

ORDINANCE NO. _____

AN ORDINANCE CREATING SECTION 9-9-4 AND AMENDING SECTIONS 9-9-03 AND 9-9-02 OF CHAPTER 9-9, TITLE 9 OF THE ROCHESTER CODE OF ORDINANCES, RELATING TO PEDESTRIAN SKYWAY SYSTEM.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Section 9-9-4 of the Rochester Code of Ordinances is hereby adopted as follows:

Sec. 9-9-4. - Penalties.

Violations of this chapter are declared to be misdemeanor offenses and are punishable by a fine of up to \$1,000.00 and/or 90 days in jail.

Section 2. Section 9-9-2 is hereby amended to read as follows:

Sec. 9-9-2. - Prohibited acts.

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

- (1) Walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or to require another person to take evasive action in order to avoid physical contact. If an impediment or obstruction is caused by the size of a particular group of people, all persons within the group shall be equally subject to this chapter.
- (2) Stand upon any seat, railing, ledge or other fixture.
- (3) Engage in disorderly conduct. ~~Commit any act which tends to create or incite an immediate breach of the peace. Such conduct shall include, but is not limited to, fighting, racing, obscene language, noisy or boisterous conduct tending to cause a breach of the peace, personally abusive epithets, words or language of an offensive, disgusting or insulting nature, which epithets, 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 which, by their very utterance, inflict injury or tend to incite an immediate breach of the peace.~~
- (4) Operate any sound amplification above the level of conversational speech without a permit. ~~Play a radio, cassette recorder, compact disc player or other sound emitting device in violation of section 8-7-8(e).~~

- (5) Use skateboards, rollerskates, in-line skates, bicycles, scooters or similar devices, except mobility assistance devices.
- (6) Bring any non-service animal into the skyway system other than a police officer with a police dog. ~~Bring or cause to be brought any animal or allow any animal under the person's ownership or control to be brought into the pedestrian skyway system. This does not include a police or fire dog or a Seeing Eye, hearing or companion animal for a sight impaired, hearing impaired or physically disabled person certified by a recognized animal training organization.~~
- (7) Throw, deposit, discard, or cause to be thrown, deposited, or discarded upon or within any surface in the pedestrian skyway system any trash, garbage, refuse or rubbish, unless the material was placed in a designated trash receptacle.
- (8) Place ~~graffiti~~ unpermitted art, drawings, markings, etchings or scratches on any surface in the pedestrian skyway system.
- (9) Prop open any locked doors or damage any door, lock, security system or remove any recording system. ~~Commit any other act otherwise prohibited by federal law.~~
- (10) Smoke, including vaping.
- (11) Urinate or defecate.
- (12) Obstruct the free passage of others.
- (13) Damage the skyway system or any of the fixtures

Section 3. Section 9-9-3 of the Rochester Code of Ordinances is hereby amended as follows:

Sec 9-9-3. – Penalties Hours of Operation

~~Violations of this chapter are declared to be misdemeanor offenses and are punishable by a fine of up to \$1,000.00 and/or 90 days in jail.~~

All sections of the skyway system shall be open to the public between the hours of 5:30 a.m. and midnight. Between the hours of midnight and 5:30 a.m. the pedestrian skyway system shall be closed and not open to the public. This section shall not supersede any legally binding agreements granting access to or from specific buildings to the skyway system. This section does not prohibit pedestrian travel between the pedestrian skyway system and parking garages or hotels.

Section 4. This ordinance shall become effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2019

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS _____ DAY OF _____, 2019.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)