

ORDINANCE NO. 2018-38

AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE TO ADD PROVISIONS RELATED TO CONDUCT IN PUBLIC PEDESTRIAN BRIDGES AND SKYWAYS

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

Section 1. That Chapter 17 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 17

STREETS AND RIGHTS-OF-WAY

ARTICLE V: PUBLIC PEDESTRIAN BRIDGE AND SKYWAY CONDUCT

§ 17.88 PURPOSE. The City Council finds that regulation of conduct in public pedestrian bridges and skyways over, across, and above City rights-of-way is necessary to protect the public health, safety, and welfare.

§ 17.89 DEFINITIONS. The following words and terms used in this section shall have the following meanings unless the context clearly indicates otherwise.

LITTER shall include to throw, deposit, discard or place or cause to be thrown, deposited, discarded or placed upon or within any surface other than a designated trash receptacle any glass bottle, glass, nails, tacks, cans, garbage, swill, papers, refuse, offal, trash, or rubbish.

PUBLIC PEDESTRIAN BRIDGE OR SKYWAY means any enclosed, temperature-controlled structure located over, across, or above the public right-of-way that provides for public pedestrian traffic circulation, elevated above ground, within the public rights-of-way. The term shall include public pedestrian bridges or skyways that are currently in existence as well as those built after the date of this ordinance. For purposes of this section, a public pedestrian bridge or skyway shall include stairways, escalators, elevators, or tunnels leading from or into the public pedestrian bridge or skyway from private buildings, and areas under stairs and escalators leading to and connecting concourse corridors, in addition to stairs, elevators, and escalators connecting the concourse corridors to public streets or other public property.

SECURITY PERSONNEL means individuals employed who are appropriately trained to conduct the security activities of, observe, report, and enforce, as well as advise users of a public pedestrian bridge or skyway of the pertinent laws and rules. Training should minimally include observation and documentation, when and how to call police, and how to approach and advise others in a safe and non-escalating manner.

§ 17.90 PROHIBITED ACTS. No person shall commit any of the following acts within a public pedestrian bridge or skyway:

- (a) Fight.
- (b) Engage in disorderly conduct.
- (c) Smoke or vape.
- (d) Urinate or defecate.
- (e) Race, on foot or with equipment.
- (f) Obstruct the free passage of others.
- (g) Sit or lie on floors, stairs, or skyway fixtures or elements.
- (h) Litter or throw or deposit any cans, bottles, garbage, or other trash or rubbish.
- (i) Ride any wheeled apparatus, such as a skateboard, rollerboard, rollerblade, bike, or similar device. This prohibition does not apply to strollers or mobility assistance devices.
- (j) Place unpermitted art, markings, or drawings on the walls or fixtures of the skyway system.
- (k) Damage the skyway system or any of its fixtures or elements.
- (l) Prop open locked doors or defeat, remove, or damage doors, locks, or video cameras or systems.
- (m) Play or operate a phone, radio, loud speaker, other device used for the amplification of sound, or musical instrument, in a manner audible above the level of conversational speech.

The City must post signs in public pedestrian bridges and skyways notifying the public of the code of conduct.

§ 17.91 PROHIBITED ANIMALS. No person shall bring or cause to be brought any animal or allow any animal under his or her ownership or control to be brought into a public pedestrian bridge or skyway unless said animal is a police dog, a trained and certified explosive detection canine, or any properly identified service animal which aids persons who are totally or partially blind or deaf or have physical or sensory disabilities when such animals are properly harnessed or leashed so that the person aided by the service animal may maintain control of the animal.

§ 17.92 SALES AND PERFORMANCES. No group, entity or person shall promote, advertise or sell articles or conduct, engage in or cause to be presented any type of exhibition, show, performance, parade, race or entertainment in a public pedestrian bridge or skyway, or affix or cause to be affixed any type of banner or exterior sign to the skyway bridges.

§ 17.93 ADVERTISING AND EXTERIOR SIGNS. Except for code of conduct and hours of operation signs, any sign placed inside or on the exterior of a public pedestrian bridge or skyway shall conform to the sign regulations set forth in Chapter 19, Article X, of the city code.

§ 17.94 HOURS OF OPERATION. The City may establish hours of operation by posting signs at all entrances to a public pedestrian bridge or skyway. No person shall enter or remain within a public pedestrian bridge or skyway outside of the posted hours of operation. Security personnel of adjoining properties may enforce these hours of operation.

§ 17.95 PENALTY. Violations of any provision of this Article V shall be punishable as a misdemeanor under state law.

§ 17.96 SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Article V is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Passed and adopted this 17th day of December, 2018.

/s/ Gene Winstead

Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson

Secretary to the Council

/s/ Melissa J. Manderschied

City Attorney