

AN ORDINANCE AUTHORIZING AND REGULATING
BENCHES UPON PUBLIC PROPERTY AT BUS STOPS
AND
REGULATING THE ADVERTISING UPON SUCH BENCHES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF Urbana, ILLINOIS:

SECTION 1. It is hereby made lawful for persons, firms or corporations to install and maintain benches located upon public property for the accommodation of persons awaiting public bus transportation and others, and to place advertising matter and signs upon such benches, subject to the regulations, limitations and qualifications of this ordinance. The Commissioner of Public Works is hereby vested with the administration and enforcement of this ordinance and with the authority to issue all permits hereunder, and he shall have power to make reasonable regulations for the carrying out of the provisions hereof.

SECTION 2. No bench shall be installed or maintained hereunder without a permit obtained from said Commissioner, as hereinafter provided. An applicant for a permit hereunder shall submit his written application to said Commissioner, giving the location of the proposed bench or benches and such other information as the said Commissioner may, in his discretion, require. An application may be made for one or more benches and one permit may issue for one or more benches, provided that the fees required herein accompany the same.

SECTION 3. The permit fee for any part of the period from May 1st in any year until May 1st in the following year shall be \$100.00 for one to Fifty benches and \$2.00 for each bench in excess of Fifty benches.

SECTION 4. The application for a permit for any bench shall be denied, or the permit cancelled under any of the following circumstances:

A. If said Commissioner finds, before granting a permit, that the maintenance of a bench at the proposed location would tend to obstruct passage along a public way, or to create a hazard to persons traveling thereon, he shall deny the application.

B. If said Commissioner finds that the maintenance of any such bench at a proposed location would not promote the convenience of the traveling public, he shall deny the application.

C. No bench shall be maintained in any alley, nor at any location where the distance from the face of the curb to the property line, is less than eight feet, unless said Commissioner finds that to maintain a bench at such location is in the interest of the convenience of the public.

D. Not more than two benches may be maintained at any one location and benches shall be located only at bus stops.

E. If the abutting property owners, or owners of property within one hundred feet of any bench, protest in writing that they will be or are adversely affected by the existence of such bench, the said Commissioner shall hear their grievances upon reasonable notice to the permittee. If upon such hearing, the Commissioner finds that any protesting property owner suffers special damage to his property by reason of the existence of such bench, the said Commissioner shall deny the application, or if the application has been approved, the permit to maintain such bench shall be rescinded, and the permittee directed to remove the same within thirty

days. If the permittee does not remove same within such time the Commissioner may cause same to be removed as provided in Section 6.

SECTION 5. Priority in the issuance of permits shall be according to priority in the date of filing applications, except that a permittee who applies for renewal before expiration of an old permit shall be granted priority over another applicant for a permit for the same location. Within ten days after an application is submitted to him, the said Commissioner shall file his approval or disapproval of the same with the City Clerk, provided that where it is necessary to hold a hearing on any such application, said Commissioner may extend such time. When the application is disapproved, or where any permit is rescinded, a brief statement of the reasons for such action shall be filed by said Commissioner with the City Clerk.

SECTION 6. By acceptance of a permit hereunder, the permittee hereby agrees to be bound by all of the provisions of this ordinance, agrees to inspect each bench periodically and to maintain the bench or benches in safe, clean, and sightly condition and to post and maintain an idemnifying bond and public liability insurance, as hereinafter required. Upon thirty days written notice of any failing in such undertaking, if such default be not remedied within such time, the said Commissioner may revoke the permit, remove and store the bench, and charge the costs of such removal and storage against the permittee, who has been guilty of such default. The permittee may recover the bench if he pays such costs within sixty days after such removal, otherwise title to said bench shall fully vest in the City.

SECTION 7. If a bench is ordered removed hereunder where the permittee is not at fault, the City shall proportionately credit the fee paid by the permittee for such bench against any fees to become due hereunder thereafter from such permittee to the City. If an application is denied, the fee submitted therewith shall be credited to the permittee making such application upon any future fees due to the City hereunder from such applicant.

SECTION 8. All benches installed by permission of this ordinance shall conform rigidly to the following specifications:

A. Six (6) feet long, three (3) feet high, and two and one half ($2\frac{1}{2}$) feet deep with total weight of 450 pounds.

B. Two separate reinforced concrete supports, each six (6) inches thick and each shaped as an "h" to form two legs with seat and back supports with Ackerman-Johnson sockets inbedded therein to receive Allen-head bolts.

C. Seven wood members, each to be 2 inches by six inches by six feet oak beams; three of said wood members to be for the back seat, three for the seat boards, and one for the front drop; all wood members to be attached to the concrete supports by Allen-head bolts, the concrete supports to be four (4) feet apart, and the seat boards and back rests to be separated by approximately one (1) inch.

D. All wood on benches to be painted tile green enamel except for color of lettering thereon. On the top back rest (front and rear) there shall be placed the wording "BUS STOP"; on the middle back rest (front and rear) there may be placed the wording "Courtesy of"; on the bottom back rest (front and rear) there may be placed the name of an advertiser, a slogan, or other short advertisement and on the front drop there shall appear the name and address of the owner of said bench.

8. No other lettering shall appear anywhere else on said benches and no advertising shall contain words which might tend to cause traffic confusion, such as "STOP", "CAUTION", "DRIVE IN", or other such words.

SECTION 9. The permittee shall defend, at his own expense, any litigation arising from the installation or maintenance of a bench for which he holds a permit. Before proceeding to install any bench hereunder, the permittee shall file individual bond to save the City harmless from any damages or suit for damages alleged to arise from the installation or maintenance of any bench installed by him. Sureties on such bond are not required but evidence of public liability insurance in the amounts hereinafter stated shall be filed, at or prior to the time of filing applications for such permit with said Commissioner. The public liability insurance shall be \$15,000.00 for the death or injury of one person, with a total limit of personal injury liability of \$20,000.00, and property damage of not less than \$1,000.00. The bond and one insurance policy may be filed to cover the maintenance of any number of benches. The City shall immediately notify the permittee of any claim of which the City has notice, where such claim arises from the installation or maintenance of any bench installed hereunder.

SECTION 10. If any phrase, sentence or portion hereof shall be declared invalid by any court of competent jurisdiction, the remainder of this ordinance, shall nevertheless be enforced, as if the same had been passed without such invalid portion and permits issued hereunder shall be deemed valid to the same extent they would have been valid if this ordinance had originally been passed without such invalid portion.

SECTION 11. Any ordinances inconsistent with the provisions of this ordinance are hereby repealed or modified to the extent of the inconsistency.

SECTION 12. This ordinance shall go into effect as soon hereafter as may be according to law.

APPROVED August 4th 1947 PASSED August 4 - 1947

APPROVED August 14th 1947 George F. Hurd
Mayor

APPROVED August 18th 1947
Bess M. Holmes
Clerk

