

**Article III. Skywalk Banner, Maintenance and Operation Standards.**

**Sec. 44A-14. Skywalk bridge banner permits.**

(a) Any person wishing to attach a banner to one or more bridges on the Duluth skywalk system shall apply to the skywalk operations administrator for a permit to do so. Said application shall contain the name of the organization or person on behalf of whom the permit is sought, the address of said organization or person, if an organization, the name and address of the responsible party representing said organization, and the identity of the bridge or bridges upon which the banners are to be hung together with the beginning and ending dates proposed for said display. Said application shall be accompanied by a fee, which shall be set in accordance with Section 31-6(a) of this Code, an accurate representation of the appearance of the banner, including pictures and words, the dimensions of the proposed banner or banners for each bridge and proof of insurance as is required by Section 45-31 of this Code and a general form indemnity bond protecting the city in the amount of at least \$500;

(b) No permit shall be issued to hang a banner for a time period in excess of 30 consecutive days and no permit shall be issued to hang a banner on any bridge when the height of that banner exceeds the distance between the banner hanging points provided on that bridge or when said banner exceeds the length of that bridge. No permit shall be issued for a commercial advertising or political-type banner. All such banners shall be suspended from the aforesaid hanging points by top and bottom and shall not hang across any skywalk bridge window;

(c) The skywalk operations administrator may issue a permit for any such banner or banners provided such banner or banners comply with the dimensional requirements above, provided that all or a portion of all of the time requested for hanging a banner on any particular bridge has not been previously granted by permit to another applicant and provided that the administrator shall not find that the content of any proposed banner would violate any law or ordinance;

(d) Any decision of the skywalk operations administrator under this Section may be appealed by any adversely affected party as provided for in Section 44A-11 above. (Ord. No. 8763, 12-30-1985, § 4; Ord. No. 9118, 1-11-1993, § 30; Ord. No. 9611, 7-28-2003, § 39.)

**Sec. 44A-15. Minimum skywalk door access hours.**

(a) The city council may, by regulation as provided for in Section 44A-12 hereof, establish minimum hours during which any or all skywalk doors shall be accessible. Skywalk doors shall include those doors providing access between buildings on the skywalk system, access to skywalk bridges and access from the skywalk system to the street. For the purposes of this Section, skywalk doors giving access to skywalk bridges and to streets shall be deemed to be "accessible" when said doors are unlocked and can be opened by the general public; skywalk doors between buildings shall be deemed to be accessible when they are unlocked and in an opened position;

(b) It shall be the responsibility of building owners owning buildings connected to the skywalk system to ensure that all skywalk doors in and adjacent to their buildings remain accessible during the minimum hours set pursuant to paragraph (a) above;

(c) Upon receipt of a complaint that any skywalk door is not accessible in violation of minimum skywalk hours regulations, the police department may render any skywalk door or doors accessible. In the event that the department does so, the owner of the building shall be responsible to pay a service fee for each time the police department renders the aforesaid service, which fee shall be set in accordance with Section 31-8 of this Code;

(d) For each incident of police service referred to in paragraph (c) above, the chief of police shall promptly notify the skywalk operations administrator of the date, time and place of rendering such service. The skywalk operations administrator shall promptly cause a billing of the service fee therefore to be transmitted to the owner of the building in question, which owner shall be deemed to be the owner shown to be such on the records of the county auditor. The service fee for said service shall be immediately payable by the owner. (Ord. No. 8763, 12-30-1985, § 4; Ord. No. 10139, 3-12-2012, § 5.)

**Sec. 44A-16. Minimum skywalk maintenance and operating standards.**

(a) The city council may, by regulation as prescribed in Section 44A-12 of this Chapter, promulgate regulations for the minimum maintenance and operations of the skywalk system. Said standards may include, but not be limited to, minimum standards for cleaning, painting, patching, washing, waxing, glass repair, ceiling tile repair, lighting, ventilating and heating of the skywalk system within any building and any of the skywalk bridges between buildings;

(b) It shall be the responsibility of each building owner owning a building through which the skywalk runs to maintain the skywalk space in their buildings in conformance with the minimum maintenance and operating standards referred to in paragraph (a) above. It shall further be joint and several responsibility of each building owner owning a building to which a skywalk bridge is connected to maintain that skywalk bridge in conformance with said minimum maintenance and operating standards;

(c) It shall be the duty of the skywalk operations administrator to inspect the skywalk system on as frequent a basis as is necessary to ensure compliance with the minimum skywalk maintenance and operating standards referred to in paragraph (a) above;

(d) In the event that the skywalk operations administrator shall observe any violation of any duty imposed on a building owner pursuant to paragraph (b) above, said administrator shall cause notice to be mailed to the owner involved informing said owner of said violation, demanding compliance with the minimum skywalk maintenance and operating standards within ten days or an agreement, for compliance, as described below, and informing said owner that if such compliance or an agreement for compliance were not forthcoming within ten days that the city will rectify the condition constituting the violation of said standards and will charge the owner its costs of so doing. In the event that the building owner through no fault of his own cannot reasonably bring his building or a skywalk bridge for which he is responsible into compliance with the minimum maintenance and operating standards within ten days, the administrator is authorized to enter into an agreement with him for bringing the building or bridge into compliance in the shortest possible time as is reasonably practical, which agreement shall contain the steps to be performed to bring said building into compliance and a time table for performing each of the necessary steps;

(e) In the event that a building owner shall fail to bring a building or bridge into compliance within ten days after notice from the skywalk operations administrator or shall fail to observe the terms of an agreement as referred to in paragraph (d) above, said administrator is authorized to contract on behalf of the city for all work necessary to bring the subject building or bridge into compliance with the minimum maintenance and operating standards; provided, however, said administrator said be governed by standard city purchasing practices and shall further not obligate the city for an amount in excess of \$3,000 without city council approval. Said administrator shall be responsible for determining all costs, including in-house costs, of performing the work authorized under paragraph (f);

(f) Upon completion of work necessary to bring the aforesaid building or bridge into compliance with said standards, the administrator shall cause notice to be sent to the owner, in the same manner as that referred to in paragraph (b) above, of the cost of said work and demanding payment thereof by the owner to the city. Said amount shall be immediately thereupon due and payable. (Ord. No. 8763, 12-30-1985, § 4.)

#### **Sec. 44A-17. Assessments.**

On or before July 1 of each year, the skywalk operations administrator shall certify to the city council all service fees, as referred to in Section 44A-15(e) above, and all costs, as referred to in Section 44A-16(f), charged against any building owner since July 1 of the preceding year which remain unpaid. The city council may assess said service fees and costs against the property owned by such building owner and benefited by the services and work provided as the benefited properties, pursuant to Minnesota Statutes 429.101 and statutes referred to therein, and as the same may be, from time to time, amended. All such assessments shall be payable in the year subsequent to the adoption of the assessment roll by said council. (Ord. No. 8763, 12-30-1985, § 4.)

#### **Sec. 44A-18. Interest.**

All unpaid service fees, as referred to in Section 44A-15(d) above, and all unpaid costs, as referred to in Section 44A-16(f), shall bear interest, compounded daily, at a rate to be set by the city council by regulation pursuant to Section 44A-11 of this Chapter from 30 days after the date on which they are billed to the owner until they are paid or until they are assessed as provided for in Section 44A-17. Thereafter

they shall bear interest at a rate set by said council pursuant to the adoption of the assessment role. (Ord. No. 8763, 12-30-1985, § 4.)