

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

AGENDA
January 15, 2020
6:30 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: ANDREWS ___ GUSTAFSON ___ LEEHY ___
 MIAZGA ___ WEHYEE ___

 STAFF PRESENT: THONGVANH ___ LOR ___
- C. PRESENTATIONS:
- D. POLICY ITEMS:
 - 1. Advertisement for Newsletter
 - 2. Ordinance Amendments
 - a. Chapter 46 - Traffic and Vehicles
 - b. Chapter 14 - Businesses
 - 3. Native Landscaping and Forestry
- E. INFORMATION/ANNOUNCEMENTS
- F. ADJOURNMENT:

BLANK PAGE

REQUEST FOR CITY COUNCIL ACTION

Policy



The City That Soars!

Meeting Date	January 15, 2020
Agenda Item	Policy D1
Attachment	Advertisement Policy
Submitted By	Nalisha Nandkumar, Assistant to the City Administrator

Item	Advertisement Policy for Newsletter
Description	<p>The City of Falcon Heights is exploring new ways to keep the local community informed and to promote local businesses. The Fall 2019 newsletter that was distributed was printed through vendor Rengel Printing. Rengel printing offers communities to work with local businesses to buy ads in their newsletters.</p> <p>Rengel printing is based out of Central Minnesota and has worked with many cities that have their local businesses place ads in their newsletters. Businesses will have the opportunity to purchase a half or full page advertisement slot. The cost of the half and full page advertisements will depend on the next newsletters total number of pages and advertisement slots available.</p> <p>For example if a 12 page newsletter were to cost \$2,000 and there are 4 full page slots for advertising then that math could be figured out by taking $\\$2,000 / 4 \text{ pages} = \\500 per page or \$250 for a half page ad.</p> <p>The Spring 2020 newsletter will feature the Parks and Rec summer programming guide and will have more pages for city content and advertisements.</p> <p>Staff has created a policy that guides the contents of advertisements. Advertisement policy would be distributed to all local businesses that are interested in placing their ads in the city newsletter.</p>
Budget Impact	
Attachment(s)	<ul style="list-style-type: none"> • Advertisement Policy
Action(s) Requested	Staff recommends discussing the attached advertisement policy and moving forward with implementing this process.

BLANK PAGE

Vendor shall obtain commercial messages and/ or advertisements consistent with the following guidelines. Any commercial messages and/or advertisements which contain any of the following characteristics of which, is of the type or category listed, shall be and hereby are expressly prohibited.

1. Advertisements should not promote sale or consumption of tobacco products or depiction of the use of tobacco products.
2. Advertisements should not depict political messages (ex: candidate promotions, political parties, etc.)
3. Advertisements should not include materials, depictions, promotions or offerings which are the type prohibited by or by their nature would violate any postal restrictions or regulations or any federal, state, or local law, rule or regulation.
4. Advertisements should not include any form of nudity or semi-nudity, profanity, obscenity, or lewdness or characterizations which suggest, depict or promote any such element or sexually oriented products, activities or materials.
5. Advertisements should not promote any form of illegal drugs, illegal drug use or illegal drug materials or characterizations which suggest or depict the promotion or glorification of any such products, activities or materials.
6. Advertisements should not promote the use or sale of firearms, explosives or other weapons, or the depiction, suggestion or glorification of violence or acts of a violent nature.
7. Advertisements should not use language or descriptive material which taken in form and context is deemed to be unsuitable for and contrary to community standards or standards of appropriateness for governmental or family publications.
8. Advertisements should not use words, language, representations or descriptive material of any kind having more than one meaning or connotation, one of which would be otherwise be prohibited under these guidelines.



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 15, 2020
Agenda Item	Policy D2a
Attachment	See below
Submitted By	Justin Markon, Community Development Coordinator

Item	Ordinance Amendment -Chapter 46 Traffic and Vehicles
Description	<p>At the November 5, 2019 city council workshop, the city council discussed regulating parking near alleys as well as an increase to the city’s parking fine. City staff further reviewed the city’s parking regulations and would like a discussion on other changes. These possible changes include added definitions for classes of vehicles and clearer rules on where certain vehicles may park on city streets. The changes for parking fine are also included in the draft code changes.</p> <p>City staff have also explored parking restrictions in other cities during snow events and how those compare to Falcon Heights and would like discussion on possible changes.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Draft code changes • Proposed parking restriction diagram • City Code excerpts from nearby cities
Action(s) Requested	Staff recommend a discussion on possible changes to city code Chapter 46.

BLANK PAGE

ORDINANCE NO. 20-XX

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 46
OF THE FALCON HEIGHTS CITY CODE

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1 Section 46-27 is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~strikethrough~~.

Sec. 46-27 - Parking; restrictions; uniform parking fine

- (a) *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:

Passenger vehicle means a passenger automobile, pickup truck, van, and motorcycle.

Recreational vehicle means travel trailers include those that telescope or fold down, chassis-mounted campers, motor homes, tent trailers, and converted buses that provide temporary human living quarters. Recreational vehicle is a vehicle that is not used as the residence of the owner or occupant, is used while engaged in recreational or vacation activities, and is either self-propelled or towed on the highways incidental to the recreational or vacation activities.

Street or public grounds means all public streets, highways, roads, alleys, lanes and park roads in the city and all public property in the city, whether owned by the city or some other public entity.

Trailer means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle.

Truck means every motor vehicle designed, used or maintained primarily for the transportation of property.

~~Unlawfully parked vehicle~~ means any vehicle that is unlawfully parked, abandoned or left unattended upon the streets or public grounds of the city in violation of state laws or this Code.

Vehicle means any ~~motor~~ passenger vehicle, recreational vehicle, trailer, truck, ~~van~~ or other vehicle used or intended to be used for the transportation of persons or property, including all property or cargo located within, loaded upon or attached to any such vehicle.

- (b) *Restrictions on parking of vehicles.*

- (1) No recreational vehicle, truck, unhitched trailer, bus or school bus shall be parked on any street or public grounds within the city for an additional time than is necessary to load or unload such recreational vehicle, truck, unhitched trailer, bus or school bus, not exceeding 90 minutes.
- (2) No vehicle shall be parked on any alley within the city except for normal pickup and delivery of passengers or commercial goods, not exceeding 30 minutes.

- (3) No passenger vehicle or hitched trailer in combination with a passenger vehicle shall be parked on any street or public grounds within the city for more than 48 consecutive hours.
 - (4) No vehicle shall be parked on any street or public ground that has been designated a "No Parking" area or an area where parking has been restricted to certain hours or days, by motion or resolution of the city council, and posted as such.
 - (5) No vehicle shall be parked on any boulevard within the city.
 - (6) No person shall park a vehicle, except an authorized emergency vehicle, within an area designated a fire lane.
 - (7) No vehicle shall be parked on any street or public grounds in front of a public or private driveway or alley or within five feet of any public or private driveway or alley ~~without permission of the owner of the driveway or his or her agent.~~
 - (8) No vehicle shall be parked on any public or private property, including commercial property, without the express or implied consent of the property owner or his or her agent and shall not remain parked in violation of the terms of such consent. The terms of such consent may be posted in a conspicuous place by the owner or his or her agent.
 - (9) No vehicle shall be parked on any city street during snow removal (refer to section 46-~~528~~).
- (c) *Uniform parking fine.* ~~There is hereby established a~~ The uniform fine of \$35.00 for each violation of any this section regulating the parking of motor vehicles within the city shall be set according to the City fee schedule. The fine established by this section shall be imposed regardless of the time of the year of a violation.

SECTION 2 This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this ____ day of _____, 2020, by the City Council of the City of Falcon Heights, Minnesota.

Moved by:

Approved by: _____

Randall Gustafson
Mayor

GUSTAFSON ___ In Favor
 LEEHY
 MIAZGA ___ Against
 WEHYEE
 ANDREWS

Attested by: _____

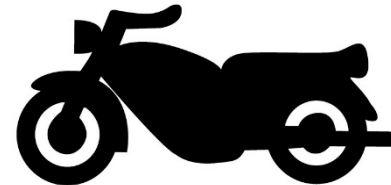
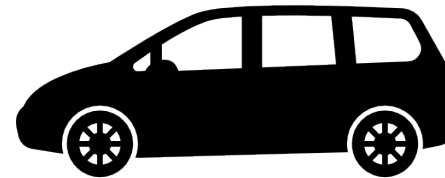
Sack Thongvanh
City Administrator

Parking restrictions in Falcon Heights

90 minutes maximum on street



48 hours maximum on street



- No vehicle of any kind may be parked in an alley for more than 30 minutes.
- Refer to the City Code for complete information.

Excerpts from city codes regarding parking and snow

Falcon Heights

Sec. 46-28. - Parking of motor vehicles during snow removal periods.

(a) *Purpose and policy.* The purpose of this section is to regulate the parking of motor vehicles on the public streets of the city during periods of snow removal. Any motor vehicle parked on a public street of this city during a period of snow removal, as specified in detail herein, is declared to be a public nuisance which interferes with and impedes the orderly removal of snow from said streets, interferes with and impedes the safe movement of emergency and other vehicular traffic, and is thus a danger to the health, safety and welfare of the inhabitants of this city.

(b) *Parking restrictions during snow removal.* Parking of a motor vehicle on an unplowed public street or within 30 feet of an intersection shall be prohibited. The term "snow removal period" means for a maximum of 72 hours commencing after a snowfall where at least two inches of snow has accumulated on the public streets of this city or until snow plowing has been completed on each street.

Roseville

602.09: NO PARKING AFTER SNOWFALL:

A. Parking Restricted: No person shall park any vehicle, except in compliance with directions of a police officer or in compliance with regulatory parking signs, on any street for a period of 48 hours commencing immediately after any two inches or more continuous snowfall or until snow removal has been completed on any street, whichever occurs first. (Ord. 687, 12-18-1972)

B. Removal of Illegally Parked Vehicles: Any vehicle parked in violation of this section is declared to be a nuisance which interferes with snow removal from public streets and any police officer may remove or cause to be removed, summarily, any such vehicle by means of towing or otherwise or such police officer may require the driver or owner to remove such vehicle off the paved, improved or traveled portion of such street.

C. Prosecution For Violation: The removal of a vehicle which is parked in violation of this section, either by a police officer or under the direction of a police officer, shall not preclude a prosecution for violation of any provision of this chapter. (Ord. 361, 2-26-1962)

Arden Hills

800.03 Parking Regulations.

Subd. 1 Winter Parking Regulations. Except in compliance with the directions of a law enforcement officer or in compliance with regulatory parking signs, no vehicle shall be parked on the improved portion of any street or highway in the City immediately after the accumulation of two or more inches of snow and until snow removal or plowing has been completed.

Subd. 2 Overnight Parking. No vehicle shall be parked on any street between the hours of 2:00 a.m. and 6:00 a.m.

Little Canada

403.040. SNOW EMERGENCY PARKING REGULATIONS. The parking of any motor vehicle upon any street or road in the City of Little Canada in such a manner or at such a time so as to impede the plowing or removal of snow following a snowfall of 2 inches or more in depth shall be prohibited until the snow on such street or road has been removed or plowed. Vehicles of violators may be tagged and towed away by or at the direction of the City and the expense of such towing may be charged to the owner of such vehicle. Any such towing or storage charges incurred by the City will be paid by the owner before he is allowed to reclaim his vehicle.

403.050. WINTER PARKING BAN. The parking of any motor vehicle upon any street or road in the City of Little Canada is prohibited between the hours of 2:00 a.m. and 6:00 a.m. from November 1st through April 1st of each year. Vehicles of violators may be tagged and towed away by or at the direction of the City and the expense of such towing may be charged to the owner of such vehicle. Any such towing or storage charges incurred by the City will be paid by the owner before he is allowed to reclaim his vehicle.

Shoreview

901.030 Parking Regulations.

Except as herein provided, the following parking regulations shall apply to all public streets and properties in the City.

(B) Time Limit. No motor vehicle and/or trailer shall be parked or left standing on any street between the hours of 2:00 a.m. and 5:00 a.m. unless administratively waived by the Director of Public Works.

901.040 Snow Removal.

(A) Snow Emergency. When the City Manager determines that on-street parking interferes with the City's snow removal operation(s), he may declare a snow emergency. The City Manager shall cause an announcement to be made of the snow emergency, by radio or television broadcast, newspaper announcement, public posting, or any combination or methods as he or she determines will best inform the public. The announcement shall specify the date and time the snow emergency shall commence. Unless terminated by the City Manager, a snow emergency shall continue in effect, and all on-street parking shall be prohibited.

(B) Parking Prohibited. No vehicle shall be parked on any unplowed area of any street, or within twenty-five feet of either end of an unplowed area.

(C) Plowing Completed. The prohibitions of Section 901.090(B), shall not apply on any block after snowplowing operations are completed on that block.

(D) Enforcement. Any authorized City employee or agent may, in order to facilitate snow removal, summarily remove or cause to be removed any vehicle parked in violation of Section 901.090(B), or may require the driver or owner to remove the vehicle from the street.

Vadnais Heights

Sec. 34-58. - Parking after snowfall.

(a) Prohibited. No person shall park any vehicle on any street for a period of 48 hours, commencing immediately after the accumulation of two inches or more of snowfall, or until snow removal has been completed on such street, whichever occurs first. Further, no on-street parking shall occur as described in section 34-59.

Sec. 34-59. - Time limitation for parking on streets.

No vehicle shall be parked on any street from 1:00 a.m. to 6:00 a.m. from November 1 of each year to April 1 of the succeeding year. No truck or tractor-trailer with a capacity of over two tons shall be parked on any street for more than 90 minutes or for the time necessary to continuously load or unload such vehicle.

BLANK PAGE



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 15, 2020
Agenda Item	Policy D2b
Attachment	See below
Submitted By	Justin Markon, Community Development Coordinator

Item	Ordinance Amendment - Chapter 14 Businesses
Description	<p>The majority of contractors who pull permits from the city are licensed by the state of Minnesota for their specific disciplines (for example, plumbers, remodelers, and roofers). However, for contractors who specialize in one skillset, a state license is not required (for example, fence builders). In these scenarios, cities have created their own licensing program to ensure that contractors and residents are safe during projects.</p> <p>Falcon Heights does license contractors, but the city code language is thin and in need of updating. Currently, the code simply states that contractors who do not have a state license must be licensed by the city. No definition of a contractor is provided. City staff have provided a draft ordinance that lays out possible changes that will clear up who needs a city license. This language mirrors other cities, with examples provided.</p> <p>Currently, city code requires that the city council approves contractor licenses. However, given the time sensitivity of projects, staff would like a discussion on possible administrative approval of contractor licenses. Solicitor/Peddler licenses are already approved by city staff.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Draft code changes • City Code excerpts from nearby cities
Action(s) Requested	Staff recommend a discussion on possible changes to city code Chapter 14.

BLANK PAGE

ORDINANCE NO. 20-XX

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 14
OF THE FALCON HEIGHTS CITY CODE**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1 Section 14-8 is amended as follows. Additions are shown with an underline, and deletions are shown with a ~~strikethrough~~.

Sec. 14-8 - Contractors license requirements and regulations

(a) *Generally.* ~~Unless otherwise specified by this Code, all contractors must apply for a license and provide to the city a certificate of insurance showing evidence that the applicant has in effect public liability insurance in the amount of at least \$300,000.00 for injury of one person, \$500,000.00 for injury of two or more persons in the same accident and \$100,000.00 for property damages. Should any insurance be canceled, the city shall be given ten days notice and the license issued shall be suspended and inoperative until adequate insurance is provided.~~ Residential building and remodeling contractors who engage in business in the city must present the city with proof they hold the required state license. Residential building and remodeling contractors who provide only one special skill and all commercial building and remodeling contractors who are not required to have a State license must maintain a Falcon Heights contractor license. Common services requiring licensure include, but are not limited to:

- (1) Asphalt paving and driveway installation
- (2) Cement work, cement bond work, cement block laying, or brick work
- (3) General construction including erection, alteration or repair of building
- (4) Moving or demolition of buildings
- (5) Plastering, drywall, outside stucco work, or lathing
- (6) Heating, cooling, and gas installation including appliances, devices or machinery
- (7) Roofing
- (8) Fence erecting
- (9) Sign and billboard erecting
- (10) Excavation (for basements, foundations, grading of lots, etc.)
- (11) Water and sewer excavating, installation and connection
- (12) Tree removal and/or tree trimming

(b) *Licensing procedure.*

(1) *Application and issuance.* Application for contractor's licenses must be on forms provided by the city, accompanied by the appropriate fee as stipulated in section 14-1, and any special requirements set forth for specific contractors. The application fee shall be as set forth in the City Fee Schedule. Such application shall be submitted to the city council for ~~consideration~~ approval.

(2) *Revocation.* Every license may be revoked by the city council for ~~just cause~~ violation of this code or whose work is found to be improper, defective, or so unsafe as to jeopardize life or property providing the license holder has been given reasonable notice and a hearing is held.

(3) *Reapplication following denial.* In the event an individual is denied license, that individual may not reapply for a license until six months have passed from the date of denial.

(4) *Insurance.* All contractors must apply for a license and provide to the city a certificate of insurance showing evidence that the applicant has in effect public liability insurance in the amount of at least \$300,000.00 for injury of one person, \$500,000.00 for injury of two or more persons in the same accident and \$100,000.00 for property damages. The insurance shall remain in and be in force and effect during the entire term of said license. Should any insurance be canceled, the city shall be given ten days notice and the license issued shall be suspended and inoperative until adequate insurance is provided.

(5) *Expiration.* All licenses under this section shall expire on December 31 of the year of issuance, unless sooner revoked or forfeited.

(c) *General and subcontractor licenses.* A license granted to a general contractor shall include the right to perform all of the work included in his general contract. Such license shall include any or all of the persons performing the work which is classified and listed in this section, providing that each person performing such work is in the regular employ of such general contractor and qualified under State law and the provisions of this Building Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed. Subcontractors on any work shall be required to comply with the Sections of this Code pertaining to license, bond, qualifications, etc. for their particular type of work.

SECTION 2 Article II – Construction Contractors and Section 14-19 is deleted.

SECTION 3 Article X – Tree Trimmers and Section 14-311 is deleted.

Moved by:

Approved by: _____

Randall Gustafson
Mayor

GUSTAFSON
LEEHY
MIAZGA
WEHYEE
ANDREWS

In Favor
 Against

Attested by: _____
Sack Thongvanh
City Administrator

DRAFT

CHAPTER 307 CONSTRUCTION LICENSES

SECTION:

- 307.01: Licenses Required
- 307.02: Commercial General Contractors
- 307.03: Qualifications
- 307.04: Requirements for Licensure
- 307.05: License Fee
- 307.06: Duration
- 307.07: Issuance
- 307.08: Revocation or Suspension

307.01: LICENSES REQUIRED:

Licensing is required for all residential building and remodeling contractors who provide only one service and all commercial building and remodeling contractors who are not required to have a State license. (1995 Code) Common services requiring licensure include, but are not limited to:

- A. Asphalt paving.
- B. Cement work, cement block work, cement block laying or brick work.
- C. General construction including erection, alteration or repair of building.
- D. Demolition of buildings.
- E. Plastering, outside stucco work or lathing and dry wall.
- F. Heating.
- G. Gas installation including heating, appliances, devices or machinery, etc.
- H. Sign and billboard erecting.
- I. Excavators (for basements, foundations, grading of lots, etc.). (Ord. 487, 4-11-66; amd. 1990 Code)
- J. Water and sewer excavating, installation and connection.
- K. Tree removal and/or tree trimming.
- L. Ventilation system cleaning. (Ord. 906, 5-10-82)

Residential general contractors, roofing contractors and manufactured housing installers must be licensed by the Minnesota Department of Labor and Industry. (1995 Code)

307.02: COMMERCIAL GENERAL CONTRACTORS:

- A. A license granted to a general contractor shall include the right to perform all of the work included in his/her general contract. Such license shall include any or all of the persons performing the work which is classified and listed in Section 307.01, providing that each person performing such work is in the regular employ of such general contractor and qualified under State law and the provisions of this Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed.
- B. Subcontractors on any work shall be required to comply with the Sections of this Code pertaining to license, bond, qualifications, etc. for their particular type of work. (Ord. 190, 7-20-54; amd 1995 Code)

307.03: QUALIFICATIONS:

Each applicant for a license shall satisfy the Codes Coordinator that he/she is competent by reason of education, special training and experience, and that he/she is equipped to perform the work for which a license is requested. (Ord. 190, 7-20-54; amd. 1995 Code)

307.04: REQUIREMENTS FOR LICENSURE:

- A. Application: A completed and signed application shall be submitted to the Community Development Department on forms furnished by the City of Roseville.
- B. License Fee: Payment of the license fee as established in the City Fee Schedule prior to issuance of such license.
- C. Liability Insurance: Before a contractor license shall be issued, the applicant shall provide a certificate of liability insurance.
 - a. Any person holding a license under Section 307.01 shall file with the Community Development Department policies of public liability and property damage which shall remain and be in force and effect during the entire term of said license and which shall contain a provision that they shall not be cancelled without ten days written notice to the City.
 - b. Public liability insurance shall not be less than \$50,000.00 for injuries including accidental death to any one person, and subject to the same limit for each person in an amount of not less \$500,000.00 on account of any one accident and property damage insurance in the amount of not less than \$500,000.00 for each accident and not less than \$1,500,000.00 aggregate. No work shall be done under license until said insurance policies shall have been filed and approved by the Codes Coordinator.
- D. Workers' Compensation Insurance: Before a contractor license shall be issued, the applicant shall file with the City a certificate indicating statutory workers' compensation coverage or evidence of self-insured status approved by the State of Minnesota. (Ord. 1098, 8-12-1991)

307.05: LICENSE FEE:

The fees shall be as established by the City Fee Schedule in Section 314.05.

307.06: DURATION:

All Contractor Licenses issued under this Chapter are effective upon issuance and expire one year (365 days) from date of issuance. (Ord. 1525 04-24-2017)

307.07: ISSUANCE:

Notwithstanding Section 301.02 of City Code, the Codes Coordinator or his/her designee may issue a license under this Chapter upon satisfaction of all requirements contained herein.

307.08: REVOCATION OF SUSPENSION:

The City Council may suspend or revoke any license for violation of this Code or any State or Federal statute or regulation after following applicable statutory provisions and where none, after reasonable notice and a due process hearing. (1995 Code). The Council may also suspend or revoke the license of any person licensed under this Code who violates any of its provisions or whose work is found to be improper, defective or so unsafe as to jeopardize life or property. (Ord.1499, 5-1-2016)

302. LICENSES AND BONDS

302.010. LICENSES REQUIRED. Before any person, firm or corporation shall engage in the business of performing any of the various types of work listed in this Section, they shall first obtain a City license to do so, as hereinafter provided.

1. Cement work, cement block work, cement block laying or brick work;
2. General construction including erection, alteration or repair of buildings;
3. Moving or wrecking of buildings (see additional requirements under Section 303.);
4. Plastering, drywall, outside stucco work or lathing;
5. Heating, cooling, and gas installation;
6. Well drilling;
7. Roofing;
8. Sign and billboard erecting;
9. Excavation;
10. Driveway installation;
11. The storage, stockpiling, and crushing of aggregate materials and other activities relating to the same for the purpose of making recycled concrete and asphalt aggregate. The application fee and license fee for this activity shall be as provided in Section 302.020(C) of this Chapter.

302.020. APPLICATION FOR LICENSE.

(A) Each applicant for a license shall satisfy the governing body that he/she is competent by providing the names of three different municipalities where the applicant is licensed.

(B) All licenses required by the provisions of this Chapter shall be obtained from the City on the forms furnished at City offices. The fee for such license required by the provisions of this Chapter shall be as set forth by City Council resolution.

(C) The application fee for the license for the storage and stockpiling of aggregate material shall be \$25. In addition to the application fee, the license fee for the storage and stockpiling of aggregate material shall be an annual fee, paid on June 30 and December 31 of each

year. This license fee shall be computed on the basis of \$.10 per ton of material processed on site. The contractor shall deliver to the City whatever records, including, but not limited to, computer records and weigh tickets, the City requires to determine the tonnage.

302.030. INSURANCE. No license granted under the provisions of this Chapter shall become effective until the licensee shall have filed with the City Administrator certificates of policies of public liability and property damage insurance which shall remain in full force and effect during the term of said license, and which shall contain a provision that such policy cannot be cancelled without ten (10) days written notice to the City. Public liability insurance shall be for an amount not less than Fifty Thousand (\$50,000.00) Dollars for injuries, including accidental death, to any one person, and subject to the same limit for each person, and for an amount of not less than One Hundred Thousand (\$100,000.00) Dollars on account of any one accident, and property damage insurance in the amount of not less than Twenty-five Thousand (\$25,000.00) Dollars. No work shall be done under any license issued until such certificates of insurance have been filed with and approved by the City.

302.040. EXPIRATION. All licenses issued under the provisions of this Chapter shall expire one year from the date of issuance, unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by such a license shall cease and any work performed after the expiration of the license shall be in violation of this ordinance.

302.050. RENEWAL FEES. Persons, firms or corporations renewing their licenses after the expiration date shall be charged the full annual license fee.

302.060. GENERAL AND SUB-CONTRACTORS LICENSES. A license granted to a general contractor shall include the right to perform all of the work included in his general contract. Such license shall include any or all of the persons performing the work which is classified and listed in Section 302.010 of this Code, providing that each person performing such work is in the regular employ of such general contractor and qualified under State law and the provisions of this Building Code to perform such work. In these cases, the general contractor shall be responsible for all of the work so performed. Sub-contractors on any work shall be required to comply with the sections of this Code pertaining to license, bond, qualifications, etc., for his particular type of work.

302.070. SUSPENSION AND REVOCATION OF LICENSE. The City Council shall have the power to suspend or revoke the license of any person, firm or corporation, licensed under the provisions of this Ordinance, whose work is found to be improper or defective or so unsafe as to jeopardize life or property, providing the person holding such license is given twenty (20) days notice and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the legal address of the licensee, and he fails or refuses to appear at said hearing, his license will be automatically suspended or revoked five (5) days after the date of the hearing.

302.080. PERIOD OF SUSPENSION. When a license is suspended, the period of suspension shall be not less than thirty (30) days nor more than one (1) year.

302.090. CODE VIOLATION REVOCATION. When any person, firm or corporation holding a license as provided herein has been convicted for the second time by a court of competent jurisdiction for violation of any of the provisions of this ordinance, the governing body shall revoke the license of the person, firm or corporation so convicted. Such person, firm or corporation may not make application for a new license for a period of one (1) year from the date of revocation.

302.100. SURETY BOND REQUIRED. No license for excavation granted under the terms stated herein shall become effective until the licensee has filed with the City Administrator a surety bond in the amount of Five Thousand Dollars (\$5,000.00), operating in favor of the City and conditioned that the City will be held harmless from any loss or damage by reason of improper or inadequate work performed by the holder of said license under the provisions of this ordinance.

(Source: Ord. 9, Amended: Ord. 58, 181, 394, 488, 513, 623)



The City That Soars!

REQUEST FOR COUNCIL ACTION

Meeting Date	January 15, 2020
Agenda Item	Policy D3
Attachment	See below
Submitted By	Justin Markon, Community Development Coordinator

Item	Native Landscaping and Forestry
Description	<p>Through much of 2019, the Environment Commission explored changes to the city code that would allow for native landscaping. Currently, city code limits properties to turf grasses and trees. In reality, many property owners already plant natives. The proposed code changes would allow provide clarity on what sort of plantings are allowed, where they can be planted, and how they should be maintained.</p> <p>A draft of the code changes has been available on the city’s website for public comments since early December. To date, city staff have received over 60 responses, the vast majority of which are positive. The Planning Commission has heard from the Environment Commission at two previous meetings and will hold a public hearing on the proposed changes at their January 28 meeting, followed by a final decision at a City Council meeting, most likely in February. Currently, no changes are proposed related to landscaping on public property, which includes sidewalk boulevards and the immediate front yards of most properties without a sidewalk.</p> <p>There are a few local non-profit organizations that provide training for residents on native landscaping. After a final decision by the City Council, city staff hope to hold a few events that would allow residents to learn more about planting and nurturing natives on their property.</p> <p>Other proposed changes include changing the responsibility for trees to the City Administrator or designee. The city code currently leaves these duties to the city forester, but an Ordinance in 2018 began to clarify the duties of the forester. The proposed changes would clean up other references.</p>
Budget Impact	N/A
Attachment(s)	<ul style="list-style-type: none"> • Draft code changes • Landscaping diagram

Action(s) Requested	Staff recommend a discussion on possible changes to city code Chapter 54.
--------------------------------	---

Proposed City Code changes:

Chapter 54 – Vegetation

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 and 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 which requires less pesticides, moisture, and places a lower demand on the public's water resources. 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:

Native plants are those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), trees and shrubs that are plant species native to or naturalized to the state of Minnesota, excluding prohibited exotic species, as defined by Minn. Stats. Chapter 84D. Native plants do not include weeds.

Ornamental plants means grasses, flowering perennial and annual plants, shrubs and groundcovers that may not be indigenous to Minnesota, but are adaptable. 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, groundcovers or native plants are planted pursuant to a plan.

Rain garden means a shallow excavated depression with loosened sub-soils in which ornamental plants or native grasses and forbs 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.

Restoration area means an area where native grasses and forbs are being, or have been, intentionally re-established

Weeds are (i) noxious weeds as defined and designated pursuant to the “Minnesota noxious weed law”, Minn. Stats. § 18.76-18.88, as amended from time to time, or (ii) any volunteer plant, except trees and other woody 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 and planned landscape areas.*

(1) *Setback.* A restoration area or a planned landscape area 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 shown in section 113-373(c)(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 if:

- a. A fence at least three feet in height is installed on the lot line adjoining the restoration area or planned landscape area; or
- b. The restoration area or planned landscape area abuts:
 1. A restoration area on any adjoining lot;
 2. A public park or open space;
 3. A vacant lot;
 4. A wetland, pond, lake or stream;
 5. Natural area; or
- c. 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 113-373(c) shall be composed of a soil retention cover such as mulch, regularly mowed turf grasses or groundcovers maintained at six 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) 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.
- (3) Non-woody vegetation in a planned landscape area shall be cut at least once annually between May 1 and July 15 to a height no greater than 10 inches.

- (4) Properties shall be free of blight and blighting factors, as described in section 22-19.
 - (5) Properties shall be free of public nuisances, as described in section 22-47.
 - (5) 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. The city will not be responsible for damage to turfgrass and/or any landscaped areas resulting from public works improvements or snow removal activities within drainage and utility easements.
- (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*.
 - (2) *Hazards.*
 - a. Property owners shall prune trees so they will not obstruct pedestrian sidewalk traffic, nor obstruct the view of any traffic sign, street, alley, or intersection. Overhanging portions of trees must be pruned to maintain a minimum clearance of eight feet over all sidewalks, and 16 feet over all streets.
 - b. Property owners shall remove or trim any trees, plants or shrubs determined by the City Administrator to be a public hazard.
 - c. Property owners shall treat or remove any diseased or pest-ridden tree or plant determined by the City Administrator to be a hazard to other trees or plants in the city.
 - (3) *Nuisances declared.* The following are considered public nuisances whenever they may be found within the city:
 - a. Any tree infected with the Dutch elm disease fungus (*Ophostoma ulmi*, formerly *Ceratocystis ulmi*), or which harbors any of the elm bark beetles (*scolytus multistratus* or *hylurgopinus rufipes*), or any other pest capable of producing an epidemic; and

- b. Any dead elm tree or part, including logs, branches, stumps, firewood or other material that contains elm bark.
- (4) *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.
- (5) *Inspection and investigation of nuisances.*
- a. The City Administrator or duly authorized agents shall inspect all premises as often as practicable, to determine whether any declared public nuisance 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, as provided in Chapter 15.05 of Department of Agriculture regulations.
- (6) *Abatement of hazards and nuisances on private property.*
- a. *Order procedure.* If the City Administrator determines that trimming 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. *Dutch elm disease.* If Dutch elm disease is found in trees or wood on private property, the City Administrator shall notify the responsible property owner.
 - c. *Abatement of disease.* The City Administrator shall order the removal of any infected tree or wood constituting a nuisance as described in subsection (3) of this section. 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.
 - d. *Time limit.* The order or notification shall set a time limit for compliance, depending on the urgency of the hazard or nuisance.
 - e. *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.
 - f. *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.

*Note: Subsection (e) *Trees* is the existing code for Sec. 54-38.

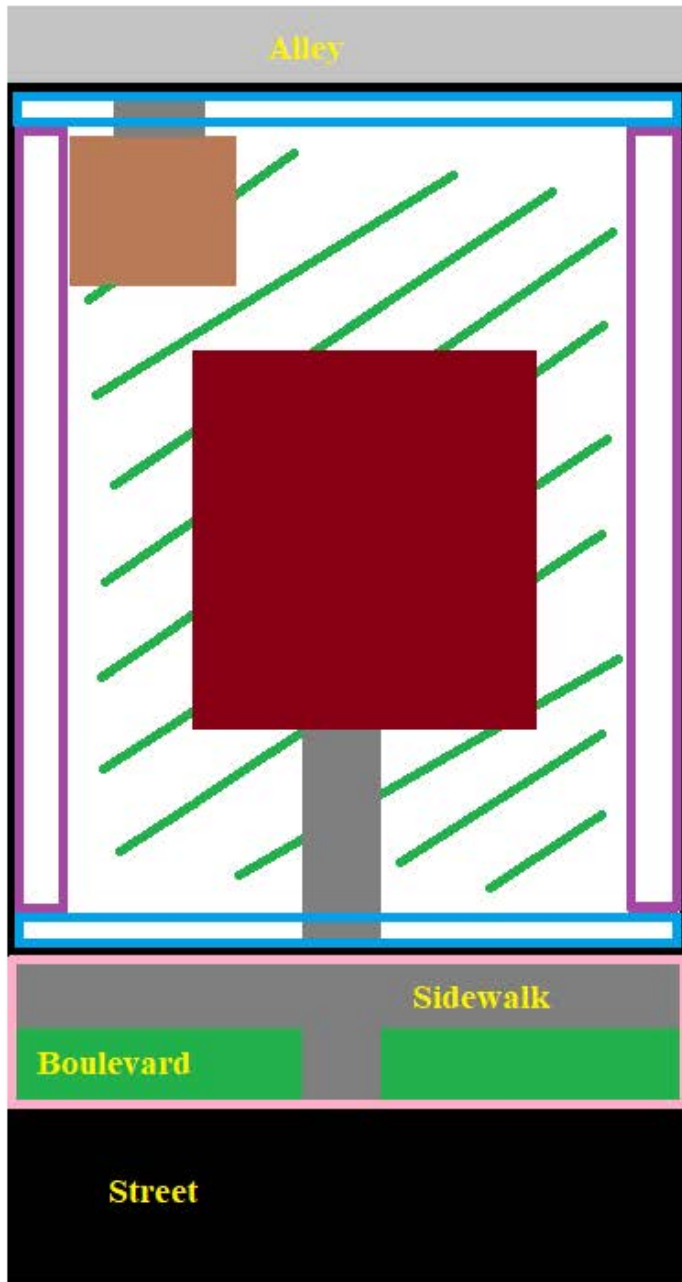
To be deleted:

Sec. 113-373. - Landscaping.

- (a) Landscaping on a lot shall consist of a finish grade and a soil retention cover such as sod, seed and mulch, plantings, or as may be required by the zoning administrator to protect the soil and aesthetic values on the lot and adjacent property.
- (b) In all districts, all developed uses shall provide landscaping from the urban curb and gutter to the road right-of-way lines. This landscaped yard shall be kept clear of all structures, exterior storage, and off-street parking.
- (c) Landscaping shall be provided and maintained on all required front and side yards in all developed districts.

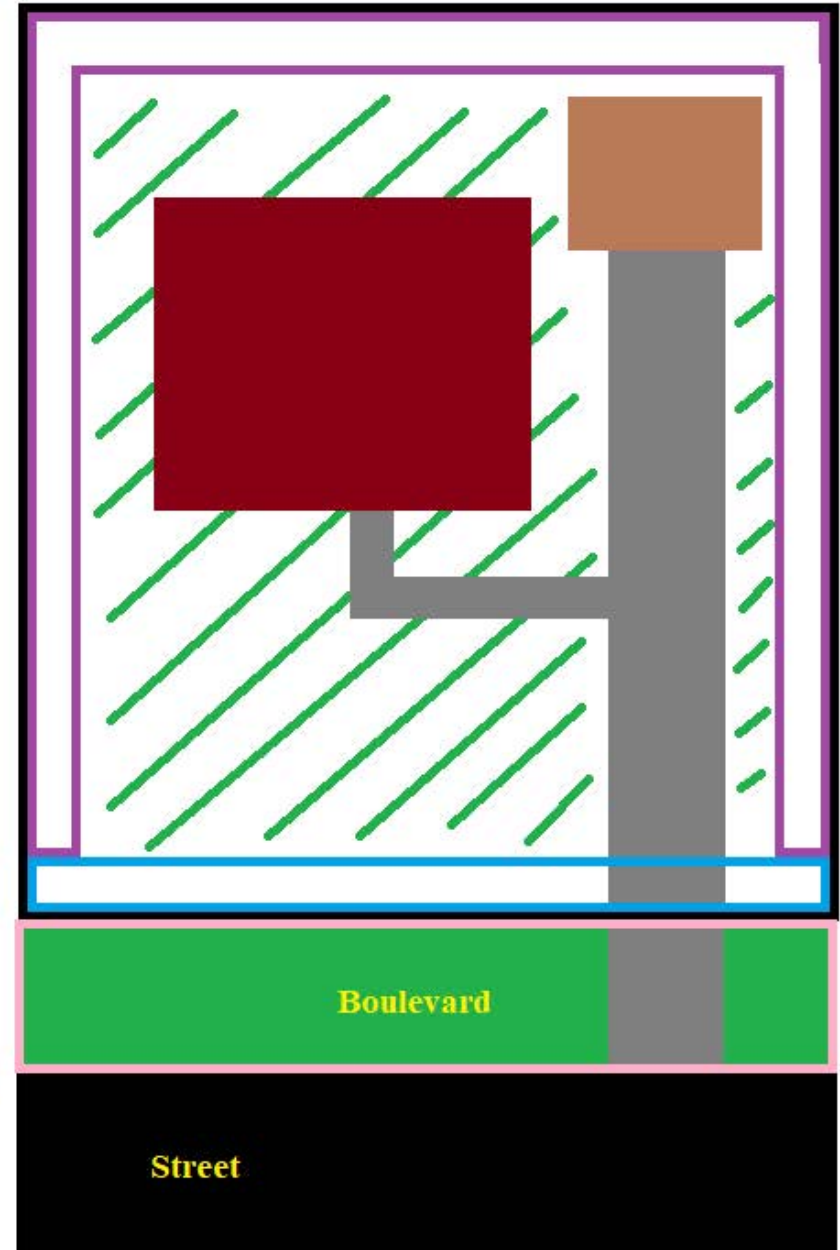
(Code 1993, § 9-14.01(6))

DRAFT



-  Property boundary
-  Public right-of-way
-  ROW setback (2 feet)
-  Yard setback (2 feet)
-  Planned landscape or restoration area

Typical Northome property



Typical Northeast property

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