

CHAPTER 439. - NICOLLET MALL^[9]

Footnotes:

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Editor's note— Ord. No. [2017-079](#), § 1, adopted Dec. 8, 2017, amended Ch. 439, §§ 439.10—439.200, in effect repealing and reenacting said chapter, §§ 439.10—439.90, as set out herein. Former Ch. 439 pertained to similar subject matter and derived from Code 1960, As Amend., §§ 586.010, 586.020(a), (b), 586.030—586.050; Ord. of 4-7-66, §§ 1—3; Ord. of 2-28-75, §§ 1—3; Ord. of 11-26-75, § 1; Ord. of 12-18-75, § 1; Ord. No. 78-Or-047, §§ 1—13, adopted March 30, 1978; Ord. No. 78-Or-108, § 1, adopted June 30, 1978; Ord. No. 82-Or-066, § 1, adopted April 9, 1982; Ord. No. 84-Or-068, § 1, adopted April 27, 1984; Ord. No. 87-Or-023, §§ 1, 2, adopted Feb. 6, 1987; Pet. No. 250548, §§ 8, 9, adopted Oct. 13, 1989; Ord. No. 91-Or-067, § 1, adopted April 12, 1991; Ord. No. 93-Or-099, §§ 1, 2, adopted July 16, 1993; Ord. No. 93-Or-151, § 1, adopted Oct. 29, 1993; Ord. No. 94-Or-041, §§ 1—8, adopted April 15, 1994; Ord. No. 2000-Or-117, § 1, adopted Nov. 22, 2000; and Ord. No. 2008-Or-105, § 1, adopted Dec. 12, 2008.

Cross reference— Signs over Nicollet Avenue restricted, § 109.170.

Special law reference— For a special act authorizing the city to conduct a hearing on the Nicollet Mall improvements and the assessments on said improvements, see Laws 1989, Ch. 115, accepted by 89-R-206 on May 31, 1989.

439.10. - Establishment of pedestrian mall.

(a) The city council hereby finds and states that Nicollet Avenue from Washington Avenue to Alice Rainville Place in the City of Minneapolis, Minnesota is not a part of any state highway, is located primarily in a central business district of said city, is improved to its maximum width for roadway and sidewalk purposes, and is congested during all or some substantial part of normal business hours; that reasonably convenient alternate routes exist for private vehicles to other parts of said city and state, that continued unlimited use of such part of such street by private vehicles may constitute a hazard to the safety of pedestrians, that properties abutting such part of such street can reasonably and adequately receive and deliver merchandise and materials from other streets and alleys or by reason of provision herein made for limited use of such street by carriers of such merchandise and materials, and that it would be to the best interests of said city and the public and of benefit to adjacent properties to use such part of such street primarily for pedestrian purposes, and pedestrian use is the highest and best use of such street from Washington Avenue to Alice Rainville Place.

(b) The city council hereby finds and states that Nicollet Avenue from Alice Rainville Place to Grant Street east and west in the City of Minneapolis is not a part of any state highway, is located primarily in a central business district of said city, is improved to its maximum width for roadway and sidewalk purposes, and is congested during all or some substantial part of normal business hours; that reasonably convenient alternate routes exist for private vehicles to other parts of the city and state, that continued unlimited use of such part of such street by private vehicles may constitute a hazard to the safety of pedestrians, that properties abutting such part of such street can reasonably and adequately receive and deliver merchandise and materials from other streets and alleys or by reason of provision herein made for limited use of such part of such street by carriers of such merchandise and materials, and it would be to the best interests of the city and the public and of benefit to adjacent and nearby properties to use such part of such street primarily for pedestrian purposes; and

pedestrian use is the highest and best use of said street from Tenth Street south to Grant Street east and west; and Alice Rainville Place between Nicollet and Marquette Avenues would be used to the best interests of the city and public and of benefit to adjacent and nearby properties if used primarily for pedestrian purposes and easterly and westerly bound automobile traffic which is found to be the highest and best use of said street from Nicollet to Marquette Avenues to be used primarily for recreation and pedestrian purposes, and pedestrian use is the highest and best use of such streets from Tenth Street south to Grant Street east and west; and that it would be of the best interest of said city, the public, and of benefit to adjacent and nearby properties to use Alice Rainville Place between Nicollet and Marquette Avenues primarily for pedestrians' use and for easterly bound automobile traffic as a means of access to said pedestrian mall area which is found to be the highest and best use of such portion of such street.

- (c) By original declaration effective as of April 17, 1966, and pursuant to the provisions of Chapter 430, Minnesota Statutes, 1961, as amended by Chapter 504 of the Session Laws of Minnesota for 1963, Nicollet Avenue from Washington Avenue to Alice Rainville Place in the City of Minneapolis, Minnesota is hereby designated as a pedestrian mall. By original declaration effective as of March 30, 1978, and pursuant to the same law, Nicollet Avenue from Tenth Street south to Grant Street east and west and Alice Rainville Place between Nicollet and Marquette Avenues, all of which are in the City of Minneapolis, are also hereby designated as pedestrian malls (all segments named in this section collectively hereinafter called "such part of Nicollet Avenue").
- (d) Except as herein otherwise provided, the surface of such part of Nicollet Avenue is at all times hereby limited to pedestrians and the classes of vehicles herein described, and the use of the surface of such part of Nicollet Avenue by any other vehicle is hereby prohibited. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.20. - Allowed vehicles.

The following classes of vehicles may enter upon and use such part of Nicollet Avenue, subject, however, to the further provisions of this section and general laws and ordinances applicable to the use of streets of the city:

- (1) *Emergency vehicles* : Public police and fire vehicles and public and private ambulances;
- (2) *Public works, maintenance and service vehicles* : Public and private street repair and construction vehicles and equipment, public and private street cleaning and snow removal vehicles and equipment, public and private water and sewer repair and construction vehicles and equipment, and public and private vehicles and equipment engaged in construction, service and repair of electric, gas, telephone or any other public utility facility;
- (3) *Public carriers* : Vehicles engaged in mass transportation of persons within the city by bus.
- (4) *Special permit vehicles* : Vehicles engaged in delivery of merchandise and materials or receiving merchandise and materials from the owners or occupants of property abutting on such part of Nicollet Avenue pursuant to permit issued by the city.
- (5) *Passenger automobiles* : May travel upon such part of Nicollet Avenue between 6:00 p.m. and 10:00 p.m. on Thanksgiving Day of every year. Such vehicles shall not travel at a speed greater than ten (10) miles per hour, and may not pass another vehicle or stop or park upon such part of Nicollet Avenue and must enter/exit only at Washington Avenue South or Grant Street; and
- (6) *Bicycles* : Any device propelled by human power upon which a person may ride, having two (2) tandem wheels either of which is over fourteen (14) inches in diameter, or any device generally recognized as a bicycle though equipped with two (2) front or rear wheels or a unicycle. Such vehicles shall not travel at a speed greater than ten (10) miles per hour. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.30. - Intersecting streets.

No limitation or prohibition of use herein contained shall apply to vehicles on a street intersecting or crossing such part of Nicollet Avenue. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.40. - Deliveries and special access permits.

(a) Street areas, within such part of Nicollet Avenue, and outside of the roadway and which have been designated by the city council as driveway and loading areas, and clearly posted and marked as such, may be used by authorized vehicles for such driveway and loading purposes during the posted hours and times permitted for such operations. Vehicles conducting such operations shall make use of such driveway and loading areas wherever and whenever practicable, rather than parking within the roadway.

(b) The city council hereby finds and declares that certain properties abutting on such part of Nicollet Avenue do not abut and access to another street or alley for delivery of or receiving merchandise and materials. A special permit for access shall be given the owners or occupants of such properties, authorizing the use of such part of Nicollet Avenue pursuant to terms set forth in the Nicollet Mall Policy referenced in this chapter. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.50. - Public carriers.

The city council finds and declares that such part of Nicollet Avenue is served by a transit utility engaged in mass transportation of persons within the city by bus and that continued use of such part of Nicollet Avenue will be a benefit to the city and to the public and to adjacent property, and the buses of such transit utility shall be and are hereby permitted to use such part of Nicollet Avenue for such purposes to the same extent and subject to the same obligations and restrictions as are applicable to such transit utility in the use of other streets of the city. The city council further finds and declares that such part of Nicollet Avenue may be served by additional, future public carriers engaged in mass transportation of persons within the city by means other than buses, and that this section shall not be construed so as to prohibit or limit such additional, future public transit carriers upon receiving proper approval. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.60. - Block events.

Notwithstanding any other provision to the contrary, block events on such part of Nicollet Mall shall be governed and defined by Chapter 455 of this Code of Ordinances, and the term "Business district" as used therein shall be deemed to include the Nicollet Mall. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.70. - Control of right-of-way.

Nothing herein contained shall be interpreted or construed to be a vacation, in whole or in part, of any city street or part therein, and the City of Minneapolis and the city council retain all police powers and other rights and powers in such part of Nicollet Avenue. Except as herein expressly otherwise provided, the movement and parking of vehicles and carriers on such part of Nicollet Avenue shall be subject to the general ordinances, officially adopted policies, traffic control devices, and police regulations and directions adopted or made pursuant thereto. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.80. - Compliance with laws and governing policy.

All activities affecting or taking place on such part of Nicollet Avenue shall comply with the provisions of the city's officially adopted Nicollet Mall Policy. "Nicollet Mall Policy" as used in this chapter means the city's written policy approved by the city council, and kept by the director of public works. The Nicollet Mall Policy is hereby adopted and supersedes any conflicting provisions in the city's initial plan contemplated by Minnesota Statutes Section 430.101, Subd. 2. The city council may hereafter amend the Nicollet Mall Policy by city council action. (Ord. No. [2017-079](#), § 1, 12-8-17)

439.90. - Enforcement.

In addition to any other remedy available at equity or law, failure to comply with the provisions of this chapter, including but not limited to the Nicollet Mall Policy, may result in criminal prosecution, or administrative fines, restrictions, or penalties as provided in Chapter 2 of this Code. (Ord. No. [2017-079](#), § 1, 12-8-17)