

Chapter 7.24 BENCHES ALONG PUBLIC WAYS

Sections:

7.24.010 Definitions.

- A. "Bench," a seat located upon public property along any public way for the accommodation of passersby or persons awaiting transportation.
- B. "Street," any public thoroughfare or way including the sidewalk, the parkway and any other public property bordering upon a public way.

(§ 1, Ord. 1041, eff. October 20, 1966)

7.24.020 Benches—Where prohibited.

No person shall install or maintain any bench:

- A. In any alley;
- B. At any location where the space available to pedestrian traffic is less than ten (10') feet in width;
- C. At any location distant more than 50 feet from the nearest intersecting street; provided that whenever, in the opinion of the Public Works Director, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the Public Works Director.

(§ 1, Ord. 1041, eff. October 20, 1966)

7.24.030 Permit required from Public Works Director.

- A. **Requested by permittee.** No person shall install or maintain any bench on any street without a permit therefor from the Public Works Director. A separate permit shall be obtained for each bench, which permit shall be valid only for the particular location specified therein. Each permit shall bear a separate number and not more than two permits shall be issued for any one location.

When bus stop changes are authorized, the permit and bench may be transferred to another location at the same intersection upon the payment of a transfer fee. When the bus stop is moved on a temporary basis, the permit and bench may be transferred to another location at the same intersection without an additional fee or permit upon condition that the bench and permit be restored to its original location as soon as practicable. The Public Works Director shall be notified of such change.

- B. **Requested by Public Works Director.** The permittee, when so directed by the Public Works Director, shall within ten (10) days relocate his benches to the new designated location. When the change in location is so required by the Public Works Director, there shall be no additional fee required.

(§ 1, Ord. 1041, eff. October 20, 1966)

7.24.040 Application for permit—Fees—Renewal.

- A. No bench permit shall be issued except upon written application, made upon a form prescribed by the Public Works Director, showing the proposed location of each bench, the advertising, if any, to appear thereon and such other information as the Director may require.
- B. Detailed plans and specifications of each bench shall be supplied by the applicant.
- C. Each application for an original permit or a relocation permit shall be accompanied by an affidavit of the applicant reciting that the applicant has caused the owner or person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located to be personally served with a notice on a form prescribed by the Public Works Director that the applicant will file an application for a permit. The form prescribed by the Director shall contain a statement thereon that the person receiving such notice may object to the location of the bench.
- D. Each application must be signed by the owner of the bench or benches for which permits are requested, and must be accompanied by an inspection fee established by the Council under separate resolution.
- E. If the application is granted, an additional fee established by the Council under separate resolution shall be collected for each bench for which a permit is issued. Such fee shall be collected at the time of the issuance of the permit.
- F. Each permit shall expire on the 30th day of June next following the date of issuance unless renewed. A fee for each bench shall be charged for each annual renewal of the permit as established by the Council under separate resolution. Application for renewal must be made prior to the expiration date, and must be accompanied by the renewal fee.
- G. Whenever a bench for which a permit has been issued is sold or title or control thereof assigned or transferred, a new permit must be obtained for its maintenance.
- H. Any permittee desiring to change permanently the location of a permit and bench in accordance with the provisions of Section 7.24.030 of this Code shall pay a fee for each transfer of location as established by the Council under separate resolution.

(§ 1, Ord. 1041, eff. October 20, 1966, as amended by § 24, Ord. 1458, eff. June 17, 1976)

7.24.050 Permits—Denial—Revocation.

- A. The application shall be denied if the Director shall find that the maintenance of the bench would tend to obstruct passage along any public way or create a hazard or would otherwise be detrimental to the public safety, welfare or convenience.
- B. Any permit may be revoked, or renewal thereof denied or any violation of any of the provisions of this section, for any fraud or misrepresentation in the application, or for any reason which would have been ground for denial of the application.
- C. If the owner, tenant or person in lawful possession or control of the property abutting upon the street at the place where the bench is to be located shall object to the maintenance of the bench, and gives written notice thereof to the Director at any time before or within 90 days from the date the permit is issued, the permit shall be denied or revoked. If such written notice is received by the Director after 90 days from the date of the permit, the permit shall not be revoked, but renewal thereof shall be denied on the next renewal date.
- D. The application shall be canceled and denied if the applicant fails to deposit the annual fee and accept the permit within ten (10) days after notice of the approval of the application by the Director.

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- E. Any permit issued under this section shall be canceled and revoked if the permittee fails to install the bench within sixty (60) days after the date of the issuance of the permit.
 - F. The application shall be canceled and denied, or the permit revoked, as the case may be, if 60% of the property owners and/or tenants living or having their place of business within 200 feet of the location of said bench or benches protest the same.
 - G. Any permit may be revoked at any time with thirty (30) days advance notice should said revocation be necessary in order to accommodate the planned, orderly installation of City-owned street furniture. Certain permit revocations shall entitle the permittee to a partial refund of the permit fee as follows: Permit revocations effective on or before one-third of the permit year has elapsed—two-thirds of said fee; permit revocations effective on or before two-thirds of the permit year has elapsed—one-third of said fee.

(§ 1, Ord. 1041, eff. October 20, 1966; § 1, Ord. 1427, eff. August 4, 1975)

7.24.060 Benches—Lawful installation and maintenance.

- A. No permittee shall locate or maintain any bench at a point less than eighteen (18") inches or more than (30") inches from the face of the curb, and each bench must be kept parallel with the curb.
- B. No bench shall be more than forty-two (42") inches high nor more than two (2') feet, six (6") inches wide, nor more than seven (7') feet long, overall.
- C. Each bench must have displayed thereon, in a conspicuous place, the name of the permittee and the permit number.
- D. It shall be the duty of the permittee to maintain each bench at all times in a safe condition and at its proper and lawful location, and to inspect each bench periodically.
- E. In the event two or more applications are received for a bench location, priority shall be assigned to the application upon the date of receipt.

(§ 1, Ord. 1041, eff. October 20, 1966; § 1, Ord. 1294, eff. August 17, 1972)

7.24.070 Benches—Advertising and signs.

- A. No advertising matter or sign whatever shall be displayed upon any bench except upon the front and rear surfaces of the backrest, and not more than 75% of each such surface shall be so used. All advertising shall be subject to the approval of the Director.
- B. No advertisement or sign on any bench shall display the words "Stop," "Look," "Drive-In," "Danger" or any other word, phrase, symbol or character calculated to interfere with, mislead or distract traffic.

(§ 1, Ord. 1041, eff. October 20, 1966)

7.24.080 Removal of benches.

- A. After the revocation of the permit, the Director may remove and store the bench installed or maintained under such permit, if the permittee fails to do so within ten (10) days after notice.
- B. The permittee may recover the bench, if within sixty (60) days after its removal he pays the cost of such removal and storage, established by the Council under separate resolution, for each such bench. After sixty (60) days from its removal the Director may sell, destroy or otherwise dispose of the bench at his discretion.

All of the foregoing shall be at the sole risk of the permittee, and shall be in addition to any other remedy provided by law for the violation of this Section.

(§ 1, Ord. 1041, eff. October 20, 1966, as amended by § 25, Ord. 1458, eff. June 17, 1976)

7.24.090 Enforcement.

The Public Works Director shall enforce the provisions of this chapter, and shall have complete authority over the installation and maintenance of benches, subject to the provisions of this chapter.

(§ 1, Ord. 1041, eff. October 20, 1966)

7.24.100 Refunds—Not permitted.

No fee paid pursuant to this chapter shall be refunded in the event the application is denied or the permit revoked, except that when for any cause beyond the control of the permittee, a permit is revoked within 60 days after the date of issuance or last renewal thereof, the annual fee therefor paid under the provisions of Section 7.24.040 of this Code, for the current year may be refunded to the permittee upon written demand filed within six (6) months after the date of revocation.

(§ 1, Ord. 1041, eff. October 20, 1966)

7.24.110 Bond or insurance policy.

- A. No permit shall be issued pursuant to this chapter unless the applicant shall post and maintain with the Director a surety bond or policy of public liability insurance, approved by the City Attorney and conditioned as hereinafter provided.
- B. The bond or policy shall be conditioned that the permittee will indemnify and save harmless the City of Manhattan Beach, its officers and employees from any and all loss, costs, damages, expenses or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the bench for which the permit is issued and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of, or which may be caused by or arise out of such installation or maintenance. The bond or policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect. In the event that two or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two or more benches, and each bond or policy shall be of such a type that its coverage shall be automatically restored immediately from and after the time of the reporting of any accident from which liability may thereafter accrue.

(§ 1, Ord. 1041, eff. October 20, 1966)

7.24.120 Bond or insurance policy—Limit of liability.

The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this chapter, shall in no case be less than \$5,000.00 for bodily injuries to or death of one person. The permissible limit of liability for bodily injuries or death of more than one person shall depend upon the number of bench permits covered thereby and shall not be less than the amount specified in the following schedule:

NUMBER OF BENCH PERMITS	LIMIT OF LIABILITY
1 to 10	\$10,000.00

11 to 50	\$20,000.00
51 to 100	\$40,000.00
101 or more	\$80,000.00

(§ 1, Ord. 1041, eff. October 20, 1966)