



TOWN OF BROOKS

POLICY NO: E-002-010

REFERENCE:

ADOPTED BY:

SUPERSEDES:

Resolution #98/604

New

PREPARED BY:

DATE ADOPTED:

December 7, 1998

TITLE:

COURTESY BENCHES

POLICY STATEMENT:

The Town of Brooks, subject to the provisions of this policy, will allow the placement of courtesy benches on land owned or controlled by the Town.

THE PURPOSE OF THIS POLICY IS TO:

- Make provision for the supply and control of courtesy benches located on public property, and;
- Establish procedures and regulations with respect to courtesy benches and assign responsibility for administration of this policy.



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PROCEDURES:

1. Every person wishing to place a courtesy bench on land owned or controlled by the Town of Brooks must first obtain a licence to do so. An application for such licence must be made on the appropriate application form and must be accompanied by the appropriate fee:

- for each bench intended to display commercial advertising \$50.00
- for any other bench \$ 0.00

2. In the event a licence is issued, the aforementioned application fee will cover the period from the effective date of licence until December 31st of the year in which the licence is originally issued. An application fee shall not be refunded after the date on which the staff member reviewing the application has commenced the review.

3. Following the period covered by the application fee, a licence fee shall be paid as follows:

- For each quarter year or any portion of a quarter year, during which commercial advertising is displayed on a courtesy bench, the licence fee shall be:

\$12.50 per bench
- for any other bench \$ 0.00

Quarterly licence fees are due and payable within 15 working days from the end of each quarter year. For purposes of this policy, the end of each quarter year is deemed to occur on March 31, June 30, September 30 and December 31 respectively. When submitting payment for the quarterly licence fees, the licensee shall accompany the payment with a detailed signed statement identifying the location of each bench for which payment is being submitted along with a summary of any changes that may have occurred during the reporting period.

4. Whenever a licensee intends to convert a bench not displaying advertising to a bench that will display commercial advertising, the licensee must first submit an application pursuant to this policy.



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PROCEDURES-continued:

5. The applicant must provide the following in support of each application:
 - a sketch plan, drawn to scale, appropriately labeled and dimensioned, showing the proposed location of each proposed courtesy bench and the location of every existing courtesy bench within 75 meters of the location of the proposed bench(es);
 - a scale drawing of the bench including specifications, construction materials and foundation details as may be required by the staff member reviewing the application;
 - a plan specifying the litter control, dirt removal, cleaning and maintenance procedures that the applicant will undertake on an ongoing basis to ensure that the bench is clean, properly maintained and that the area around the bench remains aesthetically pleasing;
 - a description of the advertising, if any, to be placed on the bench along with evidence of compliance with the Town's Advertising Signs Bylaw;
 - acknowledgement from an insurance company confirming, in the event a licence is issued hereunder, that the insurance company will issue a liability insurance policy providing coverage of not less than \$2,000,000.00 per occurrence, which policy is satisfactory to the Town and that names the Town as an additional named insured. Such insurance policy to contain a provision whereby coverage will not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after 30 days prior written notice to the Town.
 - a letter from the owner(s) or occupant(s) of any commercial or residential property located within 30 meters of the proposed location of each bench indicating that such owner(s) or occupant(s) have no objection to either locating the bench in the proposed location or to the advertising copy to



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PROCEDURES-continued:

be displayed on the bench. In the event that the owner(s) or occupant(s) of such commercial property have an objection or, for other reasons, are not willing to provide such a letter, the owner(s) or occupant(s) will be given an opportunity to make a written and/or verbal submission with respect to the application to the staff member reviewing the application. After having considered any comments received, the staff member reviewing the application will either deny the application or continue to process the application;

- for all benches to be located within the boundaries of the Brooks Town Centre Business Revitalization District, a letter of consent from a representative of the board of directors indicating that the business revitalization district has no objection to the application.
6. The licensee must agree to indemnify the Town from any claims that may result from issuance or cancellation of any licence pursuant to this policy.
 7. Any licence issued pursuant to this policy must contain specific provisions, which permit the Town to cancel the licence on not more than 30 days written notice and that the licensee must agree to remove the bench or benches prior to the date of termination of the licence. Provision must be made for the Town to temporarily remove or relocate any bench in the event the Town requires access to that area to conduct its work.
 8. The Director, Engineering and Property Services; Manager, Works & Utility Services; or Manager, Parks & Environmental Services are each authorized to approve, deny, issue, cancel or revoke a licence issued pursuant to this Policy and to execute courtesy bench placement licence agreements that comply with this Policy. The Director, Engineering and Property Services; Manager, Works and Utility Services; or Manager, Parks and Environmental Services are each authorized to take whatever action that may be deemed necessary to ensure compliance with this policy and to any license agreement entered into pursuant to this policy.



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PROCEDURES-continued:

9. In the event that an application is denied or a licence is cancelled or revoked, the applicant, licensee or any other affected person, may appeal the decision to the Town Manager by submitting a written appeal, accompanied by an appeal fee of \$50.00, to the attention of the Town Manager. The written appeal shall specify the reason(s) for the appeal and the remedy sought by the appellant. The Town Manager shall render a written decision with respect to the appeal within 15 working days from the date an appeal is received.
10. In the event that the applicant, licensee or any other affected person is dissatisfied with a decision rendered by the Town Manager pursuant to this policy, such person may appeal to the Operational Services Committee by submitting a written appeal, accompanied by an additional appeal fee of \$50.00, to the attention of the Executive Secretary. The written appeal shall specify the reason(s) for the appeal and the remedy sought by the appellant. Upon receipt of a completed appeal, the Executive Secretary will schedule an appeal hearing and will advise the appellant of the date, time and place of the hearing. A majority decision of the Operational Services Committee on the appeal is final.
11. In the event that a decision of either the Town Manager or the Operational Services Committee is rendered in favour of the appellant, the appeal fee(s) paid by the appellant shall be refunded.

REGULATIONS:

1. For purposes of this Policy, the phrase “commercial advertising” shall exclude any sign, marking, symbol or text displayed on a courtesy bench purely for the purpose of acknowledging the donor of a courtesy bench provided that, in the opinion of the staff member reviewing the matter, such sign, marking, symbol or text is not primarily for the purpose of promoting the donor for business purposes. Otherwise, the phrase “commercial advertising”, where used in this Policy, shall have the same meaning as the word “advertising” as defined in Town of Brooks Bylaw No. 94/20 and any amendment to or replacement of that Bylaw.
2. A courtesy bench shall not be located on a public sidewalk or other public walkway so that it would reduce the useable sidewalk or walkway width to less

than 1.2 meters or otherwise create safety concerns.



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REGULATIONS-continued:

3. A bench shall not obstruct doorways, walkways, passageways, fire escapes, fire hydrants, signage, driveways, other advertising or other courtesy benches that display commercial advertising.
4. All courtesy benches shall be continuously maintained in a manner satisfactory to the Town and the bench and the surrounding area must always be kept in a clean, safe condition.
5. Courtesy benches which display commercial advertising must be placed so that they are at least 50 meters away from any other courtesy bench, located on the same side of the street, which also displays commercial advertising.
6. This policy does not apply to courtesy benches owned by the Town of Brooks.
7. The requirement for a licensee to provide insurance under Point 5 of the Procedures Section of this Policy shall be waived for any application to locate a bench within the area shown as C1 in the Town's Land Use Bylaw or within any Town park area provided that the bench does not display commercial advertising and provided that the application otherwise complies with all other requirements of this Policy.