

CITY OF BLOOMINGTON, MINNESOTA
EMERGENCY REGULATION NO. 2020-1

Issued pursuant to Emergency Declaration 2020-2 and City Code Section 7.22

I, Tim Busse, Mayor of the City of Bloomington, Minnesota, subject to the authority granted to me pursuant to Minnesota Statutes, section 12.29 and City Code Sections 7.22 and 7.23, do hereby proclaim the following emergency regulation:

Proclamation of the Mayor

WHEREAS, on May 25, 2020, George Perry Floyd died while in custody of the Minneapolis Police Department, and in the aftermath of the Mr. Floyd's death, civil disturbances occurred in the cities of Minneapolis and Saint Paul and many surrounding communities that resulted in significant damage to people and property; and

WHEREAS, section 7.01 of the City Code defines a "disaster" as a situation which creates an immediate and serious impairment to the health and safety of any person or a situation which has resulted, or is likely to result, in catastrophic loss to property and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss; and an "emergency" as an unforeseen combination of circumstances which calls for immediate action to prevent a disaster from developing or occurring; and

WHEREAS, Section 7.22 of the City Code provides for the proclamation of emergency regulations:

"Every proclamation of emergency regulations shall be in writing and signed by the Mayor, shall be dated, shall refer to the particular civil defense emergency or disaster to which it pertains, if so limited, and shall be filed in the office of the City Clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the Clerk's office shall be conspicuously posted at the Municipal Building or other headquarters of the city and at such other places in the affected area as the Mayor shall designate in the proclamation. Thereupon the regulations shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the Mayor may modify or rescind any such regulations"; and

WHEREAS, section 7.23 of the City Code provides for expiration of such emergency regulations:

"The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency or disaster to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists"; and

WHEREAS, the Governor of Minnesota issued Emergency Executive Order 20-65 implementing a temporary nighttime curfew in the city of Minneapolis and Saint Paul (attached) in response to widespread civil unrest; and

WHEREAS, the City of Bloomington has been made of aware of protests planned in the City on May 29, 2020 and possibly additional days which may result in dangerous and unlawful activity that is an imminent threat to catastrophic loss of life, safety, and public health resulting from the coronavirus and rioting; and

WHEREAS, much of the violence and destruction experienced in the past few days in the cities of Minneapolis and Saint Paul has occurred under the cover of darkness; and

WHEREAS, Sections 12.27-.33 and 12.34 of the City Code provide for violations of a juvenile curfew and vandalism; and

NOW, THEREFORE, I, Mayor Tim Busse, do hereby declare pursuant to this emergency regulation that:

1. **Nighttime Curfew.** A curfew is imposed in all public places within the City of Bloomington during the following times:
 - a. From 9:00 pm on Friday, May 29, 2020 until 6:00 am on Saturday, May 30, 2020.
 - b. From 8:00 pm on Saturday, May 30, 2020 until 6:00 am on Sunday, May 31, 2020.
2. **Travel Prohibited.** During this curfew, all persons must not travel on any public street or in any public place unless required to do so for work.
3. **Exemptions.** All law enforcement, fire, and medical personnel, as well as other personnel authorized by the City of Bloomington, Minnesota Department of Public Safety, Minnesota State Patrol, or Minnesota National Guard, are exempt from the curfew. Individuals seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.
4. **Definitions.**
 - a. For the purposes of this Executive Regulation, “travel” includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, public transit, or any other mode of transporting a person from one location to another.
 - b. For the purposes of this Executive Regulation, a “public place” is any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets and roads, alleys, highways, driveways, sidewalks, parks, vacant lots, and unsupervised property.

5. Enforcement. I urge all Minnesotans to voluntarily comply with this Executive Regulation. Pursuant to Minnesota Statutes 2019, section 12.45 and City Code, an individual who willfully violates this Executive Regulation is guilty of a misdemeanor.

Tim Bane

Mayor

5-29-20 6:00pm

Date & Time

Filed with the City Clerk:

Janet K. Lewis

Clerk

5/29/2020

Date & Time

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-65

Implementing a Temporary Nighttime Curfew in the Cities of Minneapolis and Saint Paul

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

On May 25, 2020, George Floyd died while in custody of the Minneapolis Police Department. Our state watched Mr. Floyd's humanity be erased. Since Mr. Floyd's death, thousands of Minnesotans have expressed their frustration in a peaceful and constructive manner. Demonstrators have gathered in Minneapolis, Saint Paul, and surrounding communities to protest Mr. Floyd's death. Peaceful demonstrations are essential to our democratic system.

Unfortunately, some individuals have engaged in unlawful and dangerous activity, including arson, rioting, looting, and damaging public and private property. These activities threaten the safety of lawful demonstrators, the surrounding communities, and first responders – and Minnesotans have already been injured. Many businesses, including those owned by people of color, have suffered damage as a result of this unlawful activity.

In response to the widespread civil unrest and unlawful activity in Minneapolis, Saint Paul, and surrounding communities, I declared a peacetime emergency and activated the Minnesota National Guard on May 28, 2020. Destructive and dangerous activity has continued. Individuals have looted businesses, destroyed residential buildings, and set a precinct police station on fire. This senseless violence tears at the fabric of our society. Indiscriminate destruction is not the tribute owed to Mr. Floyd, and it does not reflect our values as Minnesotans. We must restore peace and safety immediately.

Because much of the destruction and violence has taken place under the cover of darkness, we must implement a temporary nighttime curfew, in coordination with the Cities of Minneapolis and Saint Paul, to ensure public safety.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers to "generally protect the public peace, health, and safety" and to "preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019,

section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management and to carry out the provisions of Minnesota's Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in "matters pertaining to the emergency management of the state and nation." This includes "the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and the movement and cessation of movement of pedestrians, vehicular traffic, and all forms of private and public transportation during, prior, and subsequent to . . . actual emergencies." This authority also extends to the direction and control of "public meetings or gatherings."

Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

For these reasons, I order as follows:

1. **Nighttime Curfew.** A curfew is imposed in all public places within the City of Minneapolis and the City of Saint Paul during the following times:
 - a. From 8:00 pm on Friday, May 29, 2020 until 6:00 am on Saturday, May 30, 2020.
 - b. From 8:00 pm on Saturday, May 30, 2020 until 6:00 am on Sunday, May 31, 2020.
2. **Travel Prohibited.** During the curfew, all persons must not travel on any public street or in any public place.
3. **Exemptions.** All law enforcement, fire, and medical personnel, as well as other personnel authorized by the City of Minneapolis, City of Saint Paul, Minnesota Department of Public Safety, Minnesota State Patrol, or Minnesota National Guard, are exempt from the curfew. Individuals seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.
4. **Definitions.**
 - a. For the purposes of this Executive Order, "travel" includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, public transit, or any other mode of transporting a person from one location to another.
 - b. For the purposes of this Executive Order, a "public place" is any place, whether on privately or publicly owned property, accessible to the general

public, including but not limited to public streets and roads, alleys, highways, driveways, sidewalks, parks, vacant lots, and unsupervised property.

5. **Enforcement.** I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It expires on May 31, 2020 at 6:00 am or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 29, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on May 29, 2020:

Alice Roberts-Davis
Secretary, Executive Council