevard/right-of-way). The following items (currently shown as deleted) would be removed if we included this new language. A side note that where there is a boulevard without a sidewalk, we may still run into the issue of there being a weird setback within the boulevard. Need to look at language in the public section to ensure we are not doing this, unless that is what we want.

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Commented [HL4]: The boulevard/right-of-way is already a setback from the street, or includes the sidewalk. I can see the issue with having a garden right at a sidewalk but it would never be right next to the road if we minimize the height of plantings in the boulevard area. See diagram here: <https://www.falconheights.org/home/showpublisheddocument/1286/637148707734470000000>

~~inches or less, native or ornamental plants maintained at ten inches or less, trees or shrubs, or as may be required by the city administrator to protect the soil and aesthetic values on the lot and adjacent property.~~

~~(2)(1)~~ Non-woody vegetation in a planned landscape area shall be ~~cut at least once annually between April 15 and July 15~~ maintained at the natural height for the plants and such that it does not impede use of the adjacent property, boulevard, or right-of-way to a height no greater than 10 inches.

~~(3)(2)~~ It is unlawful to plant any tree or shrub within five feet of a property lot line abutting a right-of-way of a public street or alley.

~~(4)(3)~~ Property owners shall prune trees and shrubs located on private property so they will not obstruct pedestrian sidewalk traffic, nor obstruct the view of any traffic sign, street, alley, or intersection. Overhanging portions of trees and shrubs must be pruned to maintain a minimum clearance of eight feet over all sidewalks, and 16 feet over all streets. This provision does not include trees in the boulevard or right-of-way which will be maintained by the City of Falcon Heights.

~~(5)(4)~~ Properties shall be free of blight and blighting factors, as described in [section 22-19](#).

~~(6)(5)~~ Properties shall be free of public nuisances, as described in [section 22-47](#).

~~(7)(6)~~ The city may require the owner or occupant who has planted, or has allowed to be planted, ~~native plants or other~~ vegetation within a drainage or utility easement to remove the ~~native plants or other~~ vegetation from the drainage and utility easement at no expense to the city if the city determines the ~~native plants or~~ vegetation interferes with the utility easement. The city will not be responsible for damage to any vegetation or landscaping elements ~~turfgrass and/or any landscaped areas~~ resulting from public works improvements or snow removal activities within drainage and utility easements.

~~(8)(7)~~ Retail sales of produce from edible landscaping activities shall not occur on the property.

(e) *Trees.* Persons responsible for growing any trees, shrubs or other plants on private property must comply with the following regulations:

(1) *Planting.*

a. It is unlawful to plant any of the following trees:

1. Box elder, *Acer negundo*;
2. Silver maple, *Acer saccharinum*;
3. Female ginkgo, *Ginkgo biloba*;
4. Eastern cottonwood, *Populus deltoides*;
5. Lombardy poplar, *Populus nigra italica*; or

6. Chinese elm, *Ulmus pumila*.

- b. It is unlawful to plant any tree within five feet of a property lot line abutting a right-of-way of a public street.

(2) *Inspection and investigation of hazards and nuisances.*

- a. The city administrator or duly authorized agents shall inspect all premises as often as practicable, to determine whether any declared hazards or public nuisances exists. The city administrator or duly authorized agents shall investigate all reported incidents of infection.
- b. The city administrator or duly authorized agents may enter private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this section.
- c. It is unlawful for any person to prevent, delay, or interfere with the city administrator, forester, or duly authorized agents while in the performance of official duties related to this chapter.

(3) *Abatement of hazards and nuisances on private property.*

- a. *Order procedure.* If the city administrator determines that trimming, treatment, or removal of a tree or plant on private property is necessary to abate a public hazard or nuisance, the city shall serve a written order upon the responsible property owner or occupant to correct the condition.
- b. *Abatement of disease.* The city administrator shall order the treatment or removal of any infected tree or wood constituting a nuisance as described in [section 54-39](#). Removal and abatement shall be in accordance with the technical opinion of the forester or the department of agriculture. Trees impacted by a shade tree pest shall be removed or effectively treated so as to destroy and prevent as fully possible the spread of the shade tree pest.
- c. *Time limit.* The order or notification shall set a time limit for compliance, depending on the urgency of the hazard or nuisance.
- d. *Authority to abate.* If, after notification, the responsible person fails to correct the condition within the time prescribed, the city administrator may order city staff or a contracted firm to abate the hazardous or nuisance condition.
- e. *Cost of abatement.* The responsible person shall be billed for the full cost of the abatement plus any additional administrative costs. If the bill is unpaid, the cost shall be certified to the county auditor as a special assessment against the property.

(Code 1993, § 8-4.05; Ord. No. 18-09, § 3, 9-26-2018; Ord. No. 20-02, § 2, 2-12-2020; Ord. No. 20-04, § 3, 5-13-2020; Ord. No. 20-07, § 1, 12-09-2020)

Sec. 54-39 - Declared shade tree pests, control measures, and control areas

Declaration of a shade tree pest. The council may by ordinance declare any vertebrate

or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community tree, as defined by Minn. Stats. § 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action. The following are considered public nuisances whenever they may be found within the city:

(1) Oak wilt disease

- a. Oak wilt disease is a shade tree pest and is defined as any living or dead tree, log, firewood, limb, branch, stump, or other portion of a tree from any species of the genus *Quercus* existing within the control area defined that has bark attached and that exceeds three inches in diameter or ten inches in circumference and contains to any degree any spore or reproductive structures of the fungus *Ceratocystis fagacearum*.

- b. *Control measures.*

Installation of a root graft barrier. A root graft barrier can be ordered installed to prevent the underground spread of oak wilt disease. The city will mark the location of the root graft barrier. The barrier disrupts transmission of the fungus within the shared vascular systems of root drafted trees. The barrier is created by excavating or vibratory plowing a line at least 42 inches deep between any oak tree infected with oak wilt disease and each nearby and apparently healthy oak tree within 50 feet of the infected tree.

- c. *Removal and disposal of trees.*

1. *On property zoned for residential and commercial use.* On property that is zoned residential and commercial the city may mark for removal of trees that have the potential to produce spores of the fungus *Ceratocystis fagacearum*. After, and in no case before, the installation of the root graft barrier and no later than May 1 of the year following infection, all marked trees must be felled. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

If, however, after the city prescribes the location for a root graft barrier, the city determines that installation of the barrier is impossible because of the presence of pavement or obstructions such as a septic system or utility line, the city may mark for removal all oak trees whether living or dead, infected or not and located between an infected tree and marked barrier location. These marked trees must be felled and disposed of no later than May 1 of the year following infection. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

2. *On all other property.* On all other property, the city may mark for removal all oak trees whether living or infected or not and located between and infected tree and marked barrier location. These marked trees must be felled and disposed of no later than May 1 of the year following infection.

The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

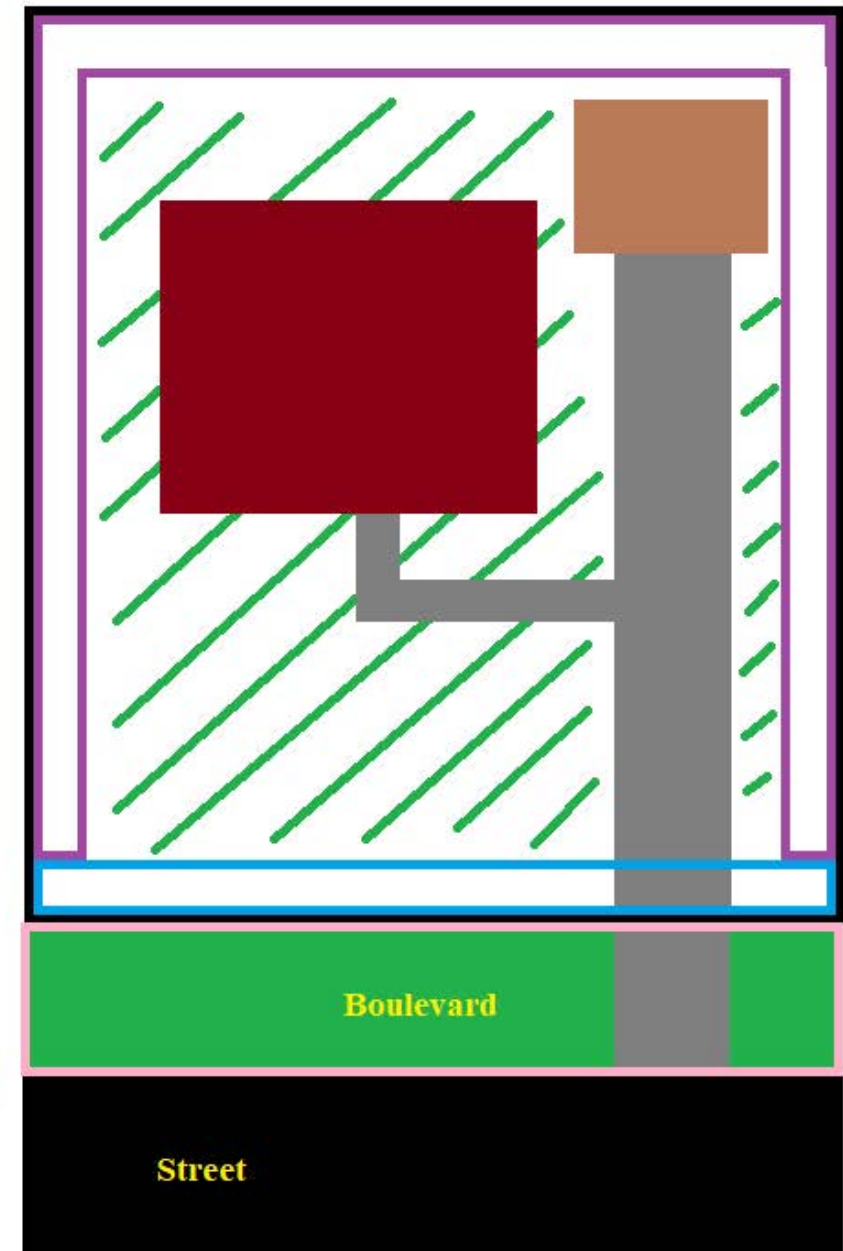
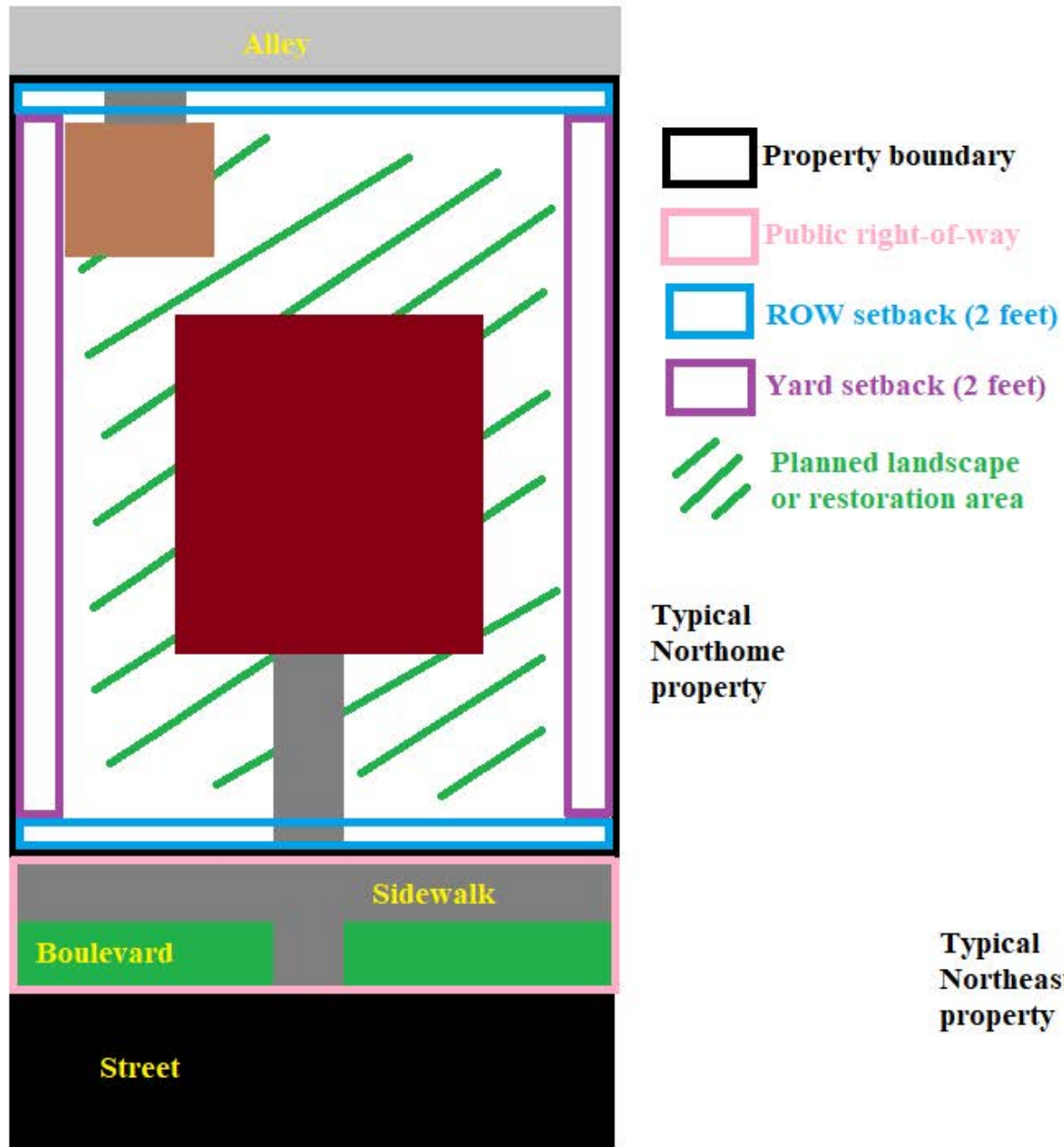
All wood more than three inches in diameter or ten inches in circumference from such felled trees must be disposed of by burying, debarking, chipping or sawing into wane-free lumber, or by splitting into firewood, stacking the firewood, and immediately covering the woodpile with unbroken four-mill or thicker plastic sheeting that is sealed into the ground until October 1 of the calendar year following the calendar year in which the tree was felled, or by burning before May 1 of the year following infection. Wood chips from infected trees may be stockpiled or immediately used in the landscape.

- d. *Control area.* The control area for oak wilt disease is defined as all lands within the boundaries of the city.
- (2) Emerald ash borer.
- a. Emerald ash borer is a shade tree pest and is defined as an insect that attacks and kills ash trees. The adults are small, iridescent green beetles that live outside of trees during the summer months. The larvae are grub- or worm-like and live underneath the bark of ash trees.
 - b. Control measures that may be taken to abate emerald ash borer are those state statute.
 - c. *Control area.* The control area for emerald ash borer is defined as all lands within the boundaries of the city.
- (3) Dutch elm disease.
- a. Dutch elm disease is a shade tree pest and is defined as a disease of elm trees caused by the fungus *Ophiostoma ulmi* or *Ophiostoma nova-ulmi*, and includes any living dead tree, log, firewood, limb branch, stump, or other portion of a tree from any species of the genus *Ulmus* existing within the control area defined that has bark attached and that exceeds three inches in diameter or ten inches in circumference and could contain bark beetles or any spore or reproductive structures of the fungus *Ophiostoma ulmi* or *Ophiostoma novo-ulmi*. Any tree infected with the Dutch elm disease fungus or which harbors any of the elm bark beetles (*Scolytus multistratus*, *S. schevyrewi*, or *Hylurgopinus rufipes*) or any other pest capable of producing an epidemic, and any dead elm tree or part, including logs, branches, stumps, firewood or other material that contains elm bark are considered nuisances.
 - b. Control measures that may be taken to abate Dutch elm disease are:
 1. *Use of fungicide.* Fungicides may be effective in prevent Dutch elm disease when injected into living trees that do not already show symptoms of Dutch elm disease. Fungicide injections on private lands are optional and, if performed, are at the landowner's expense. Treating with fungicide on public lands requires the approval of the city administrator or their

designee.

2. *Removal and disposal of trees.* Prompt removal of diseased trees or branches reduces breeding sites for elm bark beetles and eliminates the source of Dutch elm disease fungus. Trees that wilt before July 15 must be moved by April 1 of the following year. Diseased trees not promptly removed will be removed by the city at the landowner's expense. Wood may be retained for use as firewood or saw logs if it is debarked or covered from April 15 to October 15 with four mill plastic. The edges of the cover must be buried and sealed to the ground.
- c. *Control area.* The control area for oak wilt disease is defined as all lands within the boundaries of the city.
- d. *Unlawful storage, transporting and disposing of elm wood.* It is unlawful for any person other than licensed tree services to transport, store or dispose of any bark-bearing elm wood between April 15 and September 1 of each year.

(Ord. No. 18-09, § 4, 9-26-2018; Ord. No. 20-02, § 5, 2-12-2020)



This diagram is for illustrative purposes only. Refer to the City Code for complete information.