

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO PROVIDING FOR ADVERTISING SIGNS ON CITY OWNED BENCHES, PROVIDING FOR FEES AND PENALTIES; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City finds it to be in the best interests of the public to have access to safe, comfortable benches adjacent to the streets in its commercial areas, and

WHEREAS, allowing commercial advertising on its benches provides a way to defray the cost of providing such benches,

BE IT THEREFORE ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO:

12.15.010 Definitions.

As used in this chapter:

"Advertising bench" is to be a seat located upon public property along any transportation, on which advertising is displayed in accordance with the provisions of this chapter.

"Street" is any public thoroughfare, or way, including the sidewalk, the parkway and any public property bordering upon a public way.

12.15.020 Benches Available for Advertising Signage.

A. It is unlawful for any person, firm or corporation to install, erect or maintain a bench on any sidewalk, road, alley, other City property or the City's right-of-way.

B. Space on the back of any bench owned and placed by the City of St. Anthony may, at the City's sole discretion, be licensed to a business for the purpose of private, for profit, advertisement.

C. Any business donating a bench acceptable to the City shall have the priority to use the advertising space on it. In the event the donor of a bench does not use the advertising space on the bench or discontinues such use, the City may permit the advertising space to be used by any other person for commercial advertising in accordance with the provisions of this chapter.

D. Although the donor of a bench can suggest the location where a bench is placed, the City shall have the unfettered discretion to decide where a donated bench is placed.

12.15.030 Permits.

- A. A permit must be obtained from the City Council or its designee for each bench upon which advertising is to be placed. Permits shall be granted on a yearly basis.
- B. No such permit shall be issued except upon written application to the City showing the proposed advertising copy and/or images, if any, to appear thereon, and such other information as the Council may require.
- C. The City shall charge such permit fees as it deems appropriate. The initial fee for such a permit shall be \$50.00 yearly. Permit fees may be modified by resolution of the City Council.
- D. A permittee must hold a current City business license.

12.15.040 Permit revocation.

- A. Any permit may be revoked or renewal thereof denied for any violation of any of the provisions of this chapter, for any fraud or misrepresentation in this application or any other reason which makes it in the best interest of the City to do so, by the City Council. If any permit is revoked or renewal thereof denied in accordance with the provisions of this chapter the permittee shall be responsible to remove its advertising from the bench within 30 days of the revocation or denial of renewal. Otherwise, the City will remove the advertising and charge the permittee for the cost of doing so.
- B. Any permit issued under this chapter may be canceled and revoked if the permittee fails to apply the advertising copy/images to the bench within sixty (60) days after the date of issuance of the permit.

12.15.050 Construction.

- A. Each bench shall be approved by the City of St. Anthony prior to acceptance and placement of the bench.
- B. Each such bench shall occupy more than four square feet of sidewalk space, nor be less than one foot high nor more than 4 feet 3 inches in height. Such bench shall not have sharp corners or projections, and shall have sufficient weight and stability to resist tipping or falling as a result of wind or the actions of children. The bench shall have a total weight of not less than 150 pounds.

12.15.060 Maintenance of benches.

It shall be the duty of the permittee to maintain each such bench at all times in its proper lawful location, in good repair, safe condition, free of graffiti, rust and dirt, and to inspect each such bench periodically. The permittee shall further keep the bench and surrounding area reasonably free of litter.

12.15.070 Advertising display on benches.

Not more than seventy five (75) percent of the surface of back of the bench shall be used for advertisement.

12.15.080 Supervision of application of advertising and maintenance.

The Department of Public Works shall supervise the application of advertising copy/images and the maintenance of all benches licensed hereunder.

12.15.090 Location of benches.

The city council shall designate locations where such benches shall be erected and reserve the right to change, alter, or amend designation of said location as public convenience and necessity may from time to time require.

Benches must not be placed so as to interfere with City and authorized utility use, or the minimum clear foot traffic use as set forth in 12.14.070.

Benches shall not be placed so as to interfere with front doors of buildings, parking spaces, cross walks or intersections, fire hydrants, utility boxes, boxes for City lights or traffic control, handicapped ramps, sidewalks, driveways, sign stanchions, loading zones, other locations presenting a danger to the safety and welfare of persons using the right-of-way or creating a public nuisance.

12.15.100 Indemnity agreement for bench permit.

The permittee will indemnify and save harmless the City, its officers, agents and employees from any loss, claim, cost, damages or expense which may result or arise out of granting the permit on the existence or maintenance of the advertising bench for which the permit is issued, and that permittee will pay all loss or damage that may arise out of such existence or maintenance.

12.15.110 Severability

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

REPEAL OF CONFLICTING PROVISIONS:

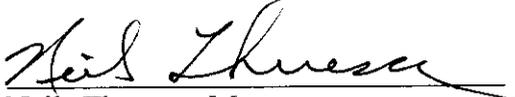
All provisions of the ordinances and Municipal Code of the City of St. Anthony which conflict

with the provisions of this ordinance are hereby repealed to the extent of such conflict.

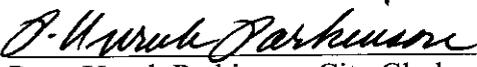
EFFECTIVE DATE:

This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

Enacted by the City Council and Approved by the Mayor on the 27th day of June, 2013.


Neils Thueson, Mayor

ATTEST:


Patty Unruh Parkinson, City Clerk

