Sec. 140.11. Hours of operation.

(a) *General hours.* All parts of the skyway system shall be open to the public every day between the hours of 12:00 a.m. to 2:00 a.m. and between the hours of 6:00 a.m. to 12:00 a.m. These general hours of operation shall be minimum hours and nothing in this ordinance shall prohibit any portion of the skyway system from being open a greater number of hours for any reason. Nothing in this section is intended to supersede other legally binding agreements regarding greater hours of access to specific buildings and/or entrances or other building elements. These general hours of operation apply to all entrances into the skyway system including doors, stairways, elevators and escalators leading from an area that is open to the public to the skyway system. Notwithstanding the foregoing, street access to any building connected to the skyway system may be secured during the hours that there is no tenant or business within the building that is open to the public. If a building has a tenant or business that is open to the public, that building must have at least one designated street access point open to the public during the hours of operation of the tenant or business.

(b) *Exception to general hours of operation.* The owner of any property that contains a portion of the skyway system may petition the city council for an exception to the general hours of operation. The petition must be made on a form provided by the department of safety and inspections and shall be submitted to the department of safety and inspections. That petition must state the reason for the exception and the alternative proposed hours. The council shall refer the petition to the skyway governance/advisory committee for a recommendation. The skyway governance/advisory committee shall forward their recommendation to the city council within thirty (30) days. The council shall then hold a public hearing to consider the petition for alternative hours. The council shall grant or deny the petition for alternative hours by resolution. In that resolution, the council shall state the specific reasons the exception is being granted. In determining whether to grant or deny the petition, the council shall consider:

(1) Whether the portion of the skyway system petitioning for alternative hours leads to another portion of skyway system that has the general hours of operation;

(2) Whether security such as a metal detector or photo identification is required to gain access to the portion of the skyway system requesting the alternative hours;

(3) Whether there is a contract or other legal document between the property and the city outlining alternative hours that cannot be altered by ordinance;

(4) Whether retail or other business activities take place within the skyway system and the difficulty of closing off those business areas from the ingress/egress area;

(5) The reasonableness of the alternative proposed hours;

(6) Other logistical or financial hardship imposed on the building if it is not granted alternative hours.

(c) *Withdrawal of exception to general hours of operation.* The skyway governance/advisory committee may petition the city council to withdraw an exception to the general hours of operation that the council granted to a property. The petition must be made on a form provided by the department of safety and inspections and shall be submitted to the department of safety and inspections. That petition must explain why the original basis for granting an exception to the general hours of operation is no longer applicable. The deparatment of safety and inspections shall notify the property owner who shall determine whether they wish to voluntarily revert to the general hours of operation. If the property owner agrees to the general hours of operation, the matter shall be placed on the consent agenda for approval of the city council. If the property owner does not agree to revert to the general hours of operation, then the city council shall hold a public hearing to consider whether to withdraw the exception to the general hours of operation. At that public hearing, the property owner shall be allowed to explain why the original basis for granting the exception to the general hours of operation continues to apply

and shall be allowed to present any other basis outlined above in (b) that the property should be granted an exception to the general hours of operation. The council shall grant or deny the petition to withdraw the exception to the general hours of operation by resolution. In that resolution, the council shall state the specific reasons that the original basis for granting alternative hours continues to apply or no longer applies. In addition, the council shall explain why any other basis for an exception to the general hours of operation argued by the property owner applies or does not apply.

(d) *Alternative hours sign posting requirements.* Any building owner who has been granted permission to have alternative hours shall post the hour that the skyway is open in a conspicuous place within five (5) feet of all entrances to the skyway.

(C.F. No. 08-153, § 5, 4-9-08)