



Legislation Details (With Text)

File #: Ord 17-35 **Version:** 1

Type: Ordinance **Status:** Passed

In control: City Council

Final action: 9/13/2017

Title: Amending Chapter 140 of the Saint Paul Legislative Code pertaining to Skyway Conduct.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments: 1. Rupp email re skyway ordinance, 2. Anderson email re Skyway Ordinance, 3. 9-6-17 Bill Hosko Letter - Council Member Noecker, Skyway Conduct Ordinance Public Hearing, 4. 2-3-17 Report DT Skyway Security..., 5. Flamm email re skyway ordinance, 6. PH testimony re skyway ordinance

Date	Ver.	Action By	Action	Result
9/15/2017	1	Mayor's Office	Signed	
9/13/2017	1	City Council	Adopted	Pass
9/6/2017	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
8/23/2017	1	City Council	Laid Over to Third Reading/Public Hearing	
8/16/2017	1	City Council	Laid Over to Second Reading	

Amending Chapter 140 of the Saint Paul Legislative Code pertaining to Skyway Conduct.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Chapter 140. - Skyway Conduct

Section 140.01 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 140.01. - Definitions.

The definitions of this section shall apply in the interpretation and enforcement of this chapter:

Director shall mean the Director of the Department of Safety and Inspections or his or her designee.

Easement area shall mean an area or areas of the pedestrian skyway system or of a pedestrian mall which is subject to an easement granted by a private property owner to the city for the benefit of the public for pedestrian ingress, passage and egress.

Open to the public shall mean a building, business, establishment or area that individuals can gain entrance to without use of a key, access card, access code, escort or other security clearance.

Owner shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the private property in which the easement area is located.

Pedestrian mall shall mean any indoor enclosed public mall, arcade, courtyard, galleria, gallery, piazza, square or other type of indoor public pedestrian way or open space.

Pedestrian skyway system means any system of providing for pedestrian traffic circulation, mechanical or otherwise elevated above ground, within and without the public rights-of-way, and through or above private property and buildings, and includes overpasses, bridges, passageways, walkways, concourses, hallways, corridors, arcades, courts, plazas, malls, elevators, escalators, heated canopies and access and all fixtures, furniture, signs, equipment, facilities, services and appurtenances. The term shall include systems or portions of systems which are built in the future. For purposes of this chapter, a pedestrian skyway system shall include stairways and escalators and tunnels leading from or into the skyway system from private buildings and areas under stairs and escalators leading to and connecting concourse corridors, in addition to stairs 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 and report as well as advise users of the 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.

Section 140.02 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 140.02. - Prohibited acts and posting of prohibited act signage.

No person shall commit any of the following acts within the pedestrian skyway system or within any pedestrian mall:

(1) Fight.

(2) Engage in disorderly conduct.

(3) Smoke.

(4) Urinate or defecate.

(5) Race, on foot or with equipment.

(6) Obstruct the free passage of others.

(7) Lie on floors, stairs, or skyway fixtures or elements.

(8) Litter or throw or deposit any cans, bottles, garbage, or other trash or rubbish.

(9) Ride any wheeled apparatus, such as a skateboard, rollerboard, rollerblade, bike, or similar device. This prohibition does not apply to mobility assistance devices.

(10) Place unpermitted art, markings, or drawings on the walls or fixtures of the skyway system.

(11) Damage the skyway system or any of its fixtures or elements.

(12) Prop open locked doors or defeat, remove, or damage doors, locks, or video cameras or systems.

(13) 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, except according to the written permission of the department of safety and inspections.

Each owner of a building through which the pedestrian skyway easement passes may post one sign notifying patrons of the Code of Conduct. Signage notifying patrons of the Code of Conduct shall be provided by the City to ensure consistency. The City must also post signs in the skyway bridges.

~~(1) Sit, kneel, lounge, lie or otherwise recline upon floors or stairs.~~

~~(2) Stand upon any radiator, seat or other fixture.~~

~~(3) Commit any act which tends to create or incite, or creates or incites, an immediate breach of the peace. Such conduct shall include, without limitation by reason of this specification: fighting; racing; obscene language, noisy or boisterous conduct tending to cause a breach of the peace; personally abusive epithets, or words or language of an offensive, disgusting or insulting nature, which epithets, words or language when addressed to the ordinary citizen are, as a matter of common knowledge, inherently likely to provoke a violent reaction of fear, anger or apprehension; and words, language or statements which by their very utterance inflict injury or tend to incite an immediate breach of the peace.~~

~~(4) Stand, stop or otherwise linger in such a manner as to obstruct or impede or tend to obstruct or impede the free passage of pedestrians through the area. If the impediment or obstruction is caused by the size of a particular group of persons, all persons within the group shall be equally subject to this chapter.~~

~~(5) Play a radio or tape player so as to permit the sound from the radio or tape player to be audible to other persons, except that peace officers may play radios tuned to official police frequencies.~~

~~(6) Commit any other act otherwise prohibited by local, state or federal law.~~

~~(7) Use of skateboards, in-line skates or similar devices.~~

Section 140.03 of the Saint Paul Legislative Code is hereby deleted in its entirety:

Sec. 140.03. -- Misdemeanor violations.

~~Whenever any peace officer shall observe a person committing any of the acts enumerated in Section 140.02, or shall have probable cause to believe that a person has committed any of said acts, he shall order that person to refrain from doing the proscribed conduct. Any person who shall refuse to refrain from such acts or conduct after being ordered to do so shall be guilty of a misdemeanor.~~

Sec. 140.034. - Prohibited animals.

~~No person shall bring or cause to be brought any animal or allow any animal under his ownership or control to~~

be brought into the pedestrian skyway system or any pedestrian mall unless said animal is a police dog 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.

Sec. 140.045. - Littering.

No person shall throw, deposit, discard or place or cause to be thrown, deposited, discarded or placed upon or within any surface in the pedestrian skyway system or pedestrian mall any glass bottle, glass, nails, tacks, cans, garbage, swill, papers, refuse, offal, trash or rubbish. It shall be an affirmative defense to a violation of this provision that the material was placed in a designated trash receptacle.

Sec. 140.056. - Sales and performances.

(a) 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 the pedestrian skyway system or other pedestrian mall, or affix or cause to be affixed any type of banner or exterior sign to the skyway bridges, unless such person, entity or group shall first have received a permit from the department of safety and inspections. This prohibition shall apply irrespective of whether or not such person or group has a license from the city or other governmental body for such activity, except for advertising as permitted under section 140.07.

Before the department of safety and inspections may issue permits under this section, the department must develop written rules or guidelines to govern such issuance, which rules shall be approved by the city council by resolution. Such rules and guidelines may properly consider such factors as noise and traffic congestion in the pedestrian system and may limit the number of permits granted per day or the size of groups allowed in the pedestrian system, the nature of the activity or activities to be permitted and their impact on unimpeded pedestrian passage within the pedestrian skyway system or the locations in which such activities are carried on. The director of the department of safety and inspections in consultation with the chief of police shall consider the standards for issuance of a permit as described in Saint Paul Legislative Code section 366A.06.

The rules may take into account the interests of a property owner or owners within whose property the pedestrian skyway system or pedestrian mall or part thereof is located including the impact of nonpedestrian passage activity to be permitted upon such owner's obligation to repair, maintain and secure the system or mall within the owner's building and upon the owner's obligations to its tenants. The rules may require a permittee to contract with the owner or manager of any building in which the permitted activity will take place for utility, sanitary, janitorial, maintenance or other service or services, and to provide casualty and liability insurance coverage protecting the permittee, the city and the building owner against claim or loss arising out of the permitted activity. However, the rules may not allow the committee to arbitrarily or discriminatorily select one (1) group over another to which to issue a permit, but this standard shall not prohibit selection of a permittee by means of lottery or chance when circumstances require a limit to the number of permits granted. The rules and guidelines as adopted by the city council shall be reviewed periodically, and at least every two (2) years the skyway governance committee shall submit its recommendations respecting rules changes.

The department of safety and inspections shall inform the Capitol River Council and its Skyway Governance Advisory Committee within two (2) business days of receipt of an application to use the skyway system utilizing the applicable early warning notification system procedures as set forth in Admin. Code App. A-11. The department of safety and inspections shall not issue a permit to use the skyway system until the department has received a recommendation from the Skyway Governance Advisory Committee or until seven (7) business

days have elapsed from the date the notice of application was referred to the committee without a recommendation back from the committee.

(b) Appeal procedure.

(1) Any applicant shall have the right to appeal the denial of a permit under this section to the city council. The denied applicant shall make the appeal within five (5) days after receipt of the denial by filing a written notice with the department of safety and inspections and a copy of the notice with the city clerk. The city council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(2) District Council 17 shall have the right to appeal the denial or approval of a permit to the city council. The district council shall make the appeal within five (5) days after receipt of the denial or approval by filing a written notice with the department of safety and inspections and a copy of the notice with the city clerk. The city council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(3) In the event the city council rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

Sec. 140.067. - Advertising and exterior signs.

(a) *Advertising.* Billboard-style, enclosed display case, or kiosk advertising is a permitted use in skyway corridors. The following requirements apply to advertising:

(1) The size, shape and placement of advertising signs should be such as to not impede pedestrian circulation in the skyway system.

(2) Advertising should be contained in "permanent" nonmovable fixtures including, but not limited to, glass display cases affixed to walls and kiosks anchored to the floor.

(3) The design and initial installation of advertising fixtures in the pedestrian skyway system and/or pedestrian malls must be approved by the affected building owner and the department of safety and inspections in consultation with the skyway governance advisory committee. Advertising installers shall contract with the owner of the building in which each advertising fixture is to be located for services to be provided from the building for the fixture.

(4) Advertising and displays should be changed at least every other month.

(5) Advertising shall not be permitted within the skyway bridges.

(6) Advertising shall be subject to such additional rules and regulations as the skyway governance advisory committee may recommend, subject to council approval.

(7) Building owners shall ensure that all advertising fixtures, cases and displays are covered by all risk personal property insurance and public liability insurance. Minimum policy limits shall be replacement cost of the advertising fixtures, cases and displays for all risk personal property coverage and public liability insurance in the limits of not less than the amounts provided for municipalities under Minn. Stats. § 466.04 fully indemnifying, defending and holding harmless the city, its officers, boards, commissions, committees,

employees and agents from any and all claims, suits, actions, liability and judgments for damages, including, but not limited to, expenses for reasonable legal fees and disbursements assumed by the city in connection with the installation, placement and maintenance of skyway signs and standard skyway maps. Insurance policies shall be issued by companies licensed to do business in the state, shall name the city, the housing and redevelopment authority of the city (the "HRA"), as additional insureds, and shall not be cancelable without thirty (30) days' written notice to the additional insureds. Endorsements of a policy or policies issued to the building owner providing additional insured coverage to the advertising fixture installer and the city in coverages otherwise meeting the requirements of this subsection shall be acceptable in lieu of a separate policy or policies. Any owner of a building containing advertising signs within the easement area must submit a copy of this policy to the department of safety and inspections upon request.

(8) The installation of displays, cases and fixtures and any advertising therein shall comply with all other applicable laws and regulations.

(9) If permission to install or maintain any such advertising is withdrawn or revoked by the department of safety and inspections for failure to abide by the guidelines as provided in this section, by operation of an agreement, or by court order, the owner of the building shall at his or her own expense remove such advertising and restore the pedestrian concourse to its former condition.

(10) Any building owner allowing advertising signs within their building is responsible for satisfying these and any other regulations related to these signs.

(b) *Exterior signs.* Banners or signs may be affixed to the exterior of skyway bridges. The following requirements apply to exterior banners and signs:

(1) The size, shape and placement of banners and signs shall be in conformity with section 64.505(b)(1) and the specification of the city department of public works.

(2) No banner or sign shall be affixed or removed except by the city department of public works.

(3) No banner or sign shall be affixed except by permit granted under this section which shall fix a date certain for removal of the banner and signs.

(4) No permit shall be granted unless the permit applicant provides public liability insurance issued by a company licensed to do business in the state in amount of not less than the amounts provided for municipalities under Minn. Stats. § 466.04 for single event coverage, naming the city and HRA as additional insureds which shall not be cancelable except upon ten (10) days' written notice to the city and HRA. In event of cancellation of the policy, the banners and signs shall be removed unless a replacement insurance policy is provided by the permittee.

(5) The permittee shall be responsible for all costs to the city in affixing, maintaining and removing such banners and signs. The permit applicant shall guarantee or secure payment of these costs in such manner as the skyway governance/advisory committee may reasonably require.

(6) Because skyways are primarily an alternative pedestrian access, the maximum number of days per year each skyway may have banners affixed is one hundred twenty (120) days. The director of the department of public works may grant an exception to this limit for good cause. The reasons justifying the exception must be

stated in writing at the time of application for the banner permit.

(c) *Location advertising.* Signs within a building or complex indicating the location of a business inside that building or complex may be installed and maintained by the building owner and are not subject to advertising sign regulations.

Sec. 140.078. - Penalty.

(a) Violation of any provision of this chapter shall be a misdemeanor.

(b) Nothing in this section shall preclude the enforcement of provisions of this chapter in any court of competent jurisdiction by any appropriate form of civil action, including seeking to enjoin any continued violation and seeking to compel obedience by issuing order to correct violations.

Sec. 140.089. - Reserved.

Editor's note- C.F. No. 09-81, § 3, adopted February 11, 2009, amended the Code by repealing § 140.09. Former § 140.09 pertained to Town Square Park, and derived from Ord. No. 17541, adopted February 23, 1988.

Section 140.09 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 140.0940. - Safety requirements.

The owner of a building containing an element of the Saint Paul Pedestrian Skyway System shall maintain said element in a condition so as not to constitute a hazard to its patrons and shall also comply with the following requirements:

(1) On and after September 1, 1993, skyway bridges and public easements in, and areas accessible and adjacent to, buildings connected to the skyway pedestrian system shall maintain a minimum light level of ten (10) footcandles during all hours of operation. Lighting levels shall be measured within five (5) feet of the centerline of the pedestrian path throughout the skyway pedestrian system at approximately thirty-six (36) inches above the floor and in accordance with the standards as recommended by the Illumination Engineering Society (IES) unless the accessible area is greater than twelve (12) feet, at which time the illumination level of the entire area will be a minimum of ten (10) footcandles. Light fixture installation shall be so designed that failure of one (1) lamp will not leave an area inadequately lighted.

(2) All elements of the skyway pedestrian system shall be maintained in a clean, sanitary, safe and seasonally adjusted comfortable temperature level of seventy (70) degrees Fahrenheit, plus or minus eight (8) degrees Fahrenheit, during the hours of 6:00 a.m. and 11:00 p.m., seven (7) days a week. The temperature will be maintained seasonally to within fifty (50) and ninety (90) degrees Fahrenheit at all other times. Temperatures will be measured at approximately thirty-six (36) inches above the floor in accordance with the standards as recommended by the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE). Design temperatures of sixty-eight (68) degrees Fahrenheit (winter) and seventy-four (74) degrees Fahrenheit (summer) shall be the standards during the skyway system operating hours. Building owners shall be responsible for necessary repair and replacement of damaged or deteriorated portions of the skyway pedestrian system. Hazardous and nonhazardous obstacles are prohibited so as to avoid the appearance of

clutter.

(3) On and after June 1, 1991, all areas of the pedestrian skyway system that, because of design, lighting, decorations or any other reason, may be construed as a "hiding place", "attractive nuisance," or "problem design" as determined by the skyway governance advisory committee City of Saint Paul, shall be secured by a physical barrier, eliminated or monitored.

(4) On and after June 1, 1991, all areas of the pedestrian skyway system shall provide a continuous, immediate, accessible and easy-to-perform means of communicating requests to the emergency dispatch center or "911." Communications may be provided by auto-dialed emergency response call boxes, working pay phones or other appropriate alarm calling devices. There shall be a minimum of one (1) means of communication located every three hundred twenty (320) feet measured linearly and a minimum of one (1) means of communication per building. These means of communication shall be located in prominent locations as determined by the skyway governance advisory committee and accessible during all hours of skyway operation. In areas where a means of communication is not visible, signage with directions to the nearest location shall be prominently displayed.

(5) On and after June 1, 1991, signs providing location names (i.e., building name, concourse name, floor level and exits from the system) and utilizing easily readable lettering shall be prominently displayed in the pedestrian skyway system. The name utilized shall be unique and descriptive, so that calls for aid to that place name can be responded to accurately.

(6) On and after June 1, 1991, the owner of a building containing an element of the pedestrian skyway system shall must provide, in the building owned, for the ~~reasonable observation or surveillance~~ of the portions of the pedestrian skyway system ~~located by video cameras or by means of video surveillance or patrolling security personnel.~~

a. Video surveillance plan.

(1) Owners of a building containing an element of the pedestrian skyway system must provide video surveillance according to a video surveillance plan approved by the Director of the department of safety and inspections.

~~a. Video cameras used for observation or surveillance shall be monitored by personnel during all hours of skyway operation. The owner, when placing the video cameras, shall consider building design and internal layout, building usage and incident trends. The owner shall make every effort during the further development and implementation of a skyway security to achieve the optimum of a coordinated camera and voice communications and surveillance system. All cameras utilized shall provide video output at one (1) volt peak-to-peak, NTSC.~~

(2) The Saint Paul Police Department will review the video surveillance plan. The placement of cameras shall be reviewed for compliance with city standards and issue a recommendation to the Director of the department of safety and inspections. by the skyway governance/advisory committee. Based on the review and recommendation of the Saint Paul Police Department, the Director of the department of safety and inspections must either approve or deny the video surveillance plan.

City standards for skyway video surveillance must provide, at a minimum, for the following:

a. The video surveillance plan must consider building design and internal layout, building usage, and incident

trends.

b. The plan must provide live monitoring by security personnel during all hours of skyway operation.

c. The plan must provide a sufficient number and adequate placement of surveillance cameras to meet minimum public safety needs as determined by the Saint Paul Police Department.

d. Said s Security personnel shall also must be responsible for the basic security functions of observe and report observing and reporting conduct and conditions within the skyway system, as well as advising skyway users, in the skyway and immediately adjacent private space, of the skyway and building rules. Personnel responding to incidents would still qualify as satisfying satisfy the requirement of live monitoring requirement, provided at least one individual meeting the definition of security personnel is provided per building, or as otherwise approved by Saint Paul Police Department the Director of the department of safety and inspections on the advice and recommendation of the Saint Paul Police Department.

b. Security personnel plan.

(1) Owners of a building containing an element of the pedestrian skyway system must provide security personnel according to a security personnel plan approved by the Director of the department of safety and inspections.

(2) The Saint Paul Police Department will review the security personnel plan for compliance with city standards and issue a recommendation to the Director of the department of safety and inspections. Based on the review and recommendation of the Saint Paul Police Department, the Director of the department of safety and inspections must either approve or deny the security personnel plan.

City standards for security personnel must provide, at a minimum, for the following:

a. The security personnel plan must consider building design and internal layout, building usage, and incident trends.

b. Patrolling security personnel used for observation or surveillance shall must patrol during all hours of skyway operation. and the frequency of patrol shall be when determining the frequency of patrols, shall consider the size and design of the skyway portion located in the building, the type of uses located in the building, incident trends and the means of surveillance implemented in adjoining structures. The department of safety and inspections in consultation with the Skyway Governance Advisory Committee shall recommend minimum city standards for patrol and review for compliance to be approved by the city council.

c. Security personnel must physically observe all spaces of the skyway a minimum of

(i) Once per hour, or

(ii) As approved by the Director of the department of safety inspections, based on the advice and recommendation of the Saint Paul Police Department.

d. Security personnel must be responsible for the basic security functions of observing and reporting conduct and conditions within the skyway system, as well as advising skyway users, in the skyway and immediately adjacent private space, of the skyway and building rules. Personnel responding to incidents satisfy the live monitoring requirement, provided at least one individual meeting the definition of security personnel is provided per building, or as otherwise approved by the Director of the department of safety and inspections on the advice and recommendation of the Saint Paul Police Department. Smust the report observing and reporting conduct and conditions within the skyway system ing.

e. Appeal procedure. Any building owner may appeal the denial of a video surveillance or security personnel plan. The building owner must appeal within five (5) days after receipt of the denial by filing a written notice with the director of the department of safety and inspections and a copy of the notice with the city clerk. The city council shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

Section 140.10 of the Saint Paul Legislative Code is hereby amended to read as follows:

Sec. 140.1011. - 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. However, outside the general hours all skyway doors shall be secured, unless all unsecured doors are physically monitored. 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 department 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.

Sec. 140.1142. - Skyway system standard directional signs and backlit standard skyway maps.

(a) Each owner of a building through which the pedestrian skyway easement passes shall provide the following installation of standard sign structure design to hold the standard directional signs:

(1) Boxes suspended from the ceiling capable of holding directional signs that are at least six (6) feet in length and at least nine (9) inches high.

(2) At least one two-sided directional sign box shall be installed at or near the entry to each skyway bridge. If a building contains an intersection leading to more than one skyway bridge, the building owner shall also install at least one directional two-sided sign box at that intersection; more boxes shall be required by the department of safety and inspections if the director deems it necessary in order to properly direct pedestrians

through the easement area.

(3) To ensure way-finding, all building owners must install at least one conforming sign at or near the entrance to each skyway bridge and at or near each intersection leading to additional skyway bridges that must incorporate way-finding directions, skyway logo and the standard background color all as adopted by resolution of the city council as ordered by the department of safety and inspections. Any nonconforming signs in existence on May 1, 2009, other than those requiring replacement due to way-finding, shall not be required to be changed to meet this standard.

(4) All directional signs required in this ordinance must be internally illuminated so that they can be read easily during all hours of operation.

(b) The city shall provide the following to building owners to be placed inside the standard sign structure:

(1) Plastic insert of the standard skyway directional sign for the standard sign structure.

(2) The insert shall be designed and provided by the department of safety and inspections. The department of safety and inspections shall submit a bill to all building owners for their share of the cost as provided in the general policy statement for the construction of the Saint Paul Skyway System, as amended from time to time.

(3) The design of the text, background, color and way-finding directions of standard directional sign shall be adopted by resolution by the city council upon consultation with the skyway governance/advisory committee and the department of safety and inspections. The text, background and color of all skyway directional signs shall be of the same design.

(c) Backlit standard skyway maps. Each owner of a building in which advertisements are located must install and maintain at least one (1) backlit standard skyway map. Two (2) backlit standard skyway maps are required if the building contains five (5) or more advertising signs. The backlit standard skyway map shall be made up of a plastic insert into a backlit box that will hold a standard skyway map that is at least thirty-six (36) inches tall and at least twenty four (24) inches wide. The box that holds the backlit standard skyway map must be compatible with adjacent advertising. It is permissible for the backlit standard skyway map to be incorporated in to larger box that also contains advertising material.

Sec. 140.1243. - Location of advertising signs.

New locations. No advertising sign shall be placed within the easement area or blocking any part of the easement area until the following procedure has been accomplished and the location has been approved by department of safety and inspections:

(1) The owner shall submit to the director of the department of safety and inspections an application on the form provided by the department of safety and inspections. That form shall require: a site plan, a description of how any electric service will be provided, any unique fixture design required to accommodate the advertising sign to the proposed location, policies of insurance required under section 140.07 of this ordinance, and any other information the director may require. No advertising sign shall be placed unless the application is

approved by the director. In determining whether to approve a proposed location, the director shall consider the size of the proposed display and the number and size of advertising signs within three hundred (300) feet of the proposed sign location.

(2) The owner shall obtain all building and other required permits from the city or any other agency of government as the law requires. No advertising sign shall be installed unless all required permits have been obtained.

Sec. 140.1314. - Maintenance of skyway advertising signs and backlit standard skyway maps.

The building owner shall ensure that all advertising display fixtures and signs are maintained in an operating condition to the reasonable satisfaction of the director of the department of safety and inspections. Maintenance includes all reasonable servicing of the sign, fixture, replacement of worn or malfunctioning parts of the fixture or its electric service, as well as repair or replacement of an improperly functioning fixture. The building owner shall update the standard skyway map a minimum of once per year. Updated standard skyway maps can be obtained at no charge from the department of safety and inspections.

Sec. 140.1415. - Removal of advertising display fixtures.

(a) The department of safety and inspections may order the owner to remove any advertising display fixture when it reasonably determines that it constitutes a public nuisance, that it impedes pedestrian circulation in the skyway system, or when it finds that maintenance is inadequate under section 140.14 herein. If the city requires removal of an advertising display fixture, the city shall give the owner a reasonable period of time to remove the display fixtures thereon.

(b) If the owner fails promptly to remove an advertising display fixture when ordered to do so by the department of safety and inspections, and the owner does not make timely appeal of those orders, the city may have the fixture removed within ten (10) days after written notice to the owner of the city's intent to remove the fixture, and the owner shall pay the cost of removal or storage thereof.

Sec. 140.1516. - Request for enforcement.

(a) Any person, firm or corporation, or any office, department, board, bureau or committee may make a request to the department of safety and inspections that the department issue an order to a building owner to comply with this chapter. The request shall be in writing and include the basis for enforcement of this chapter. The department of safety and inspections shall respond to the request in writing to the requester and inform them whether their request for enforcement will be granted or denied.

(b) If a party makes a request for enforcement to the department of safety and inspections and that request is denied, the denial may be appealed in the manner set for in section 140.17 below. In such a case, the building owner shall be given notice of the appeal and is entitled to be heard at the public hearing before the legislative hearing officer in the same manner as if the building owner had appealed orders issued to the building. If the council orders the requested enforcement, the building owner shall not have a second opportunity to appeal the decision to enforce the provisions of this chapter.

Sec. 140.1617. - Appeals process.

(a) *Procedure for filing an appeal.* Unless another procedure is indicated within a particular section of this chapter, an appeal may be taken by any person, firm or corporation, or by any office, department, board, bureau or committee affected by a decision made under or enforcement of this chapter by the department of safety and inspections. The appeal must be made within ten (10) days of notice of the decision of the department of safety and inspections. The notice shall be served either in person or by mail upon the owner of the property or the party seeking enforcement of this chapter. The appeal must be filed with the city clerk's office and include the filing fee outlined in chapter 18.02 of the Saint Paul Legislative Code.

(b) *Notice of hearing date.* In the event that an appeal is filed, the city clerk shall mail a notice of the date, time, place and subject of the hearing to the building owner, appellant, and the skyway governance committee.

(c) *Legislative hearing officer.* The legislative hearing officer shall convene a public hearing at which time the appellant shall have an opportunity to present evidence and testimony in support of the appeal. The legislative hearing officer may receive evidence and testimony from the department of safety and inspections and other parties who wish to be heard. Upon receiving the evidence and testimony, the legislative hearing officer shall make a written recommendation to the city council which may confirm, modify, revoke, alter or cancel the order of the department of safety and inspections.

Sec. 140.1718. - Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court 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.

SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.