

1123. Public Benches

§1123.010 PERMIT REQUIRED. No person shall place or maintain any bench or seat on any public sidewalk or way within the City of White Bear Lake unless he shall have obtained a permit and have complied with the provisions of Sections inclusive of this ordinance.

§1123.020 PROCEDURE FOR ISSUANCE OF PERMITS. A permit to install and maintain a bench on and along any public sidewalk or way may be issued by the City Council to a person by complying with the following requirements:

1. The application for such permit shall be in a form determined by the City Manager and shall contain the location, detailed plans and specifications of each proposed bench and such other information as shall be required by the City Manager.

a. The location of each bench shall be placed at an authorized stop of a recognized public transit route. Other locations that are deemed to be in the public interest may be approved by the City Council.

b. Each bench shall be constructed in such a manner that it is appropriate and compatible with the visual character of the surrounding area. All proposed benches shall be accompanied with a diagram or photograph specifying design and materials.

2. Each application shall be accompanied by a written statement in such form as the City Attorney shall require, signed by the owners or Lessees of the property adjacent to the portion of the street or sidewalk where each bench is proposed to be located giving such owners' or Lessees' consent to the installation of such bench at the proposed location. The applicant shall furnish therewith such evidence of ownership or lease as shall be required by the City Attorney.

3. Each application shall be accompanied by a fee set by City Council resolution. Renewal fees shall be payable when the application for renewal is filed. (Ref. Ord. 1015, 1/13/04).

4. Application for renewal shall be made in such form as the City Clerk shall require and shall be submitted prior to the expiration date of the preceding Permit. Renewal permits may be issued without further consent of the owner of the land or lessee of the property upon which such bench is located unless written objection to such renewal of permit shall be filed by the owner, or lessee, with the City Clerk not later than the first day of January preceding the date of expiration of the existing permit in each case. The City Manager is authorized to approve permit renewals.

5. Whenever a bench for which a permit has been issued is sold or title control thereof transferred or assigned, a new permit shall be required.

6. One application may be made by the same owner for issuance of permits for several benches at similar or different locations, but a separate permit shall be assigned and issued for each bench authorized to be installed and each such permit shall be valid only for the particular location designated therein.

§1123.030 WHERE PUBLIC BENCHES ARE PROHIBITED. No permit shall be issued for the installation and maintenance of any such bench:

1. At any location which in the judgment of the City Manager would interfere with the use of the street or sidewalk and any alley or driveway.

2. At any location where the distance from the face of the curb to the inside sidewalk line is less than eight (8) feet.

§1123.040 DENIAL OR REVOCATION OF PERMITS.

1. The application shall be denied if the City Council shall find that the maintenance of the bench at the proposed location would tend unduly to obstruct passage along any public sidewalk or public way, or to create a hazard, or otherwise to be detrimental to the public safety, convenience or welfare.

2. If the owner, or lessee of any surrounding property shall by writing filed with City Clerk on or before the first day of January preceding the expiration of any permit, withdraw his consent to the renewal thereof, after such expiration, the City Manager shall promptly notify the permittee of the filing of such writing. The City Council shall review all issues and will permit or deny the renewal of such permit.

§1123.050 INSTALLATION AND MAINTENANCE OF BENCHES.

1. When a permit is issued each such courtesy bench shall be installed parallel with the curb and set back not less than twenty four (24) inches from the face of the curb.

2. No bench shall be more than thirty (30) inches wide or seven (7) feet long over all.

3. Each bench shall have displayed thereon, in a conspicuous place, the name and telephone number of the licensee.

4. It shall be the duty of the licensee to maintain each bench at all times in a safe condition at its proper location and to inspect each bench periodically in order that it may be properly maintained.

§1123.060 ADVERTISING AND SIGNS.

1. No advertising matter or sign shall be displayed upon any bench except only upon the front and rear surfaces of the backrest.

2. No advertising matter or sign on any bench shall display the words "STOP", "LOOK", "DRIVE IN", "DANGER", or any other word, phrase or symbol which might interfere with, mislead, or distract traffic.

3. No advertising matter or sign on any bench shall display, promote, or sell tobacco products or alcoholic beverages.

4. No advertising matter or sign on any bench shall display or promote any candidate or organization that is political in nature.

§1123.070 REMOVAL OF BENCHES. Upon revocation or expiration of any permit without renewal, if the permittee fails promptly to remove a bench, the City Manager may do so within ten (10) days after written notice given by mail directed to the address of the permittee on file and, if the permittee shall fail to pay the cost of removal and storage thereof within a period of sixty (60) days after the giving of such notice, the permittee's right in said bench shall be forfeited, but such forfeiture shall not excuse the permittee from the payment of the cost of removal and storage of said bench. (Ref. Ord. No. 685, 1/8/85, 946, 5/13/97)