

Ordinance No. 1399

Amending the Fridley City Code Chapters Titled Adoption of Code, Rules of Construction, Legislative Body, Commissions, Definitions, Severability, Ethics and Adoption by Reference

The City Council of the City of Fridley does ordain, after review, examination and staff recommendation that the Fridley City Code be amended as follows:

Section 1

That Chapter 906 of the City Code entitled "Adoption of Code" be hereby amended as follows:

Fridley City Code
Chapter ~~906.~~ 100 Adoption of Code

~~906.01.~~100.01 Adoption of Code

The substantive general ordinances of the City of Fridley, Minnesota are hereby codified; ~~I~~the codification is in book form, entitled "~~Municipal Code of Fridley, Minnesota~~Fridley City Code" (Code), and consists of chapters and sections, separately numbered in a decimal system with certain chapter and section numbers reserved for future use and expansion of the Code, as well as an appendix ~~and index thereof~~. Any matters as may be contained in the appendix ~~or index~~ are included for purposes of information and reference only and are of no substantive effect except where and unless the Code itself specifically incorporates the same by reference.

~~906.02.~~100.02 Short Title

For brevity hereafter the ~~Municipal Code of Fridley, Minnesota~~Fridley City Code is sometimes referred to as "this Code" or "City Code"; and any use of the term "this Code" or "City Code" means the ~~Municipal Code of Fridley, Minnesota~~Fridley City Code unless the context clearly requires another meaning.

~~906.03.~~ Repeal of Certain Ordinances

This code in the original enactment includes all substantive ordinances of a general nature up to and including Ordinance No. 795, passed on December 5, 1983. All substantive ordinances of a general nature up to and including Ordinance No. 795 are repealed and replaced by the enactment of this Code.

~~906.04.~~100.03 Subsequent Ordinances

Any ordinance passed after the effective date of this Code shall be passed as a recodified Chapter to this Code (unless it is of limited or special application or is otherwise deemed not to be a part of this

Code). Such recodified Chapter, amendment, addition, or deletion shall be made a part of this Code as hereinafter provided and directed by the City Council.

~~906.05.100.04~~ Consecutive Numbering to Continue

The present consecutive chronological numbering of all ordinances as are passed shall continue without regard to their subsequent inclusion within this Code, but each ordinance which is an amendment or addition to the Code shall specify the amendment or addition.

~~906.06.100.05~~ Annual Revisions

This Code is ~~printed and loosely formed and is kept up-to-date~~ by the regular insertion of recodified pages containing all amendments, repeals or addition to the Code. ~~For convenience, the volume includes, in addition to the Municipal Code of Fridley, Minnesota, a table of contents, appendixes and a complete subject matter index.~~

~~The Council, with the advice of the City Attorney, shall make arrangements periodically for the editorial work and printing necessary to prepare revised and additional pages as necessary to keep the volume up to date as nearly as reasonably possible at all times.~~

100.06 Errors

The City Manager may direct staff to correct grammatical, punctuation, or spelling errors found after passage of an ordinance without altering the meaning of the ordinance enacted.

~~906.07.100.07~~ Preservation of Existing Rights

The repeal of any ordinance or portion thereof by addition to this Code or any subsequent amendment, repeal or addition thereto does not affect or impair any act done, right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before such repeal takes effect. Every act done, right vested or accrued, or proceeding, suit or prosecution had or commenced, remains in full force and effect to all intents and purposes as if such repeal had not taken place. No offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to repeal of any ordinance or any part thereof, by this Code or subsequent amendment, repeal or addition thereto, is discharged or affected and the prosecution and suit of any such offense, liability, penalty or forfeiture may be instituted and proceeded within all respects as if such prior ordinance or part thereof had not been repealed.

~~906.08.100.08~~ Publication and Effective Date

Ordinances will be published in the Official Publication pursuant to State statute. A copy of this Code has been is on file and open for public inspection in the office of the City Clerk, for a period of at least three weeks prior to its additions, commencing on the first day of December 12, 1983. Ordinances are effective pursuant to the Fridley City Charter.

~~906.09.100.09~~ Code Permanently on File

A copy of the code shall be permanently on file and open for public inspection in the office of the City Clerk in the City of Fridley. Notice shall be given in the official newspaper for at least two successive weeks that copies are available in the City Clerk's office for inspection or purchase.

~~906.10.100.10~~ Prima Facie Evidence

The ~~Municipal Fridley City~~ Code of Fridley, Minnesota, shall be prima facie evidence of the law of the City.

Section 2

That Chapter 902 of the City Code entitled "Rules of Construction" be hereby amended as follows:

Fridley City Code
Chapter ~~902.101~~ Rules of Construction

~~902.01.101.01~~ Generally

~~All words and phrases in this Code are used and shall be construed in their plain, ordinary and usual sense and, except where the context clearly requires otherwise in accordance with this Chapter or any definitions, general or special, are contained in this Code, technical words phrases having a peculiar and appropriate meaning in law are to be understood according to their technical import.~~
Words and phrases used in the Fridley City Code (Code) shall be construed in their plain, ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical meaning.

~~902.02.101.02~~ MASCULINE, FEMININE OR NEUTER Gender

~~The use of either masculine, feminine or neuter gender includes the other gender(s). Unless the context clearly requires otherwise, the use of either masculine, feminine or neuter gender in this Code shall include the other genders.~~

~~902.03.101.03~~ Singular or Plural

The use of either singular or plural numbers includes the other number.

~~902.04.101.04~~ Past, Present or Future

The use of either past, present or future tense includes the other tense.

~~902.05.101.05~~ Joint Authority

Words importing joint authority for three or more persons are construed as authority to a majority of such persons.

~~902.06.101.06~~ Catchline Section Heading

The ~~catchline heading~~ of a section ~~printed in bold face type~~ is intended to indicate the contents of the section for the convenience of the reader and is not to be construed as a part of the section.

~~902.07.101.07~~ Computation of Time

The time within which an act is to be done is computed by excluding the first day and including the last day. When the last day is a Sunday or legal holiday, ~~such that~~ day is excluded and the last day is the next following business day.

~~902.08.101.08~~ Deputies

Whenever this Code of ~~Fridley~~ requires an act to be done which may legally be done by an agent or employee as well as by the principal, such requirement is satisfied by the performance of the act by an authorized agent or employee.

~~902.09.101.09~~ Filing at City Offices

Whenever this Code of ~~Fridley~~ requires filing with, payment to, or notification of any certain City official or department, the requirement is satisfied by filing, payment, or notification at the regular office of such City official or department during business hours on any business day.

~~902.10.101.10~~ Repeal

The repeal of a provision which repeals a prior provision does not revive the prior provision unless the intent to do so is clearly stated. The repeal of any provision is not construed to abate, annul, or otherwise affect any proceeding had or commenced under or by virtue of the repealed provision and the same is effectual as if the said provision had not been repealed, unless the contrary intent is clearly stated.

~~902.11.101.11~~ Liberal Construction

All general provisions, terms, phrases, and expressions contained in this Code are to be liberally construed in order that the true intent and meaning of each such provision may be fully carried out.

~~902.12. Substantive Change Not Intended~~

~~This Code of Fridley is intended as a codification of the existing law and is to be construed in accordance with such intent, except where a change or revision is clearly otherwise indicated.~~

~~902.13.101.12~~ Minnesota Rules of Construction to Apply

Unless they are clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, the rules of construction established for the State of Minnesota by statute or case law apply in the construction of this Code.

Section 3

That Chapter 904 of the City Code entitled "Severability" be hereby amended as follows:

Fridley City Code
Chapter ~~904. 102~~ Severability

~~904.01. 102.01~~ Invalidity of Part

~~If any part, sentence, provision or clause of the City Code of Fridley shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the remaining portions of the City Code of Fridley.~~

Every chapter, section, subsection or provision of the Fridley City Code (Code) is hereby declared severable from every other such chapter, section, subsection or provision. If any chapter, section, subsection or provision of this Code is found to be invalid or unconstitutional by a court of competent jurisdiction, it shall not affect or invalidate any other chapter, section, subsection or provision.

Section 4

That Chapter 903 of the City Code entitled "Definition Conflict" be hereby amended as follows:

Fridley City Code
Chapter ~~903. 103~~ Definitions Conflict

103.01 Purpose

The following definitions shall apply to the Fridley City Code (Code) and to all ordinances and resolutions unless the context requires otherwise.

~~903.01. 103.02~~ Definitions

~~1. Whenever a chapter of this Code contains therein a definition which is particularly applicable to such chapter, then such definition shall prevail in case of conflict over any general definition as contained in this Code, in this Chapter or in any other chapter of this Code. The definition of any word or phrase as established for the State of Minnesota by statute or case law applies to this Code, except where such meaning is clearly in conflict with the definitions or meanings particularly provided in this Code.~~

2.—Under the Municipal Code of Fridley, unless the particular context thereof shall clearly require a different meaning, the terms noted herein shall mean as follows:

City Charter or Charter: The Charter of the City of Fridley effective September 24, 1957, as amended.

City, Municipal Corporation, or Municipality: The City of Fridley, Minnesota.

City Council or Council: The City Council of the City of Fridley.

City Manager: The person duly appointed by the Council and acting in such capacity.

Code, Code of Ordinances, or Fridley City Code: The Municipal Code of Fridley, Minnesota.

Conviction: Either a plea of guilty accepted and recorded by the court, or a verdict of guilty by a jury, or a finding of guilty by the court.

Includes: "Includes" does not limit a term to a specific example.

May: "May" is permissive.

May not: states a prohibition.

Minnesota Statutes or M.S.: The edition of the Minnesota Statutes current at the time of said reference.

Must: Mandatory.

Nuisance: Anything offensive, obnoxious, or unduly adverse to the health and welfare of the inhabitants of the City, or any act or thing creating a hazard to, or having a detrimental effect on the property of another person or to the community.

Oath: Affirmation in all cases where by law an affirmation may be substituted for an oath. In like cases, "swear" includes "affirm" and "sworn" includes "affirmed."

Officer, Official, or Public Official: An employee, member of the Council, member of an advisory commission, or member of a City committee.

Ordinance: An ordinance duly adopted by the Council.

Owner: In the case of personal property, a person, other than a lien holder, having the property in or title to personal property. In the case of real property, the term means the fee owner of land,

or the beneficial owner of land whose interest is primarily one of possession. The term includes, but is not limited to, vendees under a contract for deed and mortgagors.

Person: Any individual, firm, corporation, partnership, association, organization or other group acting as a unit, including any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it includes the partners or any members of any partnership, firm or corporation and as to a corporation, the officers, agents or members thereof who are responsible for the violation.

Property: Tangible or intangible, real, personal or mixed property.

Shall: Mandatory.

Sidewalk or Trail: The portion of the street between the curb line and the adjacent property line, which is intended for the use of pedestrians. An improved thoroughfare located on a public right-of-way or public easement limited to usage by pedestrians and nonmotorized vehicles.

State: The State of Minnesota.

Street: Any public way, highway, street, avenue, boulevard or other public thoroughfare. Each such word includes the others and where the context permits, includes also sidewalk. The entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Violate: Failure to comply with.

103.03 Conflicts

Whenever a chapter of this Code contains a definition which is particularly applicable to such chapter, then such definition shall prevail in case of conflict over any general definition as contained in this Code, in this Chapter or in any other chapter of this Code. The definition of any word or phrase as established for the State of Minnesota by statute or case law applies to this Code, except where such meaning is clearly in conflict with the definitions or meanings particularly provided in this Code.

103.04 Minnesota Definitions to Apply

The definitions contained in Minnesota Statutes, Chapter 645, as amended, are hereby adopted by reference and are made a part of this Code. Unless clearly in conflict with the definitions or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Minnesota by Statute or case law shall apply to this Code.

Section 5

That Chapter 1 of the City Code entitled "Legislative Body" be hereby amended as follows:

Fridley City Code
Chapter ~~1.104~~ Legislative Body

~~1.01.~~—104.01 Salary

The Mayor and each Councilmember shall receive each year reasonable remuneration or salary, the amount and payment of which shall be prescribed by ordinance duly adopted on or before November 1st of the year preceding payment of the same.

~~1.02~~—104.02 Ward Boundaries

Pursuant to the City of Fridley Charter, Chapter 2.03, which requires the Council to redetermine Ward boundaries after each decennial census of the United States, and at other times as the City Council may determine, the Ward and Precinct boundaries of the City are redetermined and hereafter are established as follows:

1. Ward 1

Ward No. 1, Precinct No. 1 is established as the area bounded as follows:

North: Starting at the northern City ~~Limits~~ boundary (approximately 255 feet north of the intersection of Osborne Road and Trunk Highway (T.H.) #47 Avenue) go east on the northern City ~~Limits~~ boundary to Baker Street. East: Using Baker Street and starting at the northern City ~~Limits~~ boundary, go south on Baker Street to 73rd Avenue, then go east on 73rd Avenue to Highway #65, then go south on Highway #65 to Rice Creek Terrace. South: Using Rice Creek Terrace and starting T.H. #65, go west on Rice Creek Terrace to Madison Street, then go south on Madison Street to 7th Street, then go south on 7th Street to 67th Avenue, then go west on 67th Avenue to 4th Street, then go north on 4th Street to Rice Creek Terrace, then go northwest on Rice Creek Terrace to T.H. #47. West: Using T.H. #47 and starting at Rice Creek Terrace, go north on T.H.#47 to the northern City ~~Limits~~ boundary (Osborne Road and T.H. #47).

Ward No. 1, Precinct No. 2 is established as the area bounded as follows:

North: Using T.H. #47 and starting at Rice Creek Terrace, go southeast on Rice Creek Terrace to 4th Street, then go south on 4th Street to 67th Avenue, then go east on 67th Avenue to 7th Street, then go northeast on 7th Street to Madison Street, then go north on Madison Street to Rice Creek Terrace, then go east on Rice Creek Terrace to Highway #65. East: Using T.H. #65 and starting at Rice Creek Terrace, go south on Highway #65 to Mississippi Street, then go west on Mississippi Street to Van Buren Street, then go south on Van Buren Street to Carol Drive, then go southwest on Carol Drive to West Moore Lake Drive. South: Using West Moore Lake Drive and starting at Carol Drive, go southwest on West Moore Lake Drive to 61st Avenue, then go west on 61st Avenue to 7th Street, then go north 7th Street to Mississippi Street, then go west on Mississippi Street to

T.H. #47. West: Using T.H. #47 and starting at Mississippi Street, go north on T.H. #47 to Rice Creek Terrace.

Ward No. 1, Precinct No. 3 is established as the area bounded as follows:

North: Using Mississippi Street and starting at the Burlington Northern Railroad right-of-way, go east on Mississippi Street to 7th Street. East: Using 7th Street and starting at Mississippi Street, go south on 7th Street to 57th Avenue. South: Using 57th Avenue and starting at 7th Street, go west on 57th Avenue to T.H. #47. West: Using T.H. #47 and starting at 57th Avenue, go north on T.H. #47 to 59th Avenue, then go west on 59th Avenue to Main Street, then go north on Main Street to 61st Avenue, then go west on 61st Avenue to the Burlington Northern Railroad right-of-way, then go north on the Burlington Northern right-of-way to Mississippi Street.

Ward No. 1, Precinct No. 4 is established as the area bounded as follows:

North: Using 61st Avenue and starting at 7th Street, go east on 61st Avenue to West Moore Lake Drive. East: Using West Moore Lake Drive and starting at 61st Avenue, go southeast on West Moore Lake Drive to T. H. #65, then go south on T.H. #65 to T. H. #694, then go east on T.H. #694 to Matterhorn Drive, then go south on Matterhorn Drive to the southern City Limitsboundary. South: Using the southern City Limitsboundary and starting at Matterhorn Drive, go west on the southern City Limitsboundary to T.H. #47. West: Using T.H. #47 and starting at the southern City Limitsboundary, go north on T.H. #47 to 57th Avenue, then go east on 57th Avenue to 7th Street, then go north on 7th Street to 61st Avenue.

2. Ward 2

Ward No. 2, Precinct No. 1 is established as the area bounded as follows:

North: Using the northern City Limitsboundary (Osborne Road) starting at Baker Street, go east on the northern City Limitsboundary to the eastern City Limitsboundary. East: Using the eastern City Limitsboundary, go south on the eastern City Limitsboundary to 69th Avenue. South: Using 69th Avenue and starting at the eastern City Limitsboundary, go west on 69th Avenue to Central Avenue, then go south on Central Avenue to Rice Creek, then go west on Rice Creek To T.H. #65. West: Using T.H. #65 and starting at Rice Creek, go north on T.H. #65 to 73rd Avenue, then go west on 73rd Avenue to Baker Street, then go north on Baker Street to the northern City Limitsboundary.

Ward No. 2 Precinct No. 2 is established as the area bounded as follows:

North: Using Rice Creek and starting at T.H. #65, go east on Rice Creek to Central Avenue, then go north on Central Avenue to 69th Avenue, then go east on 69th Avenue to the eastern City Limitsboundary. East: Using eastern City Limitsboundary and starting at 69th Avenue, go south on the eastern City Limitsboundary to 66th Avenue. South: Using 66th Avenue and starting the eastern City Limitsboundary, go west on 66th Avenue to Arthur Street, then go south on Arthur

Street to Mississippi Street, then go west on Mississippi Street to Central Avenue, then go south on Central Avenue to East Moore Lake Drive, then go southwest on East Moore Lake Drive/West Moore Lake Drive to Able Street. West: Using Able Street and starting at West Moore Lake Drive, go north on Able Street to Carol Drive, then go west on Carol Drive to Van Buren Street, then go north on VanBuren Street to Mississippi Street, then go east on Mississippi Street to T.H. #65, then go north on T.H. #65 to Rice Creek.

Ward No. 2, Precinct No. 3 is established as the area bounded as follows:

North: Using Able Street and starting at Carol Drive, go south on Able Street to West Moore Lake Drive, then go east and northeast on West Moore Lake Drive/East Moore Lake Drive to Central Avenue, then go north on Central Avenue to Mississippi Street, then go east on Mississippi Street to Arthur Street, then go north on Arthur Street to 66th Avenue, then go east on 66th Avenue to the eastern City Limits boundary. East: Using the eastern City Limits boundary and starting at 66th Avenue, go south on the eastern City Limits boundary to Gardena Avenue. South: Using Gardena Avenue and starting at the eastern City Limits boundary, go west on Gardena Avenue to Matterhorn Drive, then go south on Matterhorn Drive to the extension of Hathaway Lane, then go west on Hathaway Lane and its extension to Regis Drive, then go south on Regis Drive to Lynde Drive, then go west on Lynde Drive and its extension to T.H. #65: West: Using T.H. #65 and starting at the extension Lynde Drive, go north on T.H. #65 to West Moore Lake Drive, then go northwest on West Moore Lake Drive to 61st Avenue, then go northeast on West Moore Lake Drive to Carol Drive, then go northeast on Carol Drive to Able Street.

Ward No. 2, Precinct No. 4 is established as the area bounded as follows:

North: Using the extension of Lynde Drive and starting at T.H. #65, go east on Lynde Drive and its extension to Regis Drive, then go north on Regis Drive to Hathaway Lane, then go east on Hathaway Lane and its extension to Matterhorn Drive, then go north on Matterhorn Drive to Gardena Avenue, then go east on Gardena Avenue to the eastern City Limits boundary. East: Using the eastern City Limits boundary and starting at Gardena Avenue go south on the eastern City Limits boundary to the southern City Limits boundary. South: Using the southern City Limits boundary and starting at the eastern City Limits boundary, go west on the southern City Limits boundary to Matterhorn Drive. West: Using Matterhorn Drive and starting at the southern City Limits boundary, go north on Matterhorn Drive to T.H. #694 then go west on T.H. #694 to T.H. #65, then go north on T.H. #65 to the extension of Lynde Drive.

3. Ward 3

Ward No. 3, Precinct No. 1 is established as the area bounded as follows:

North: Beginning at the Mississippi River and the northern City Limits boundary, follow the northern City Limits boundary east to the Burlington Northern right-of-way, then go north on the Burlington Northern Railroad right-of-way (City Limits boundary) to 85th Avenue (City Limits boundary), then go east on 85th Avenue (City Limits boundary) to T.H. #47 (City

Limitsboundary). East: Using T.H. #47 (City Limitsboundary) and starting at 85th Avenue go south on T.H. #47 (City Limitsboundary) to Osborne Road. South: Using Osborne Road and starting at T.H. #47, go southwest on Osborne Road to Burlington Northern Railroad right-of-way, then go north on the Burlington Northern Railroad right-of-way to 79th Way, then go west on 79th Way to the western City Limits-boundary (Mississippi River). West: Using the western City Limits boundary and starting at 79th Way, go north to the northern City Limitsboundary.

Ward No. 3, Precinct No. 2 is established as the area bounded as follows:

North: Using the western City Limits-boundary and starting at 79th Way, go east on 79th Way to the Burlington Northern Railroad right-of-way, then go south on the Burlington Northern Railroad right-of-way to Osborne Road, then go northeast on Osborne Road to T.H. #47. East: Using T.H. #47 and starting at Osborne Road, go south on T.H. #47 to Mississippi Street. South: Using Mississippi Street and starting at T.H. #47, go west on Mississippi Street to East River Road. West: Using East River Road and starting at Mississippi Way, go north on East River Road to Rice Creek, then go west on Rice Creek to the western City Limitsboundary, then go north on the western City Limits-boundary to 79th Way.

Ward No. 3, Precinct No. 3 is established as the area bounded as follows:

North: Using the western City Limits-boundary and starting at Rice Creek, go east on Rice Creek to East River Road, then go south on East River Road to Mississippi Way, then go east on Mississippi Way to the Burlington Northern Railroad right-of-way. East: Using the Burlington Northern Railroad right-of-way and starting at Mississippi Way, go south on the Burlington Northern Railroad right-of-way to the extension of 61st Avenue, then go east on 61st Avenue and its extension to Main Street, then go south on Main Street to T.H. # 694. South: Using T.H. #694 and starting at Main Street, go west to the western City Limitsboundary. West: Starting at T.H. #694 on the western City Limitsboundary, go north on the western City Limits-boundary from T. H. #694 to Rice Creek.

Ward No. 3, Precinct No. 4 is established as the area bounded as follows:

North: Using the western City Limits-boundary and starting at T.H. #694, go east on T.H. #694 to Main Street, then go north on Main Street to 59th Avenue, then go east on 59th Avenue to T.H. #47. East: Using T.H. #47 and starting at 59th Avenue, go south on T.H. #47 to the City Limits boundary and continuing on to the southern City Limitsboundary. South: Using the southern City Limits-boundary go west to the western City Limitsboundary. West: Using the western City Limitsboundary, starting at the southern City Limitsboundary, go north on the western City Limits boundary to T.H. #694.

1.03.———104.03 Ward Map

Ward and Precinct boundaries are herein established and delineated in the City of Fridley Voting Precinct Map, which is on file in the City Clerk's Office. Whenever and wherever a conflict shall

appear between the boundaries as noted and provided on said map and the lines noted and described in Section ~~4.02~~104.02, then the boundaries as noted in Section ~~4.02~~104.02 shall prevail.

Section 6

That Chapter 6 of the City Code entitled "Commissions" be hereby amended as follows:

Fridley City Code Chapter ~~6.105~~ Commissions

105.01 Purpose

Pursuant to the Fridley City Charter Chapter 2, the Fridley City Council (Council) may create commissions with advisory powers to investigate any subject of interest to the City of Fridley (City). Advisory commissions provide for citizen input and are advisory to the Council. Advisory commissions shall have no decision-making authority, except as expressly established by the Fridley City Code or Minnesota Statutes (M.S.).

~~6.01~~ — Commission Titles

~~There is hereby created the following commissions for the City of Fridley. These commissions shall be known as:~~

- ~~1. Planning Commission~~
- ~~2. Parks and Recreation Commission~~
- ~~3. Environmental Quality and Energy Commission.~~

~~6.02~~ — 105.02 Commissions Generally

1. Membership

- ~~(a)~~ Each commission, unless otherwise indicated, shall consist of seven Fridley residents appointed by City Council.
- ~~(b)~~ The Council will annually appoint, by Council resolution, a chairperson to each advisory commission.
- ~~(a)(c)~~ Each commission shall elect a chairperson and vice chairperson. At any meeting of the commission if the chairperson is unable to attend, the vice chairperson shall act as chairperson.
- ~~(a)~~ The commission chairperson shall be elected by the commission membership and shall also serve as a member of the Planning Commission.

~~(b)(d)~~ The commission members shall be appointed by the City Council for ~~three-year~~three-year terms, except the City Council shall make every effort to stagger the appointments so that the terms of no more than three members shall expire in any one year. Attempt shall be made to have all City wards represented on the commissions. Upon the expiration of their terms of office, members shall continue to serve until their successor shall have been appointed.

~~(b)~~ The commissions shall each year, from their own members choose a chairperson and vice chairperson. At any meeting of the commissions if the regular chairperson is unable to attend, the vice chairperson shall act as chairperson.

2. Vacancy

Commission members may resign or be removed from office by a majority vote of the City Council. The commission member appointed to fill any vacancy shall serve for the remainder of the vacated term.

3. Organization

(a) Following the appointment of membership, each of the commissions shall meet, organize and with the exception of the chairperson, elect any officers, as it deems desirable.

(b) Adopt rules for its meetings and the transaction of its business, in order to fulfill the responsibilities of the commission.

(c) The chairperson shall assure the fulfillment of the following responsibilities:

(1) Call and preside over meetings of the commission.

(2) Appear or appoint a representative to appear, if deemed necessary, before the City Council or any City commission pertaining to matters within the scope of the commission.

(3) Provide liaison with other governmental and citizens' groups pertaining to matters within the scope of the commission for the purpose of timely and relevant information for consideration by the commission.

4. ~~Administrative Staff~~ Liaison

The City Manager shall assign one member of the ~~Administrative Staff~~ staff to serve as ~~secretary~~ Staff Liaison to each commission. The ~~secretary~~ Staff Liaison shall perform only such clerical duties on behalf of a commission as may be assigned by the chairperson and with the consent of the

City Manager. Additional advisory staff shall be assigned to the commissions by the City Manager within the restraints of the adopted general fund budget. ~~Administrative Staff shall be limited to commission level unless specifically approved by the City Council. A Staff Liaison shall not serve as an appointed member of any City advisory commission.~~

5. Project Committees

The commissions may establish special project committees to further the objectives of the commissions and provide for greater citizen participation. Such project committees shall be appointed by a commission for special projects and shall cease to exist when their activities are completed. The qualifications for membership, composition and duties of such project committees shall be at the discretion of the commission. The project committee may be chaired by a member of the commission, and at least one member of the commission shall act as a liaison for each project committee.

6. Compensation

The members of the commissions shall serve without pay, but may be reimbursed for actual expenses if funds therefore are provided in the adopted general fund budget.

7. Reports

The commissions shall make such reports as requested by the ~~City Council~~, or Planning Commission.

8. Meetings

Meetings shall be called by the chairpersons and shall be held as necessary to fulfill the responsibilities of the commissions. All meetings of the commissions shall be open to the public. Minutes shall be kept of all meetings. Findings and recommendations shall be transmitted by the commission chairpersons to the ~~Planning Commission and from the Planning Commission to the City Council~~.

6.03—105.03 Planning Commission

1. Title Commission Established

There is hereby created a Planning Commission for the City of Fridley, Minnesota pursuant to M.S. Chapter 462.

~~The Council hereby establishes the Planning Commission to serve as the Board of Appeals and Adjustments and exercise all authority and perform all functions of said Board pursuant to Minnesota Statutes Section 462.351 to 462.364 and operate according to the Fridley City Code.~~

2. Purpose

~~(a) The Planning Commission is established to provide comprehensive planning and zoning advice to the City Council with the aim of improving the City.~~

(a) The Planning Commission is established to provide comprehensive planning and zoning advice to the Council, provide a process by which the public may appeal staff's interpretation of the Code, or request a variance to performance standards in the zoning chapters of the Fridley Zoning Code.

(b) The Council hereby establishes the Planning Commission to serve as the Board of Appeals and Adjustments and exercise all authority and perform all functions of said Board pursuant to M.S. §§ 462.351 to 462.364 and operate according to this Code.

3. Scope

(a) The Planning Commission shall serve in an advisory capacity to the City Council. ~~Problems Matters~~ shall be referred to the Planning Commission by the City Council, City Administration Manager or chairperson of the member commissions, and may be assigned to the member commissions for detailed study and recommendations as required. All recommendations by the Planning Commission shall be made to the City Council.

(b) The Planning Commission is charged with responsibility for ~~continuous~~ community planning, growth and development of comprehensive goals and policies, including but not limited to, land use, housing, transportation, environment, parks and recreation, public services, human resources, and other related community activities.

(c) The Planning Commission shall advise the City Council in the development of programs to give increased effectiveness and direction in implementing established City goals and policies and recommend actions needed to carry out planning responsibility.

~~(a) The Planning Commission shall serve as the Board of Appeals and Adjustment and shall exercise all the authority and perform all functions of said Board pursuant to Minnesota Statutes §§ 462.351 to 462.364 and operate according to the Fridley City Code.~~

4. Appeals and Requests

(a) The Planning Commission shall hear and recommend to the City Council appeals or requests in the following cases according to the procedures established in Chapters 128 and 205 of Fridley City Code; and Chapter 205.06 of the Fridley Zoning Code:

- (1) Appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by a City compliance official in the enforcement of the City Code, Zoning Code, Sign Code, Residential Licensing Code, or State Building Code.
- (2) Requests for variances from the literal provisions of the Zoning Code or Sign Code in instances where strict enforcement would cause practical difficulties due to circumstances unique to the individual property under consideration.

5. Membership of Planning Commission

The Planning Commission shall consist of the Planning Commission chairperson, the chairperson of the Parks and Recreation Commission, the chairperson of the Environmental Quality and Energy Commission, and four members at large.

~~The chairperson of the Planning Commission and four members at large shall be appointed by the City Council to serve for three-year terms as voting members of the commission. The City Council shall stagger the appointments so that no more than two of these appointments shall expire in any one year. Nothing herein shall prohibit any of these four Planning Commission members from serving on other commissions; however, none of these five shall be elected as chairperson or vice-chairperson of any other the member-commissions.~~

- ~~a. The Planning Commission members serve as chairperson of the member commissions and are appointed according to provisions outlined in the ordinance establishing each member commission.~~
- ~~b. The Planning Commission shall each year, from their members choose a vice chairperson. At any meeting of the Planning Commission, if the regular chairperson is unable to attend, the vice chairperson shall act as chairperson.~~
- ~~c. At any meeting of the Planning Commission, if any commission member is unable to attend, the vice chairperson of his/her member commission(s) may serve in his/her stead.~~

6.04 — 105.04 Parks and Recreation Commission

1. Commission Established

There is established a Parks and Recreation Commission for the City.

12. Purpose

The Parks and Recreation Commission is established to promote the systematic and comprehensive development of park facilities and recreational activities necessary for the physical, mental and emotional health and well-being of the residents of the City of Fridley.

23. Scope

~~(b)(a)~~ The Parks and Recreation Commission shall act as an advisory commission to the Planning Commission Council for continuous community planning and development of comprehensive City goals and policies. Any change in related community planning and comprehensive City goals and policies must be reviewed by the Planning Commission ~~who will then make recommendations to the City Council.~~

~~(c)(b)~~ The Parks and Recreation Commission shall advise the City Council, ~~after a policy review by the Planning Commission,~~ in the development of programs to give increased effectiveness and direction in implementing established City goals and policies and recommend actions as needed to provide park and recreational opportunities.

34. Program

The Commission shall each year, prior to June 1, recommend a capital ~~improvement~~ investment program for park improvement and acquisition and for public recreation activities for the ensuing year.

45. Funds

For the purpose of financing the parks and recreation programs authorized by this Chapter, the accounting shall be the responsibility of the ~~Treasurer of the City~~ City Treasurer. The Commission shall be authorized to establish charges or fees for the restricted use of any facility or to make any phase of the recreation program wholly or partially self-sustaining. ~~Any employees who handle cash in the process of collection shall be bonded.~~

6.05.—105.05 Environmental Quality and Energy Commission

1. Commission Established

There is established an Environmental Quality and Energy Commission for the City.

12. Purpose

The Environmental Quality and Energy Commission is established to stimulate interest in and to promote an awareness of environmental and energy concerns among citizens and businesses of the ~~City of Fridley~~; It will ~~to~~ serve as a resource to the City in the conservation and management of energy and the environment, including information on environmental problems, laws, policies, and regulations of the county, metropolitan, state, and federal levels to the extent of their effect on Fridley; and ~~to~~ advise the ~~City Council~~, the City Manager, and other appropriate City commissions on matters pertaining to conservation and management of energy and the environment, including the review and recommendation of programs and policies within the City.

23. Scope

- (a) The Environmental Quality and Energy Commission shall act as an advisory commission to the ~~Planning Commission~~Council for continuous community planning and development of the comprehensive City goals and policies. Any change in related community planning and comprehensive City goals and policies must be reviewed by the ~~Planning Commission~~ which will then make recommendations to the ~~City Council~~.
 - (b) The Environmental Quality and Energy Commission shall advise the ~~City Council~~, ~~after a policy review by the Planning Commission~~, in the development of programs to give increased effectiveness and direction on implementing established City goals and policies, and recommend actions as needed relevant to the conservation and management of environmental and energy resources.
1. ~~The membership of the Environmental Quality and Energy Commission shall consist of seven residents appointed by the City Council.~~

Section 7

That Chapter 5 of the City Code entitled "Ethics" be hereby amended as follows:

Fridley City Code Chapter ~~5.106~~ Ethics

5.01. ~~106.01~~ Policy and Definitions~~Purpose~~

1. ~~General Declaration of Policy.~~

It is necessary that all persons acting in the public service not only maintain high standards of ethical conduct in their transaction of public business but that such standards be clearly defined and known to the public, as well as to the persons acting in public service. ~~In recognition of this goal, there is hereby established a Code of Ethics for public officials, elected and appointed, and for top level City employees.~~ The purpose of this ~~Code~~ Chapter is to establish ethical standards of conduct for such officials and ~~City~~ employees by setting forth those acts or actions that are incompatible with the best interests of the City of Fridley (City) and by directing disclosure by such persons of private, financial or other interests in matters affecting the City.

2. ~~106.02~~ Definitions

Financial Interest: Ownership of more than 10% of any of the following: (1) The outstanding stock in a corporation; (2) An interest in a partnership, proprietorship, or other business entity; or (3) An interest in real property. Financial interest shall apply to real or personal properties owned by the person making the disclosure and by said person's spouse.

Personal Interest: Whenever a person required to make a disclosure under this Code of Ethics Chapter shall be associated with a business as an employee, officer, director, trustee, partner, advisor or consultant.

Top Level City Employees: the City Manager, the City Attorney, Ddepartment heads Directors, City Clerk, Chief Building Official, and any other City employees designated by the City Manager.

5.02.—106.03 Scope of Persons Covered

The provisions of this Chapter shall be applicable to all members of the Fridley City Council (Council), and the following advisory bodies: Planning Commission, Community Development Commission, Appeals Commission, Parks and Recreation Commission, Environmental Quality and Energy Commission, Human Resources Commission, Cable Television Commission, Housing and Redevelopment Authority and Energy Commission, and all employees of the City.

5.03.—106.04 Fair and Equal Treatment Standards of Conduct

1. Subject to the provisions of Section 5.03.2 no person covered by this Chapter shall participate in the discussion of, or vote on, any issue in which he or she has any financial interest. Also subject to Section 5.03.2, no top-level City employee shall recommend, advise, or in any manner influence the vote of the City Council or an advisory body on any issue in which he or she has a financial interest. Pursuant to Minnesota Statute (M.S.) § 471.87 an officer of the City who is authorized to approve or administer any sale, lease, or contract shall not have a personal financial interest in that sale, lease, or contract, except those authorized by M.S. § 471.88.

2. ~~No person covered by this Chapter shall take any official action with respect to a matter in which he or she has a financial or personal interest, provided that participation in the decision making process on his or her behalf as a private citizen shall not be proscribed by this Chapter and provided further that he or she may participate in matters leading up to or preliminary to official action to the extent that he or she disclosed any such direct financial or personal interest as he or she may have in the same and to the extent that he or she has no discretion to make a final controlling judgment or vote on the same. Disclosure of any such financial or personal interest shall be made to the Council, commission, board or committee of which the person is a member or, in the case of a top-level City employee, to the City Manager, when the item appears on the agenda. Such disclosure shall be recorded in the minutes and shall become a matter of public record.~~

~~3.2. No person covered by this Code of Ethics Chapter shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall he or she use such information to advance the financial or other private interest of any person. A former official shall not disclose or use any not public, privileged or proprietary information gained by any reason of their office or employment.~~

~~43. No person covered by this Code of Ethics shall directly or indirectly solicit any gift or accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of official duties or was intended as a reward for any official action on his or her part. The provisions of this Subdivision shall not apply to political gifts that conform to the limitations prescribed by Minnesota Statutes for said gifts. No person covered by this Chapter shall directly or indirectly receive any compensation, gift, reward, or gratuity in any matter related to the duties of such an official's office, except as may be provided by law.~~

~~5. Except as specifically authorized by Section 471.88 of the Minnesota Statutes, no person covered by this Code of Ethics who is authorized to take part in any manner in making any sale, lease or contract in his or her official capacity shall have a direct financial interest in that sale, lease or contract or personally benefit financially therefrom.~~

5.04.—106.05 Public Disclosure by City Council

1. Each member of the City Council shall file, as a public record in the office of the City Clerk, a signed statement disclosing the following:

(a) A list of the names of all business corporations, partnerships and other business enterprises or governmental agencies doing business with the City of Fridley or located within the City of Fridley:

(1) with which ~~he or she has~~ they have a financial interest, or

(2) with which ~~he or she has~~ they have a personal interest;

(b) A list of the non-homestead real property located within the City of Fridley in which ~~he or she currently has~~ they have a financial interest;

(c) A list of the non-homestead real property located within the City of Fridley in which ~~he or she~~ they had a financial interest within the preceding three years;

(d) A list of the names and nature of business, of all corporations, partnerships and other business enterprises with which ~~he or she has~~ they have a financial interest and in which ~~he or she~~ they knows one or more other persons covered by this Code of Ethics. ~~Chapter~~ also have a financial interest in said enterprise. This list shall indicate the name or names of such other ~~person or person(s)~~ having such interest in said enterprise.

~~2. Each person who files as a candidate to become a member of the City Council or is filed as a candidate for City Council, at the time of filing as a candidate, shall file the disclosure statement required by this Section.~~

~~32. Within 30 days after each anniversary date of an initial filing, each person required to make such a filing under this Section shall file a new disclosure statement setting forth the information required hereby as of the time of the new statement.~~

~~43. Material changes in financial interest or in positions held shall be disclosed by filing an amended disclosure statement within 30 days after such interest is obtained or such changed position occurs.~~

5.05.—106.06 Public Disclosure by Members of Advisory Bodies ~~Bodies~~ Commissions

1. Each member, ~~and each applicant for membership~~ of any advisory commission or committee shall file, as a public record in the office of the City Clerk, a signed statement disclosing the following:

~~(b)~~(a) A list of names of all business corporations, partnerships and other business enterprises or governmental agencies doing business with the City ~~of Fridley~~ or located within the City ~~of Fridley~~:

(1) with which ~~he or she has~~ they have a financial interest, or

(2) with which ~~he or she has~~ they have a personal interest;

~~(c)~~(b) A list of the non-homestead real property located within the City ~~of Fridley~~ in which ~~he or she currently has~~ they have a financial interest.

2. Each person who is appointed or reappointed to an advisory body which is included in this ~~Code of Ethics Chapter~~ shall file the disclosure statement within ~~thirty~~ (30) days of such appointment.

3. Material changes in financial interest or in positions held shall be disclosed by filing an amended disclosure statement within ~~thirty~~ (30) days after such interest is obtained or such changed position occurs.

5.06.—106.07 Public Disclosure by Top Level City Employees, Except the City Attorney

1. The City Manager, department heads and other employees designated by the Manager, except the City Attorney, shall annually file as a public record in the office of the City Clerk, a signed statement disclosing the following information:

~~(b)~~(a) A list of names of all business corporations, partnerships and other business enterprises or governmental agencies doing business with the City of Fridley or located within the City of Fridley:

(1) with which ~~he or she has~~ they have a financial interest, or

(2) with which ~~he or she has~~ they have a personal interest.

~~(c)~~(b) A list of the non-homestead real property located within the City of Fridley in which ~~he or she currently has~~ they have a financial interest;

~~(d)~~(c) A list of the names and nature of business, of all corporations, partnerships and other business enterprises with which ~~he or she has~~ they have a financial interest and in which ~~he or she~~ they know one or more other persons covered by this Code of Ethics Chapter also having a financial interest in said enterprise. This list shall indicate the name or names of such other ~~person or person(s)~~ having such interest in said enterprise.

2. Each newly hired ~~manager or department head~~ top level employee, except the City Attorney, shall within 30 days of the hiring date and annually thereafter, file the disclosure statement required by this Section.

3. Material changes in financial interest or in positions held shall be disclosed by filing an amended disclosure statement within 30 days after such interest is obtained or such changed position occurs.

5.07.—106.08 Public Disclosure by City Attorney

1. The City Attorney shall annually file, as a public record in the office of the City Clerk, a signed statement disclosing the following information:

(a) A list of names of all business corporations, governmental agencies, companies, firms or partnerships and other business enterprises doing business with the City of Fridley or located within the City of Fridley in which ~~he or she has~~ they have any financial interest, except that clients of the City Attorney's private law practice shall be excluded from the list, provided that no other business relationship except that of attorney/client exists; and

(b) A list of the non-homestead real property located within the City of Fridley in which ~~he or she~~ they currently ~~has~~ have a financial interest.

2. The City Attorney, or members of ~~his or her~~ their law firm, shall not appear before the City Council, commission or committee for the purpose of representing any client, except the City of Fridley or employees of the City of Fridley, when such latter representation is in connection with their official duties as City employees.

3. Any person who is appointed or hired as City Attorney shall, within ~~thirty (30)~~ days of said appointment, and annually thereafter, file the disclosure statement required by this Section.

4. Material changes in financial interest or in property holdings shall be disclosed by filing an amended disclosure statement within ~~thirty (30)~~ days after such change occurs.

~~5.08.106.09~~ Exclusions

This ~~Code of Ethics Chapter~~ shall not be construed to require filing of information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, recreational, public service, civic or political organization, or of any similar organization not conducted as a business enterprise, nor shall disclosure be required hereby where prohibited by professional or business association ethics promulgated by any ~~State governmental~~ agency.

~~5.09.106.10~~ Method of Filing

The City Manager shall inform each person required by the ~~Code of Ethics this Chapter~~ to file a disclosure statement and the time and place for filing. The City Clerk shall prepare the necessary forms for the disclosure statements. ~~The City Manager shall make available to the City Council or individual council members, copies of all disclosure statements filed within fourteen (14) days after said filing.~~ The City Manager shall notify the City Council whenever a person who is required by this Chapter to file a disclosure fails to do so.

~~5.10.106.11~~ Violations

Any violation of the provisions of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of ~~Chapter 901 of the Fridley City Code~~. ~~The City shall reimburse reasonable defense costs providing the defendant is found "not guilty."~~ An official must report any conduct by other local officials that they believe violates this Chapter.

Section 8

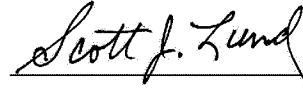
That Chapter 905 of the City Code entitled "Adoption by Reference" be hereby repealed in its entirety.

Fridley City Code Chapter 905. Adoption by Reference

~~905.01. Requirement~~

~~Where codes, ordinances, rules or regulations have been adopted by reference in any section of this Code, three (3) copies of such codes, ordinances, rules or regulations shall be filed by the City Clerk in such Clerk's office for inspection and use by the public and each copy shall be marked with the words "City of Fridley, Anoka County, Minnesota – Official Copy".~~

Passed and adopted by the City Council of the City of Fridley on this 14th day of March, 2022.



Scott J. Lund - Mayor



Melissa Moore - City Clerk

Public Hearing: February 28, 2022

First Reading: February 28, 2022

Second Reading: March 14, 2022

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