

**ORDINANCE NO. 2017 - 19**

**AN ORDINANCE ESTABLISHING STANDARDS FOR LIMITED DURATION PROJECTION MAPPING ON BUILDINGS, STRUCTURES, AND OTHER SURFACES THEREBY AMENDING CHAPTER 14 OF THE CITY CODE.**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

**CHAPTER 14**

**LICENSES AND PERMITS**

\*\*\*

\*\*\*

**ARTICLE II: GENERAL PROVISIONS**

\*\*\*

**§ 14.03 FEES.**

(a) Except as otherwise stated in this Code, the fees for the various licenses and permits shall be as hereinafter stated.

\*\*\*

License/Permit	Required	Annual Fee
	by Section	
***		
Limited Duration Projection Mapping Permit	14.84.04	\$100

\*\*\*

**ARTICLE II: PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS**

\*\*\*

**DIVISION H: LIMITED DURATION PROJECTION MAPPING**

**§ 14.84.01 PURPOSE.**

The purpose of this Division H is to establish a content neutral process for permitting the use of a limited duration projection mapping display that ensures the safety of nearby motorists and minimizes negative impacts on surrounding property.

**§ 14.84.02 DEFINITIONS.**

The following words and terms, when used in this Division H, shall have the following meanings, unless the context clearly indicates otherwise.

**LIMITED DURATION PROJECTION MAPPING (“LDPM”).** The short-term display of moving or static projected images on buildings, structures, or surfaces in conjunction with an event for which a permit has been obtained under Division E.

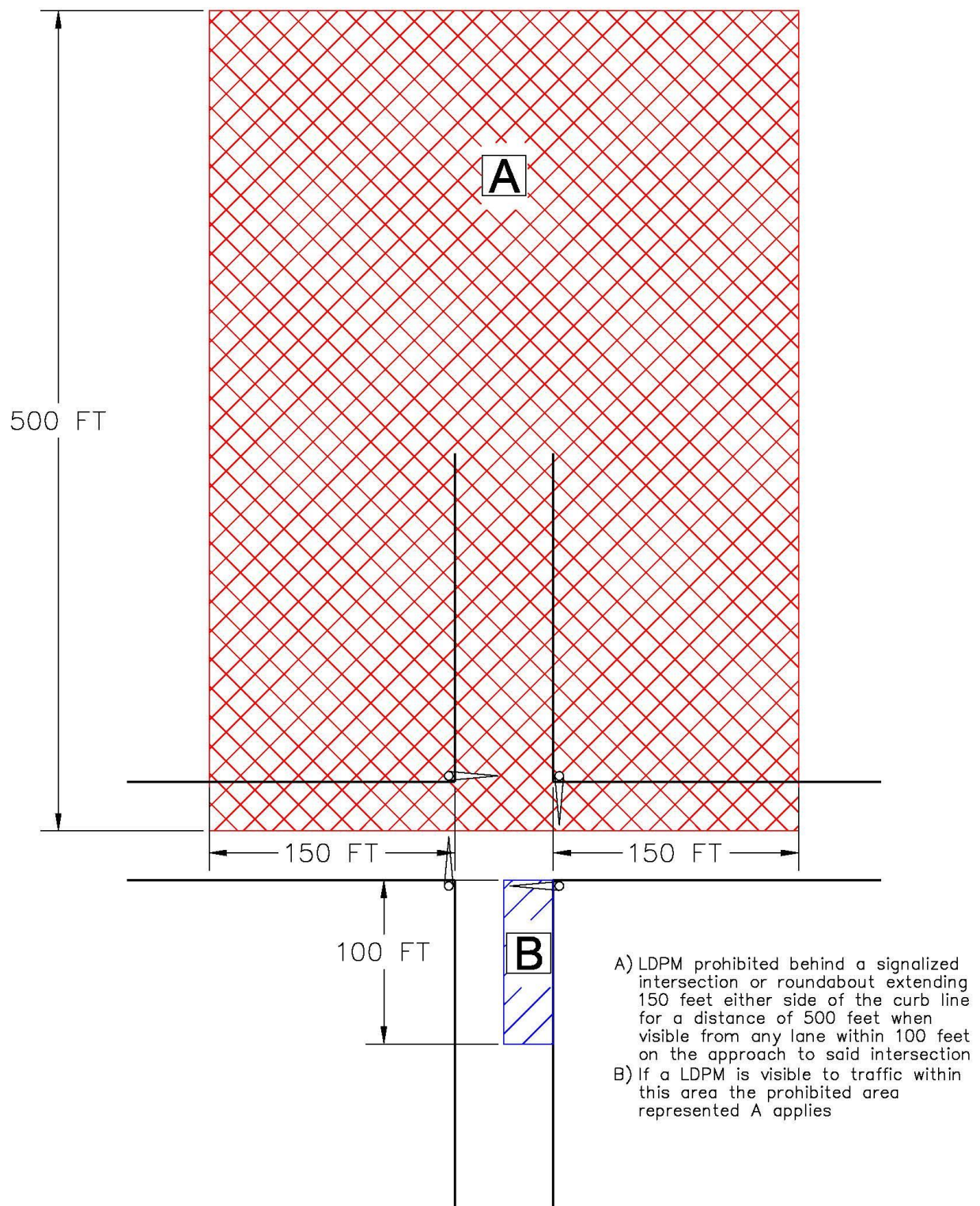
**ISSUING AUTHORITY.** The City of Bloomington License Section.

**SITE.** A group of parcels approved by the City to function as an integrated unit, or, in the absence of any such approval, a single parcel.

**§ 14.84.03 STANDARDS.**

**(a) Location and Traffic Safety.**

- (1) LDPM is not allowed on a surface that is visible from any point on a city, county, or state roadway or highway open to through traffic that is within 400 feet of the LDPM. Visibility shall be determined by the City.**
- (2) LDPM is only allowed in the South Loop District, which is defined as the area of the City of Bloomington located to the east of Trunk Highway 77.**
- (3) LDPM shall be oriented towards a designated viewing area where pedestrians, not vehicular traffic, are the intended audience. View of the display from a public roadway shall be incidental at most.**
- (4) LDPM is prohibited behind any approach to a city, county, or state roundabout or signalized intersection extending 150 feet either side of the curb line for a distance of 500 feet when visible from any lane within 100 feet on the approach to said intersection, as depicted in the following graphic. Visibility shall be determined by the City.**



- (5) LDPM shall not contain the words "STOP," "LOOK," "ACCIDENT," "DANGER," "TURN," or any other words that command driver attention, direct motorists, or could be confused with traffic control directives.
- (6) LDPM shall not use shapes, colors, or messages in combinations that could be confused with a traffic signal, stop sign, yield sign, speed limit sign, or any other official traffic control device as defined by the current edition of the Minnesota Manual on Uniform Traffic Control Devices (MNMUTCD).
- (b) *Duration.* LDPM shall not occur for longer than ten consecutive days.
- (c) *Frequency.* LDPM shall not occur more than once per site in any 12-month period.
- (d) *Special Events.* LDPM shall occur only in conjunction with an event for which a permit has been obtained under Division E.
- (e) *Viewing Areas.* A designated area with a reasonable amount of space for the anticipated number of attendees to safely view the LDPM must be provided.
- (f) *FAA Approval.* The applicant is responsible for identifying and obtaining any required Federal Aviation Administration approvals.

#### **§ 14.84.04 PERMIT APPLICATION.**

- (a) *Permit required.* No person shall conduct an LDPM without first obtaining both a permit as required in this Division H and an associated special event permit described under Division E.
- (b) *Filing.* A person seeking a permit required by this Division H must file a signed and completed application with the issuing authority on the forms provided. The application must be filed at least 60 days prior to the LDPM. The issuing authority may waive the minimum filing period for good cause shown if, after due consideration of the date, time, place, and nature of the LDPM, the anticipated number of participants, and the city services required in connection with the LDPM, the issuing authority determines that the waiver will not adversely impact the public health, safety, or welfare.
- (c) *Contents.* The application for a permit under this Division H must include the following information:
  - (1) The name, address, electronic mail address, and telephone number of the applicant;
  - (2) The name, address, electronic mail address, and telephone number of the manager of the property upon which the LDPM is to be displayed;
  - (3) A letter of authorization from the owner or authorized representative of the property upon which the LDPM is to be conducted, if different from the applicant;
  - (4) The name, address, electronic mail address, and telephone number of the person who will be responsible for the LDPM;
  - (5) The date and time when the LDPM will start and end, including set-up and teardown times;
  - (6) A description of the planned activities, including the equipment involved and the approximate number of attendees reasonably anticipated;
  - (7) A scaled site plan and building elevation plans depicting the location of the LDPM, the projection areas, parking areas, gathering and seating areas, tents, stages, platforms, temporary structures, tables, booths, first-aid or relief stations, dumpsters, fencing, portable toilets, signs or banners and a parking, pedestrian circulation, and traffic plan;
  - (8) A description of any sound amplification equipment and its positioning, and other mechanical or electronic equipment to be used in connection with the LDPM and the names, addresses and telephone numbers of any sound technicians for the LDPM;
  - (9) A description of any public facilities or equipment to be utilized;
  - (10) A description of the applicant's plan to clean up and restore the site after the LDPM; and
  - (11) Such other information as the issuing authority requires in order to determine whether a permit should be issued.

#### **§ 14.84.05 REVIEW AND APPROVAL.**

- (a) Application consideration. An application for a permit pursuant to this Division H must be submitted to the issuing authority. The issuing authority may investigate and verify the information on the application. The Special Events Committee must review the application and provide a recommendation to the issuing authority based on the factors listed in this subsection (a). The issuing authority may include in its approval such conditions as may be necessary to ensure adequate parking and traffic circulation, to minimize impacts on adjacent property, to ensure compliance with all applicable laws, and to otherwise protect the health, safety, and welfare of the community. A permit will not be granted unless the issuing authority finds that:
- (1) The applicant has paid all fees required under §14.03;
  - (2) The application is complete and meets all applicable code requirements;
  - (3) The proposed LDPM does not violate applicable code requirements, laws, or regulations;
  - (4) The LDPM will not impair the safe and orderly movement of pedestrian or vehicular traffic;
  - (5) The conduct of the LDPM is not reasonably likely to cause injury to persons or property;
  - and
  - (6) The LDPM is not detrimental to the public health, safety, or welfare.
- (b) Denial.
- (1) Denying an application. The issuing authority may deny an application completely or in part. The issuing authority must explain the reason for a denial in a written notice. The issuing authority must mail the notice of denial to the applicant at the street address provided in the application, and may send a copy electronically to the electronic mail address provided in the application. The notice of denial must inform the applicant that he or she has 20 days to request an administrative review, counting from the date the issuing authority mailed the notice of denial.
  - (2) Request for Administrative Review. An applicant has a right to request an administrative review of the issuing authority's decision to deny a permit. The applicant must serve the request for review on the issuing authority within 20 days, counting from the date the issuing authority mailed the notice of denial. The applicant must include with the request all documents and written arguments in support of the applicant's position.
  - (3) Written Decision. If the issuing authority receives a request for administrative review within the 20-day period, the City Manager or the City Manager's designee must review the request and issue a written decision to the applicant within 20 days, counting from the date of receipt of the request. This written decision must be mailed to the applicant at the address on the permit application.

#### **§ 14.84.06 PENALTY AND SEVERABILITY.**

A violation of any provision of this Division H or any lawful order of the Chief of Police or his or her designee shall be a petty misdemeanor under state law and shall be grounds for termination of the permit. If any section, subsection, sentence, clause, or phrase of this Division H is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division H. The City Council hereby declares that it would have adopted the ordinance in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

\*\*\*

**DIVISIONS [H] I THROUGH K: RESERVED**

\*\*\*

Section 2. Effective date. This ordinance shall be effective 30 days from publication.

\*\*\*

Passed and adopted this 5<sup>th</sup> day of June, 2017.

/s/ Gene Winstead

Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson

Secretary to the Council

/s/ Melissa J. Manderschied

City Attorney