

**FRIDLEY CITY CODE**  
**APPENDIX E: EMERGENCY ORDINANCES**

**E-1: ORDINANCE NO. 171, ADOPTED 2/21/1961**  
**EMERGENCY ORDINANCE FOR FIRE ENGINE.**

1. That the Council finds that the engine in the Seagrave Pumper, (Seagrave Apparatus Serial No. B-5865 originally sold to the U.S. Navy in May 1953) is no longer reliable and safe for continued use and operation by the Fire Department; and that there is imminent danger of failure of the engine and of loss to the public if the same is not immediately replaced. That accordingly an emergency exists and any delay in the purchase of a replacement engine as may be caused by advertising for bids is a serious hazard to the safety of the public.
2. That it is deemed necessary therefore that the City purchase such replacement engine immediately without advertising for bids and obtain the same by negotiations at the best available price to the City.

**E-2: ORDINANCE NO. 240, ADOPTED 6/17/1963**  
**EMERGENCY ORDINANCE FOR WATER MAIN REPAIR.**

1. That the Council finds that it is necessary to lower the water mains now existing in River Edge Way in order to prevent further and unnecessary repair and winter freezing; that there is imminent danger of further breakdown with resulting danger to public health and lack of water for fire prevention and that there will be a public loss if the said water main is not immediately replaced and repaired. That accordingly an emergency exists within the provisions of Section 6.06 of the City Charter.
2. That it is deemed necessary therefore, that the City contract and purchase such necessary labor and materials immediately without advertising for bids for the repair of the water mains on River Edge Way and obtain the same by negotiations at the best available price to the City.

**E-3: ORDINANCE NO. 241, ADOPTED 7/15/1963**  
**EMERGENCY ORDINANCE FOR PURCHASE AND INSTALLATION OF BOOSTER STATION.**

1. An emergency does exist as contemplated by Section 3.06 and Section 6.06 of the Charter of the City of Fridley.
2. That the bidding requirements of Section 6.06 are hereby waived because of the emergency; that it is deemed necessary therefore, that the City contract and purchase such necessary labor and materials immediately without advertising bids for the construction of a booster station on 53rd Avenue NE, just West of the intersection with Johnson Street at a cost not to exceed \$7,200.00, and a pressure reduction station on 52nd Avenue NE, just West of the intersection with Taylor Street at a cost not to exceed \$1,600.00, in accordance with the plans and specifications for such improvement as prepared by the Consulting Engineers of the City, Comstock and Davis, Inc., and obtain the same by negotiations at the best available price to the City.

**E-4: ORDINANCE NO. 249, ADOPTED 10/21/1963**  
**EMERGENCY ORDINANCE FOR REPAIR OF SEWER MAIN ON 73RD AVENUE N.E.**

1. That the Council finds that it is necessary to repair a major break in the sewer line on 73rd Avenue NE, in the portion lying westerly of the intersection with Highway #65. That in connection with such repair, other portions of the line in the same general area may be involved. That the City Engineer recommends that Soil Solidifiers, Inc., should perform work with its equipment for a sum of not to exceed \$3,900.00.

That the contractor denies responsibility for the breaking of said line but will pay 50% of the said \$3,9000.00. That accordingly an emergency exists within the provisions of Section 6.06 of the City Charter.

2. That the City contract and purchase such necessary labor and materials immediately without advertising for bids for the repair of said sewer line on 73rd Avenue N.E. at the best available price to the City.

**E-5: ORDINANCE NO. 251, ADOPTED 11/4/1963  
EMERGENCY ORDINANCE FOR REPAIRS ON 73RD AVENUE N.E.**

1. That an emergency existed on the 10th day of October, 1963 involving a serious break in the sewer line on 73rd Avenue NE just west of Highway #65. That a delay in repair and a delay in the investigation of the source of the said sewer break would have affected the public health, safety and welfare of the City unless repaired and investigated immediately.

2. That it is deemed necessary that the City pay for the costs incurred for such repair and investigation to Soil Solidifiers, Inc., in the sum of \$2,152.68.

**E-6: ORDINANCE NO. 257, ADOPTED 2/17/1964  
EMERGENCY ORDINANCE FOR CLEANING, DEVELOPMENT AND REPAIR OF WELL NO.**

**1.**

1. That the Council finds that it was necessary to clean, develop and repair Well #1 in the City of Fridley in order to furnish an adequate and safe supply of water to water consumers and to safeguard the present investment in said Well #1; that accordingly, an emergency did exist within the provisions of Section 6.06 of the City Charter.

2. That it is deemed necessary that the City of Fridley contract and expend funds for labor and materials for the repair, development and cleaning of Well #1 on a negotiated basis without advertising for bids.

**E-7: ORDINANCE NO. 264, ADOPTED 3/23/1964  
EMERGENCY ORDINANCE FOR ALLOWING THE CITY TO CONTRACT FOR BRICK  
FACING OF THE CITY HALL.**

1. An Emergency exists as contemplated by Sections 3.06 and 6.06 of the Charter of the City of Fridley.
2. That the bidding requirements of Section 6.06 of the City Charter are hereby waived because of the emergency; that the City may proceed at once to contract for the brick facing of the front of the existing City Hall at a price consistent with the construction costs involved with the Fire Station Building under construction and for a sum not to exceed \$5,000.00.

**E-8: ORDINANCE NO. 281, ADOPTED 7/7/1964  
EMERGENCY ORDINANCE FOR EXPENDING SUMS FOR WELL NO. 6.**

1. That the Council finds that it is necessary to expend sums for the emergency use of Well No. 6; that the Consulting Engineers have advised the Council that such expenditure is necessary and must be done on an emergency basis; that there is a danger to public health and lack of water for public safety, if the expenditure is not made at once for emergency use of Well No. 6; that accordingly an emergency exists within the provisions of Section 6.06 of the City Charter.

2. That it is deemed necessary therefore that the City contract and purchase such necessary labor and material, and enter into such contract as may be necessary without advertising for bids for the emergency use of Well No. 6, and for a total sum of approximately \$7,289.00.

**E-9: ORDINANCE NO. 293, ADOPTED 11/23/1964  
EMERGENCY ORDINANCE FOR SALE OF LOT 30, BLOCK 4, PLYMOUTH ADDITION.**

1. That Lot 30, Block 4, Plymouth Addition located in the City of Fridley, County of Anoka and State of Minnesota was previously acquired by condemnation and for park purposes.
2. That the Park Board of the City of Fridley and the City Council of the City of Fridley finds that the said lot is no longer needed for the purposes acquired and the City of Fridley has no public use for said lot.
3. That the said lot shall be sold to Gerald J. Tarp by a Quit Claim deed for the sum of \$250.00 and the Mayor and Manager are directed to execute in behalf of the City the necessary instrument of conveyance and that the proceeds be placed in the Park Fund.

**E-10: ORDINANCE NO. 301, ADOPTED 5/14/1965  
EMERGENCY ORDINANCE AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS TO  
PROTECT LIFE AND PROPERTY DURING THE DISASTER TORNADO EMERGENCY  
FOLLOWING MAY 6, 1965.**

1. That the City Council finds that it is necessary to expend sums not to exceed \$500,000.00 to employ labor, materials and other aid to cope with the destruction of property within the City of Fridley resulting from the tornadoes of May 6, 1965.
2. That the City Council has been in almost continuous session since May 6th, 1965, and have had to contract and purchase necessary labor, equipment and material to protect property and human life.
3. That it is deemed necessary therefore that the City contract without advertising for bids for material, labor and equipment to cope with the tornado disaster for sums not to exceed \$500,000.00.

**E-11: ORDINANCE NO. 302, ADOPTED 5/15/1965  
EMERGENCY ORDINANCE CONCERNING TRESPASS AND THE UNINVITED ENTRANCE  
ONTO PRIVATE PROPERTY IN THE CITY OF FRIDLEY DURING THE TORNADO  
DISASTER EMERGENCY PERIOD FOLLOWING MAY 6, 1965.**

1. That the City Council finds that in the present emergency there is much private property and homesites left untended by their owners, and that the owners have limited means of protecting their property from trespass.
2. That it is deemed necessary in the interests of the public health, safety and welfare to restrict unauthorized entrance onto private property in the disaster areas of Fridley to those who have the owners specific and explicit permission, or who have other legal rights to entrance in the exercise of official duties connected with the following described disaster activities:
  - (a) Officials, agents and employees of governmental bodies.
  - (b) Representatives of insurance companies having a contractual interest in the property.

- (c) Contractors or appraisers acting on orders of interested insurance companies or owners.
  - (d) Authorized workers of public health services, Red Cross, Salvation Army and other religious workers.
3. That nothing in Section 2 shall be construed to limit the owners right to control his property, or to deny the owner's right to limit access by any of the above persons or agents.
  4. That physical presence on private property of persons not the owner or permitted by the owner, or described in Section 2 shall be sufficient evidence of a violation of this ordinance. The test of a violation shall be one of the following:
    - (1) That the party cannot establish with proper credentials at the time of apprehension that he is one of those described in Section 2.
    - (2) That the property owner will not state that the party is an invitee of the owner or a member of his family.
    - (3) That the property owner shall state that he or a member of his family or his agent did not specifically and expressly invite the person to enter his property.
  5. That this ordinance shall be published and posted prominently in the public places which shall have the same effect in disaster areas as though each individual parcel of property were posted; but that the ordinance shall take effect immediately on passage, regardless of the adequacy of posting.
  6. That this ordinance shall be in force until June 1, 1965, and shall at that time be repealed by the terms of this section.
  7. That violation of this ordinance is a misdemeanor punishable by a fine not to exceed \$100 or imprisonment for not more than 90 days.

**E-12: ORDINANCE NO. 304, ADOPTED 6/9/1965  
EMERGENCY ORDINANCE TO LET A CONTRACT FOR CONSTRUCTION OF  
WATERMAINS.**

1. That the Council finds that certain watermains between 57th Avenue Northeast and Rice Creek along and across T.H. No. 47 need to be lowered or altered to conform with the requirements of the highway construction of T.H.\No. 47.
2. That an emergency exists as contemplated by Section 3.06 and Section 6.06 of the City Charter.
3. That it is deemed necessary, therefore, that the City contract for the necessary labor and material immediately without advertising for bids at a cost, including engineering, not to exceed \$18,000.00, and obtain contracts by negotiation at the best available price to the City.
4. That this ordinance shall take effect upon passage.

**E-13: ORDINANCE NO. 317, ADOPTED 12/13/1965  
EMERGENCY ORDINANCE AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS TO  
RESTORE AND REPAIR THE SANITARY SEWER AND STORM SEWER LINES AS AN  
AFTERMATH OF THE TORNADO AND FLOOD DISASTER.**

1. That the Council finds that it is necessary to expend sums of public funds to clean sanitary sewers and storm sewers within the City of Fridley; that pursuant to the Emergency Ordinance No. 301, the Council has heretofore contracted with the American Pipe Cleaning Company of 2231 Edgewood Avenue, Minneapolis 26, Minnesota, to inspect and survey the said sewer lines and to prepare a documented report for submission to the federal agencies under U.S. Public Law 875 Emergency Program; that said report is now on file with the City and indicates that the said lines have been disrupted by the disasters, need cleaning, have breaks and defects that require immediate attention.
2. That the repair, cleaning and restoration is of some magnitude and involves in excess of 17 miles of sanitary sewer; that said work must be completed by April 10, 1966 in order to comply with Public Law 875 for federal funds.
3. That City crews have diligently attempted to keep the sewers open since the disasters and during the period of survey; that the City does not have adequate manpower, equipment or available supervision to do the cleaning, repairs and restoration; that regular City crews and City equipment furnished are not eligible items for reimbursement from federal funds under Public Law 875; the City of Fridley has no available local funds to perform the necessary work involved.
4. That continuously since the April and May, 1965 disasters, the residents of the City have had troubles with their sewage facilities; that some residents have been on continuous alert for the backing up of the sewers into their homes.
5. The magnitude of the job, the oncoming Winter season and the time deadline require that the work be done by an outside contractor with sufficient crews, equipment, experience and organization to proceed at once with the necessary work.
6. That it is deemed necessary therefore that the City contract with American Pipe Cleaning Company and Soil Solidifiers to proceed forthwith with the cleaning, repair and restoration of said sewer lines all according to the standards, formulae and allowances under Public Law 875 and in conjunction with such supervision and inspection as may be necessary and appropriate from the City Engineer and Comstock & Davis, Inc., who are hereby designated as consulting engineers for the City on said project.

**E-14: ORDINANCE NO. 319, ADOPTED 11/22/1965  
EMERGENCY ORDINANCE AUTHORIZING THE IMMEDIATE CONSTRUCTION OF  
SANITARY SEWER LINE TO CONNECT WITH THE SEWER LINE OF THE NORTH  
SUBURBAN SANITARY SEWER DISTRICT.**

1. That the Council finds that there is a need to construct a connecting sanitary sewer line with the trunk line of the North Suburban Sanitary Sewer District.
2. That an emergency exists in that the construction, if done immediately, could be done before extra costs would be incurred because of frozen ground; and further, the welfare of the City is served by having the connection completed before January 17, 1966, in that the cost of connection between the City and the North Suburban Sanitary Sewer District will double after that date.

3. That it is deemed necessary to waive the requirements of Section 6.06 of the City Charter and authorize and direct the City Manager to negotiate for the construction forthwith of said sewer line with a responsible sewer contractor at a cost not to exceed \$8,000.00 upon plans and specifications prepared by Comstock & Davis, Inc., who shall be the Consulting Engineers for said emergency project.

**E-15: ORDINANCE NO. 322, ADOPTED 1/10/1966**  
**EMERGENCY ORDINANCE AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS TO RESTORE AND REPAIR STORM SEWER LINES AS AN AFTERMATH OF THE TORNADO AND FLOOD DISASTER.**

1. That the Council finds that it is necessary to expend sums of public funds to clean storm sewers within the City of Fridley; that pursuant to the Emergency Ordinance No. 301, the Council has heretofore made some repairs and have completed an inspection and survey of existing storm sewer lines and have submitted said study to the United States Corps of Engineers so that the City would have reimbursement for such expense under U.S. Public Law 875 Emergency Program; that said report is now on file with the City and indicates that the said lines have been disrupted by the disasters of spring floods in 1965 and the series of tornadoes occurring on the 6th of May, 1965, and that some of the storm sewer structures within the City need cleaning, have breaks and defects that require immediate attention.

2. That under existing law the repairing, cleaning and restoration of said storm sewers must be completed by April 10, 1966.

3. That the City of Fridley has no available local funds to do the necessary work and that it is to the best interests of the City to have the work performed on an hourly basis by the contractors now doing the work on the sanitary sewer lines within the City.

4. That the work may best be performed under the supervision of the consulting engineers of the City of Fridley, namely Comstock & Davis, Inc., and that the total estimated cost of the work will not exceed the sum of \$30,000.00.

5. That it is deemed necessary therefore that the City contract with Soil Solidifiers, Inc. and with American Pipe Cleaning Company to perform the services and work and to provide the necessary equipment on a confirmed price based on hourly charges for the use of equipment and man power, all under the supervision of Comstock & Davis, Inc. and within the standards required for reimbursement from the Federal Government under Public Law 875 and for a total sum not to exceed \$30,000.00 including engineering fees.

**E-16: ORDINANCE NO. 341, ADOPTED 6/6/1966**  
**EMERGENCY ORDINANCE FOR EXPENDING FUNDS TO REPAIR WELL NO. 4.**

1. That the Council of the City of Fridley finds that it is necessary to expend funds for emergency repair of Well No. 4; that the Consulting Engineer has advised the Council that such expenditure is necessary and must be done on an emergency basis; that without said repair there would be a lack of water for public safety and be a danger to public health; that accordingly an emergency exists within the provisions of 3.06 of the City Charter.

2. That it is deemed necessary therefore that the City contract and purchase such necessary labor and material and enter into such contract or contracts as may be necessary without advertising for bids for the emergency repair of Well No. 4; and that the total expenditure for said emergency repairs shall not exceed the sum of Five Thousand and no hundredths (\$5,000.00) Dollars.

**E-17: ORDINANCE NO. 343, ADOPTED 7/18/1966**  
**EMERGENCY ORDINANCE AUTHORIZING THE PURCHASE OF A POLICE SQUAD CAR.**

1. That the Council finds that it is necessary to replace one of the existing squad cars for the Police Department. That the Council previously ordered bids for said squad car based on plans and specifications; that the Council did not receive any bids because automobile manufacturing companies are in the process of changing models and are not producing special cars to order.
2. That because of the failure to receive bids, the Council hereby authorizes the City Manager to purchase said squad car at the lowest possible price; which car shall as nearly as possible meet the plans and specifications used in the original bid.
3. The City Council hereby authorizes the City Manager to sell the existing squad car which is to be replaced by purchase of the above described squad car at the best possible price.
4. That it is deemed necessary that the City purchase such replacement squad car immediately without further advertising for bids and obtain the same by negotiating at the best available price to the City.

**E-18: ORDINANCE NO. 356, ADOPTED 12/19/1966**  
**EMERGENCY ORDINANCE FOR EXPENDING FUNDS TO REPAIR WELL NO. 3.**

1. That the Council of the City of Fridley finds that it is necessary to expend funds for emergency repair of Well No. 3; that the Consulting Engineer has advised the Council that such expenditure is necessary and must be done on an emergency basis; that without said repair there would be a lack of water for public safety and be a danger to public health; that accordingly an emergency exists within the provisions of 3.06 of the City Charter.
2. That it is deemed necessary therefore that the City contract and purchase such necessary labor and material and enter into such contract or contracts as may be necessary without advertising for bids for the emergency repair of Well No. 3; and that the total expenditure for said emergency repairs shall not exceed the sum of Two Thousand Eight Hundred and no hundredths (\$2,800.00) Dollars.

**E-19: ORDINANCE NO. 363, ADOPTED 5/15/1967**  
**EMERGENCY ORDINANCE FOR EXPENDING FUNDS TO REPAIR WELL NO. 4.**

1. That the Council of the City of Fridley finds that it is necessary to expend funds for emergency repair of Well No. 4; that the Consulting Engineer has advised the Council that such expenditure is necessary and must be done on an emergency basis; that without said repair there would be a lack of water for public safety and be a danger to public health; that accordingly an emergency exists within the provisions of 3.06 of the City Charter.
2. That it is deemed necessary therefore that the City contract and purchase such necessary labor and material and enter into such contract or contracts as may be necessary without advertising for bids for the emergency repair of Well No. 4; and that the total expenditure for said emergency repairs shall not exceed the sum of Two Thousand Five Hundred and no hundredths (\$2,500.00) Dollars.

**E-20: ORDINANCE NO. 364, ADOPTED 6/5/1967**  
**EMERGENCY ORDINANCE FOR EXPENDING FUNDS TO REPAIR WELL NO. 3.**

1. That the Council of the City of Fridley finds that it is necessary to expend funds for emergency repair to

remove a certain bailer lodged in the shaft of Well No. 3; that the Consulting Engineer has advised the Council that such expenditure is necessary and must be done on an emergency basis; that without said repair there would be a lack of water for public safety and be a danger to public health; that accordingly an emergency exists within the provisions of 3.06 of the City Charter.

2. That it is deemed necessary therefore that the City contract and purchase such necessary labor and material and enter into such contract or contracts as may be necessary without advertising for bids for the emergency repair of Well No. 3; and that the total expenditure for said emergency repairs shall not exceed the sum of Three Thousand and no hundredths (\$3,000.00) Dollars.

**E-21: ORDINANCE NO. 383, ADOPTED 2/13/1968  
EMERGENCY ORDINANCE TO LET A CONTRACT FOR PURCHASE OF A NEW 3/4 TON  
4-WHEEL DRIVE TRUCK WITH BOX AND SNOW PLOW.**

1. That the Council finds that the Park Department is without the services of their 1966 Chevrolet 3/4 Ton Truck with Box and Snow Plow and that such truck is considered essential to the economical operation of the Department and the health and welfare of the residents.

2. That an emergency exists as contemplated by Section 3.06 and Section 6.06 of the City Charter.

3. That it is deemed necessary therefore that the City Council contract for immediate replacement of this truck without advertising for bids at a cost of not over \$3,500.00 and obtain contracts by negotiation at the best available price to the City.

**E-22: ORDINANCE NO. 398, ADOPTED 7/1/1968  
EMERGENCY ORDINANCE FOR SANITARY SEWER CONNECTION FOR COMMERCE  
PARK.**

1. An emergency exists as contemplated by Section 3.06 and 6.06 of the City Charter of the City of Fridley.

2. That the bidding requirements of Section 6.06 of the City Charter are hereby waived because of the emergency; that the City may proceed at once for the sanitary sewer connection for Commerce Park Addition to the North Suburban Sanitary Sewer District line at a price consistent with the construction costs normally involved and for a sum not to exceed Five Thousand and no hundredths (\$5,000.00) Dollars.

**E-23: ORDINANCE NO. 414, ADOPTED 3/17/1969  
EMERGENCY ORDINANCE FOR EXPENDING FUNDS TO REPAIR WELL NO. 2.**

1. That the Council of the City of Fridley finds that it is necessary to expend funds for emergency repair of Well No. 2; that the Consulting Engineer has advised the Council that such expenditure is necessary and must be done on an emergency basis; that without said repair there would be a lack of water for public safety and be a danger to public health; that accordingly an emergency exists within the provisions of 3.06 of the City Charter.

2. That it is deemed necessary therefore that the City contract and purchase such necessary labor and material and enter into such contract or contracts as may be necessary without advertising for bids for the emergency repair of Well No. 2; and that the total expenditure for said emergency repairs shall not exceed the sum of Twenty Thousand and no hundredths (\$20,000.00) Dollars.

**E-24: ORDINANCE NO. 420, ADOPTED 5/19/1969  
EMERGENCY ORDINANCE AUTHORIZING THE PURCHASE OF A POLICE SQUAD CAR.**

1. That the Council finds that it is necessary to replace one of the existing squad cars for the Police Department. That the Council previously ordered bids for said squad cars based on plans and specifications; that the Council did not receive any bids because automobile manufacturing companies are in the process of changing models and are not producing special cars to order.
2. That because of the failure to receive bids, the Council hereby authorizes the City Manager to purchase said squad car at the lowest possible price; which car shall as nearly as possible meet the plans and specifications used in the original bid.
3. The City Council hereby authorizes the City Manager to sell the existing squad car, which is to be replaced by purchase of the above described squad car at the best possible price.
4. That it is deemed necessary that the City purchase such replacement squad car immediately without further advertising for bids and obtain the same by negotiating at the best available price to the City.

**E-25: ORDINANCE NO. 426, ADOPTED 7/7/1969  
EMERGENCY ORDINANCE FOR THE MODIFICATION OF FLOOD DIKE AND REPAIR OF SEWERS.**

1. An emergency exists as contemplated by Section 3.06 and 6.06 of the City Charter of the City of Fridley.
2. That the bidding requirements of Section 6.06 of the City Charter are hereby waived because of the emergency; that the City may proceed at once to contract for the repair and improvement of the flood dike in Riverview Heights and for the repair of damaged sewer lines at a price consistent with the construction costs normally involved and for a sum not to exceed Twenty-five Thousand and no hundredths (\$25,000.00) Dollars.

**E-26: ORDINANCE NO. 544, ADOPTED 8/6/1973  
EMERGENCY ORDINANCE FOR THE REPAIR OF UTILITY LINES AND STORM SEWER IN THE INNSBRUCK NORTH AREA UNDER PROJECT #103.**

1. An emergency exists as contemplated by Section 3.06 and 6.06 of the City Charter of the City of Fridley.
2. That the bidding requirements of Section 6.06 of the City Charter are hereby waived because of the emergency; that the City may proceed at once to contract for the repair of the utilities in the Innsbruck North area at the prices consistent with the construction costs normally involved and for a sum not to exceed Forty Thousand and no hundredths (\$40,000.00) Dollars.

**E-27: ORDINANCE NO. 567, ADOPTED 8/5/1974  
EMERGENCY ORDINANCE FOR THE CONTRACTING AND EXPENDITURE OF FUNDS FOR THE REPAIR OF WELL NO. 5 IN THE CITY OF FRIDLEY.**

1. That the Council finds that it is necessary to repair Well #5 in the City of Fridley in order to furnish an adequate and safe supply of water to water consumers and to safeguard the present investment in said Well #5; that accordingly an emergency does exist within the provisions of Section 6.06 of the City Charter.

2. That it is deemed necessary that the City of Fridley contract and expend funds for labor and materials for the repair of Well #5 on a negotiated basis without advertising for bids.

**E-28: ORDINANCE NO. 713, ADOPTED 7/21/1980  
EMERGENCY ORDINANCE FOR THE CONTRACTING AND EXPENDITURE OF FUNDS FOR THE REPAIR OF WELL NO. 8 IN THE CITY OF FRIDLEY.**

1. That the Council finds that it is necessary to repair Well #8 in the City of Fridley in order to furnish an adequate and safe supply of water to water consumers and to safeguard the present investment in said Well #8; that accordingly an emergency does exist within the provisions of Section 6.06 of the City Charter.

2. That it is deemed necessary that the City of Fridley contract and expend funds for labor and materials for the repair of Well #8 on a negotiated basis without advertising for bids, not to exceed \$30,000.00.

**E-29: ORDINANCE NO. 742, ADOPTED 10/26/1981  
EMERGENCY ORDINANCE FOR THE CONTRACTING AND EXPENDITURE OF FUNDS FOR THE REPAIR OF WELL NO. 3 IN THE CITY OF FRIDLEY.**

1. That the Council finds that it is necessary to repair Well #3 in the City of Fridley in order to furnish an adequate and safe supply of water to water consumers and to safeguard the present investment in said Well #3; that accordingly an emergency does exist within the provisions of Section 6.06 of the City Charter.

2. That it is deemed necessary that the City of Fridley contract and expend funds for labor and materials for the repair of Well #3 on a negotiated basis without advertising for bids, not to exceed \$30,000.00.

**E-30: ORDINANCE NO. 819, ADOPTED 10/15/1984  
EMERGENCY ORDINANCE FOR EXPENDING FUNDS TO PURCHASE BEER AND INSTALL BEER COOLERS.**

1. That the City Council of the City of Fridley finds that it is necessary to expend funds for emergency purchase and replacement of certain beer coolers to be located in the new liquor store; that the Finance Director and City Auditor concur that failure to make such a purchase could have negative financial effects on the City and that failure to purchase such items in a timely fashion could affect the public welfare, that accordingly an emergency exists within the provisions of 3.06 of the City Charter.

2. That it is deemed necessary, therefore, that the City contract and purchase such necessary labor and material and enter into such contract or contracts as may be necessary without advertising for bids for the emergency purchase and installation of beer coolers and fixtures for the City of Fridley Warehouse Liquor Store; and that the sum shall not exceed Sixty-two Thousand and no hundredths (\$62,000.00) Dollars.

**E-31: ORDINANCE NO. 891, ADOPTED 07/20/1987  
EMERGENCY ORDINANCE FOR CONTRACTING AN EXPENDITURE OF FUNDS TO REPAIR WELL AND PUMP #1 IN THE CITY OF FRIDLEY**

1. That the Council finds that it is necessary to repair Well #1 in the City of Fridley in order to furnish an adequate and safe supply of water to water consumers and to safeguard the present investment in said Well #1; that accordingly an emergency does exist within the provisions of Section 6.06 of the City Charter.

2. That it is deemed necessary that the City of Fridley contract and expend funds for labor and materials for the repair of Well #1 on a negotiated basis without advertising for bids, not to exceed \$30,000.

**E-32: ORDINANCE NO. 963, ADOPTED 12/17/90  
AN EMERGENCY ORDINANCE PLACING A MORATORIUM ON THE SITING OF SEXUALLY ORIENTED BUSINESSES PROHIBITING THEIR LOCATION WITHIN CERTAIN SPECIFIED DISTANCES FROM RESIDENTIAL AREAS, SCHOOLS, CHURCHES, PARKS AND PLAYGROUNDS.**

Section 1. PURPOSE AND INTENT

The City Council finds that an interim ordinance placing a moratorium on the locating of Sexually Oriented Businesses within certain specified distances of residential areas, schools, churches, parks and playgrounds is necessary to protect the health, safety, morals, and general welfare of the citizens of the Community; and

The City Council further finds that an interim ordinance placing a moratorium on the location of Sexually Oriented Businesses is necessary in order to permit the planning process to take place and to allow the City staff, Planning Commission and Council to proceed in an orderly fashion to adopt a permanent ordinance restricting the location of Sexually Oriented Businesses within the City.

Section 2. AUTHORITY

This ordinance is adopted pursuant to that authority granted the City in Minnesota Statutes Annotated §462.355, Subd. 4, entitled "Interim Ordinance" and City Charter Provision, Section 306, entitled "Emergency Ordinance."

Section 3. DEFINITIONS

Adult Use: Any of the activities and businesses described below constitute "Sexually Oriented Businesses" which are subject to the regulations of this ordinance.

- A. Adult Book and Media Store: An establishment having as a substantial portion of its stock in trade or stock on display books, magazines, films, videotape or other media which are characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- B. Adult Cabaret: An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of "specified sexual activities" or "specified anatomical areas."
- C. Adult Establishment: Any business which offers its patrons services, entertainment or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas.

Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, and other adult establishments.

- D. Adult Hotel or Motel: Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

- E. Adult Mini-Motion Picture Theater:
- i. An enclosed building with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
  - ii. Any business or building which presents motion pictures, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.
- F. Adult Modeling Studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- G. Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or token-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
- H. Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment or motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- I. Adult Novelty Business: A business which sells, offers to sell, or displays devices which simulate human genitals or devices which are designed for sexual stimulation.
- J. Specified Anatomical Areas are any of the following conditions:
- i. Less than completely and opaquely covered: (a) human genitals, pubic region, or pubic hair; (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
  - ii. Human male genitals in a discernibly turgid state, even if opaquely covered.
- K. Specified Sexual Activities are any of the following conditions:
- i. An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

- ii. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
- iii. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.
- iv. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

#### Section 4. LOCATION OF SEXUALLY ORIENTED BUSINESSES

During the term of this Ordinance, no Sexually Oriented Businesses shall be located less than 500 feet from any residential zoning district boundary or site used for residential purposes and less than 1,000 feet from any church site, from any school site, or from any park that is adjacent to residential property. In addition, no Sexually Oriented Businesses may be located within 1,000 feet of another Sexually Oriented Business. For purposes of this Ordinance this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, park site or another Sexually Oriented Business site to the nearest boundary of the proposed Sexually Oriented Business Site.

#### Section 5. PUBLIC HEARING AND STUDY

The City Council hereby directs the City staff to study the siting of Sexually Oriented Businesses as defined in Section 3 above and to schedule a public hearing before the Planning Commission on the 9th day of January, 1991, at which time public comment will be accepted and received regarding the placement and location of Sexually Oriented Businesses within the City. The City staff is further directed to report the results of their studies along with the recommendations of the Planning Commission as soon as the Planning Commission has completed their hearings and recommendation. The City staff is further directed to prepare for Council's consideration a permanent ordinance prescribing the permitted locations of Sexually Oriented Businesses within the City.

#### Section 6. VIOLATION

The City may enforce any provision of this ordinance by mandamus injunction or any other appropriate civil remedy in any court of competent jurisdiction.

#### Section 7. SEVERABILITY

Every section, provision or part of this ordinance is declared severable from every other section, provision or part thereof to the extent that if any section, provision or part of this ordinance shall be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision or part thereof.

#### Section 8. EFFECTIVE DATE

This ordinance becomes effective upon its passage and shall be in effect for a period of one hundred eighty (180) days from the date hereof.

**E-33: ORDINANCE 974, ADOPTED 07/22/91**  
**AN INTERIM ORDINANCE PLACING A MORATORIUM ON THE ISSUANCE OF SPECIAL USE PERMITS FOR AUTO BODY REPAIR BUSINESSES AND PROHIBITING THEIR LOCATION WITHIN THE CITY WHILE THE MORATORIUM IS IN EFFECT**

**SECTION 1 PURPOSE AND INTENT**

The City Council finds that an interim ordinance placing a moratorium on the location and establishment of auto body repair businesses is necessary to protect the health, safety, morals, and general welfare of the citizens of the community; and

The City Council finds that an interim ordinance placing a moratorium on the location of auto body repair businesses is necessary in order to permit the planning process to take place and to allow the City staff, Planning Commission, and City Council to proceed in an orderly fashion to adopt a permanent ordinance requiring the owners and operators of auto repair businesses to obtain a license to operate within the City.

**SECTION 2 AUTHORITY**

This ordinance is adopted pursuant to that authority granted in the City of Minnesota Statutes Annotated 462.355, Subd. 4, entitled "Interim Ordinance".

**SECTION 3 DEFINITIONS**

The City Council hereby directs the City staff to study and prepare an ordinance requiring owners and operators of auto repair businesses to obtain a business license, and to schedule a public hearing before the Planning Commission within sixty (60) days of the effective date of this interim ordinance. The City staff is further directed to report the results of their studies and recommendations along with the recommendations of the Planning Commission as soon as the Planning Commission has completed their hearings and recommendations.

**SECTION 4 VIOLATION**

The City may enforce any provision of this ordinance by mandamus injunction or other appropriate civil remedy in any court of competent jurisdiction.

**SECTION 5 SEVERABILITY**

Every section, provision, or part of this ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

This ordinance shall become effective fifteen (15) days after publication and shall be in effect for a period of one hundred and eighty (180) days from the date hereof.

**E-33: ORDINANCE , ADOPTED 10/03/95**  
**AN ORDINANCE OF THE CITY OF FRIDLEY DECLARING THE EXISTENCE OF A STATE OF EMERGENCY WITHIN THE CITY AND RATIFYING CERTAIN ACTIONS**

The City Council of Fridley, Minnesota, Finds:

1. On or about the 21<sup>st</sup> day of September 2005, a high-wind storm event occurred that uprooted and destroyed hundreds of trees and damaged structures and utilities throughout the City of Fridley. It is estimated that the storm caused damage in excess of one million dollars (\$1,000,000.00) within the City.
2. It was determined by the Director of Public Safety that the health, safety and welfare of the citizens of Fridley required the prompt intervention of public safety officials of the City onto private property in order to protect the public, as well as private property.
3. That, pursuant to Minn.Stat.§12.29, on September 22, 2005, the Mayor of the City of Fridley declared that a State of Emergency existed in the City within the meaning of applicable Minnesota and Federal law.
4. That, pursuant to Minn.Stat.§12.29, the City Council of the City of Fridley wishes to acknowledge, ratify and extend the State of Emergency declared by the Mayor until such time as the conditions endangering the public in the City are found by the Mayor and Public Safety Officials to have passed.

IT IS HEREBY ORDAINED:

1. That the action taken by the Mayor declaring that a State of Emergency exists within the City of Fridley is hereby approved and ratified by the City Council of the City of Fridley and that such a State of Emergency shall continue in existence until such time as the Mayor, by published Declaration, indicates that it has been terminated.
2. That the Mayor and City Manager are authorized to take such additional actions as may be necessary to secure the safety of the public within the City, and to secure such available funding as may be available through State and Federal governments to assist in the actions of the City and its citizens to alleviate and mitigate the damages incurred.