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Title: Amending Chapter 140 of the Legislative Code regarding the maintenance of the Skyway Pedestrian System including responsibilities, abatements and assessments.

Sponsors: Rebecca Noecker

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Date	Ver.	Action By	Action	Result
12/18/2023	2	Mayor's Office	Signed	
12/13/2023	2	City Council	Adopted	Pass
12/6/2023	2	City Council	Amended and Laid Over for Final Adoption	Pass
11/15/2023	1	City Council	Laid Over to Second Reading	

Amending Chapter 140 of the Legislative Code regarding the maintenance of the Skyway Pedestrian System including responsibilities, abatements and assessments.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

WHEREAS the City Council is invested in making downtown Saint Paul vibrant, safe, and accessible; and

WHEREAS the Saint Paul Skyway Pedestrian System is valued downtown amenity, used daily by downtown residents, people who work downtown and visitors, particularly in inclement weather, to access their homes, place of business, restaurants and entertainment venues; and

WHEREAS use of the Skyway System is directly related to its convenience, comfort, and safety; and

WHEREAS nuisances, safety hazards, hazards and unsanitary elements in the Skyway System cause people to avoid its use and threaten public health and safety; and

WHEREAS Saint Paul's skyways have a unique public-private partnership, in which the Skyway System was developed by the City and is governed by easements with building owners, who are responsible for maintenance and security; and

WHEREAS General Policy Statement for the Construction of the Saint Paul Skyway System, amended by the City Council on February 24, 2006, states that "the City will require, as part of the easement agreement, that the developer or building owner assume the full responsibility for the operation, maintenance, repair and replacement for all segments of the skyway system located within its property, for bridges over street abutting its property, and carry out such operation, maintenance, repair and replacement at its own expense without

cost to the city;" and

WHEREAS, Council believes that the General Policy Statement requires that property owners and operators have a responsibility for correction and/or abatement of nuisances, safety hazards, hazards and unsanitary elements conditions; and

WHEREAS, Council believes that there needs to be tools to address and correct nuisances, safety hazards, hazards and unsanitary elements within the Skyway System; and

WHEREAS, Council believes that elimination of nuisances, safety hazards, hazards and unsanitary elements will assist in providing the vibrant skyway system that is desired; and

WHEREAS, the Department of Safety and Inspections will develop clear standard operating procedures to ensure the City, skyway owners, and public are well served by this new skyway nuisance abatement process, and, and now, therefore, be it

RESOLVED that the Council of the City of Saint Paul does hereby ordain:

SECTION 2

Chapter 140 - The following Declaration of policy is hereby added as follows to provide a clear policy statement for management of the Saint Paul Skyway Pedestrian System:

Chapter 140 Declaration of policy.

The purpose of this chapter is to ensure that the Saint Paul Skyway Pedestrian System operates in a manner that consistently provides safety and convenience for patrons in a well-maintained space, free of safety hazards, hazards, nuisances, and unsanitary elements by enactment of provisions which:

- (1) Define the responsibilities of owners and responsible parties who have space within an easement area and/or are subject to a shared maintenance agreement.
- (2) Define security, maintenance, safety hazards, hazards, nuisances, unsanitary elements and other elements that owners are responsible for.
- (3) Provide remedies to eliminate nuisances, safety hazards, hazards, and unsanitary elements.
- (4) Provide rules and expectations for patrons of the Saint Paul Pedestrian Skyway System.
- (5) Provide for administration, enforcement, and penalties.
- (6) Promote public safety and maintenance of the Saint Paul Pedestrian Skyway System.

SECTION 3

Chapter 140.01 of the Saint Paul Legislative Code is hereby amended as follows:

Sec. 140.01. - Definitions.

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

Address. The last known address for the owner, responsible party or occupant as shown on the records of the Ramsey County Department of Property Taxation or a more recent address known to the Department. In the

case of parties not listed in these records, the last known address is that address obtained by the Department after a reasonable search.

Department. The Department of Safety and Inspections or its designee.

Director. Shall mean the The Director of the Department of Safety and Inspections or their his or her designee.

Easement area. shall mean an 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 purposes of benefit of the public for pedestrian ingress, passage and egress.

Elements. Elements of the Saint Paul Pedestrian Skyway System include any term included in the definition of Saint Paul Pedestrian Skyway System, including but not limited to (1) concourse corridors; (2) node points in the concourse corridors, including, where feasible, one major node central to each block, generally at the point where several concourse corridors intersect; (3) bridges spanning streets; (4) certain vertical access facilities connecting the concourse corridors to public streets or other public property and any other area described in easements documents.

Hazard. An item or structure that does or has the potential to cause physical harm, illness, or injury.

Maintenance. The necessary maintenance, repair and/or replacement of damaged or deteriorated portions or elements of the Saint Paul Pedestrian Skyway System as required by Saint Paul Legislative Code §34, or other federal, state or municipal codes to ensure that the portion of the Saint Paul Pedestrian Skyway System is maintained in a professional state of repair.

Nuisance. Any substance, matter, emission or thing which creates a dangerous or unhealthy environment, or which threatens public peace, health, safety, or which is offensive to common sensibilities or interferes with the use and enjoyment of the Saint Paul Pedestrian Skyway System. A nuisance condition includes but is not limited to, safety hazards, hazards and unsanitary elements as defined below.

Open to the public. shall mean a 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 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 Any indoor enclosed public mall, arcade, courtyard, galleria, gallery, piazza, square or other type of indoor public pedestrian way or open space.

Saint Paul Pedestrian Skyway System. means any 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 includes systems or portions of systems which are built in the future. For purposes of this chapter, a pedestrian skyway system shall include includes 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.

Responsible party. The responsible party on record with the Department.

Security personnel. means individuals 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.

Safety hazard. Any act or omission by an Owner or Responsible party that renders a section or Element of the Saint Paul Pedestrian Skyway System that is within their building inaccessible to patrons during the hours of operation required under Section 140.10 or the failure of an Owner or Responsible party to ensure that their building which contains an Element of the Saint Paul Skyway System is in compliance with the requirements for lighting, temperature, hiding place, attractive nuisance, problem design, emergency communications access, directional and location signage, video surveillance or patrolling security personnel as required by Section 140.09.

Unsanitary element. Any noxious substance or any substance that in the opinion of the Department creates a safety or health hazard including but not limited to urine stains, human feces, animal feces, vomit, drug paraphernalia, broken glass, rotting food, accumulation of garbage, and violations of health and sanitation laws.

Section 4

Section 140.07 is hereby amended as follows:

Sec. 140.07.-Penalty.

- (a) Violation of any provision of this chapter shall will 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(s), and seeking to compel ~~obedience~~ compliance by issuing order(s) to correct violations and pursuing nuisance abatement procedures as described in 140.17 below.

Section 5

Section 140.09 is hereby amended as follows to clearly define responsibilities and requirements for Maintenance, Abatement, Safety Hazards, Nuisances and Unsanitary elements.

Sec. 140.09. - Safety Saint Paul Pedestrian Skyway System Requirements: Maintenance, Abatement of Safety hazards, Hazards, Nuisances and Unsanitary elements.

The Department may check the Saint Paul Pedestrian Skyway System to ensure compliance with Chapter 140 in addition to any Fire Certificate of Occupancy Inspection.

The Department will respond to complaints regarding violations of Chapter 140. The Department will document, and issue written orders on verified complaints which direct Owners or Responsible parties to abate Nuisances. The Department will abate Nuisances when Owners or Responsible parties fail to abate them. The procedures outlined below in Section 140.17 ensure the health, safety and security of the patrons of the Saint Paul Pedestrian Skyway System.

The owner or responsible party of a building containing an element of the Saint Paul Pedestrian Skyway System shall ~~must~~ maintain said element in a condition so as not to constitute a ~~hazard~~ Safety hazard, Hazard, Nuisance or present an Unsanitary element to persons using the Saint Paul Pedestrian Skyway System ~~its patrons~~.

The Owner or responsible party of a building containing an element of the Saint Paul Pedestrian Skyway System must ensure that said element is maintained in a professional state of repair in accordance with the Saint Paul Legislative Code §34, or other federal, state or municipal codes.

The Owner or responsible party of a building containing an element of the Saint Paul Pedestrian Skyway System must abate or remediate Safety hazards, Hazards, Nuisances and Unsanitary elements within the time prescribed by written notice from the Department.

~~and shall also comply with the following requirements:~~

The following requirements apply to the Saint Paul Pedestrian Skyway System:

(1) Lighting. ~~On and after September 1, 1993, s~~ Skyway bridges and public easements in, and areas accessible and adjacent to, buildings connected to the skyway pedestrian system shall must maintain a minimum light level of ten (10) footcandles during all hours of operation. Lighting levels shall will 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 must be so designed that failure of one (1) lamp will not leave an area inadequately lighted.

(2) Temperature. All elements of the skyway pedestrian system shall must 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., ~~12:00 a.m.~~ seven (7) days a week. The temperature ~~will~~ must 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~~ are the standards during the skyway system operating hours. ~~Building owners shall be~~ are 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) Hiding Place, Attractive Nuisance, Problem Design. ~~On and after June 1, 1991, all~~ 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 City of Saint Paul, shall must be secured by a physical barrier, eliminated or regularly monitored.

(4) Emergency Communications Access. ~~On and after June 1, 1991, all~~ All areas of the pedestrian skyway system shall must 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 calling devices. There shall must 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 must 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 must be prominently displayed.

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

(6) Video Surveillance or Patrolling Security Personnel. ~~On and after June 1, 1991, the~~ The owner or responsible party of a building containing an element of the Saint Paul Ppedestrian Sskyway Ssystem must provide, in the building owned, for the surveillance of the Saint Paul Ppedestrian Sskyway Ssystem by means of video surveillance or patrolling by 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 ~~director of the department of safety and inspections.~~ The video surveillance plan must be submitted to and

approved by the Director annually.

2. The Saint Paul Police Department will review the video surveillance plan for compliance with city standards and issue a recommendation to the Director ~~of the department of safety and inspections~~. Based upon on the review and recommendation of the Saint Paul Police Department, the Director ~~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:

- i. The video surveillance plan must consider building design and internal layout, building usage, and incident trends.
- ii. The plan must provide live monitoring by security personnel during all hours of skyway operation.
- iii. 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.
- iv. 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 (1) individual meeting the definition of security personnel is provided per building, or as otherwise approved by the Director ~~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 Saint Paul Ppedestrian Sskyway Ssystem must provide security personnel according to a security personnel plan approved by the Director ~~director of the department of safety and inspections~~. The security personnel plan must be submitted annually by March 31 to the Director for approval.

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 ~~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:

- i. The security personnel plan must consider building design and internal layout, building usage, and incident trends.
- ii. Patrolling security personnel used for observation or surveillance must patrol during all hours of skyway operation.
- iii. Security personnel must physically observe all spaces of the skyway a minimum of:
 - A. Once per hour; or
 - B. As approved by the Director ~~director of the department of safety and~~

inspections, based on the advice and recommendation of the Saint Paul Police Department.

- iv. 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 (1) individual meeting the definition of security personnel is provided per building, or as otherwise approved by the Director ~~director of the department of safety and inspections~~ on the advice and recommendation of the Saint Paul Police Department.
- v. 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 ~~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.

- (7) Safety hazards, Hazards, Nuisances and Unsanitary Elements. All elements of the pedestrian skyway system must be maintained and free of Safety hazards, Hazards, Nuisances and Unsanitary elements. ~~Hazardous and nonhazardous obstacles are prohibited so as to avoid the appearance of clutter.~~

Section 6

Sec. 140.10. Hours of operation.

- (a) *General hours.* All parts of the Saint Paul Pedestrian Skyway System ~~skyway system~~ shall ~~must~~ be open to the public every day between the hours of 6:00 a.m. to 12:00 a.m. These general hours of operation ~~are~~ shall be minimum hours and nothing in this ordinance shall ~~prohibit~~ prohibits 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 ~~must~~ 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 Saint Paul Pedestrian Skyway System ~~skyway system~~ including doors, stairways, elevators, and escalators leading from an area that is open to the public to the Saint Paul Pedestrian Skyway System ~~skyway system~~. Notwithstanding the foregoing, street access to any building connected to the Saint Paul Pedestrian Skyway System ~~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 (1) 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 or responsible party of any property that contains a portion of the Saint Paul Pedestrian Skyway System ~~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 ~~department of safety and inspections~~ and shall be submitted to the Department ~~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 department of safety and inspections and shall ~~must~~ be submitted to the Department 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 department of safety and inspections shall notify the property owner or responsible party who shall determine whether they wish to voluntarily revert to the general hours of operation. If the property owner or responsible party agrees to the general hours of operation, the matter ~~shall~~ will be placed on the consent agenda for approval of the city council. If the property owner or responsible party 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 or responsible party 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 or responsible party applies or does not apply.
- (d) *Alternative hours sign posting requirements.* Any ~~building~~ property owner or responsible party 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.

SECTION 7

Section 140.17 is hereby amended as follows to add a reference to Abatement Procedures:

Sec. 140.17. -- 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.~~

Sec. 140.17. - Abatement procedure.

The abatement procedures of Chapter 45 of the Saint Paul Legislative Code will apply and must be followed

under this section.

Section 8

Section 140.18 is hereby added as follows:

Sec. 140.18. - 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 9

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