

Part II. Legislative Code

Appendix I. ~~Bus~~Transit Stop Shelter Franchise

Section 1. Grant.

Acting pursuant to the authority granted to the City of Saint Paul by the Minnesota State Legislature pursuant to Minnesota Statutes, Section 160.27, Subdivision 2, the council of the City of Saint Paul does hereby grant to Ad Shelters, Inc. (hereinafter referred to as "company") a nonexclusive ~~bus~~transit stop shelter franchise subject to all the terms and conditions set forth in this franchise ordinance.

(Ord. No. 17237, § 1, 5-9-85; C.F. No. 95-516, § 1, 6-7-95; C.F. No. 05-457, § 1, 6-8-05)

Section 2. Rights and privileges of company.

The franchise granted by the city shall grant to the company the right to place and maintain within the limits of any streets within the City of Saint Paul, for the convenience and comfort of persons waiting for buses at such locations as may be designated by the city in the manner provided herein, ~~bus~~transit shelters with advertising displayed thereon subject to the limits and conditions set forth in this franchise ordinance.

(Ord. No. 17237, § 2, 5-9-85; C.F. No. 95-516, § 2, 6-7-95; C.F. No. 05-457, § 2, 6-8-05)

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Section 8. Other franchises.

No ~~bus~~transit stop shelters with advertising displayed thereon shall be allowed to occupy or use a right-of-way of any street or highway within the City of Saint Paul without a franchise. This shall not, however, include non-advertising shelters constructed by Metro Transit. The rights hereby granted are not exclusive and the city may grant like rights and responsibilities to other persons during the term of this franchise.

(Ord. No. 17237, § 8, 5-9-85; C.F. No. 95-516, § 8, 6-7-95; C.F. No. 05-457, § 8, 6-8-05)

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Section 11. Accounts and records.

The company shall keep books of account and records of all business transacted and costs incurred in connection with the purchase, manufacture and installation of the shelters and advertising on shelters, showing all financial transactions including receipts and disbursements and the particulars thereof in a form satisfactory to the director of the department of finance and management services. Company shall make such books of account and records available at all reasonable times for inspection, examination or audit by city officers, employees or agents. Company shall submit such statements in regard to revenues the city's director of the department of finance and management services may reasonably require.

The company shall file annually with the city no later than one hundred twenty (120) days after the end of the company's fiscal year, a copy of a financial report applicable to the Saint Paul ~~Bus~~Transit Shelter System, including an income statement relating to its operations during the fiscal year and a balance sheet, both of which shall be certified as correct by an independent certified public accountant, and a statement of its properties, equipment and facilities which are located upon the streets, highways and public places within the city giving its investment in such facilities on the basis of original cost, less applicable depreciation. These reports shall be certified as correct by an authorized officer of the

company and shall be submitted along with such other reasonable information as the city shall request with respect to the company's facilities and expenses related to its bus stop shelter system operations within the city.

The company shall also file with the city clerk copies of its articles of incorporation, bylaws, agreements with any other person relating to the ownership of the ~~bus~~transit stop shelter system, and amendments of such documents as they become effective.

(Ord. No. 17237, § 11, 5-9-85; C.F. No. 95-516, § 11, 6-7-95; C.F. No. 05-457, § 11, 6-8-05)

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Section 13. Indemnification.

A. The company shall fully indemnify, defend and save harmless the city, its officers, board, commissions, employees and agents from any and all claims, suits, actions, liability and judgments for damages (including, but not limited to, expenses for reasonable legal fees and disbursements assumed by the city in connection therewith):

- (1) For injury or death to any person or persons or damage to property arising from or in connection with the acts of the company, its officers, agents or employees in the construction, operation, maintenance, location, placement or removal of any ~~bus~~transit stop shelter or other facility of the company;
- (2) Arising out of replacement or display of any advertisements, notices, signs or posters on any shelters; or
- (3) Arising out of the exercise of any other right or privilege under the franchise.

(Ord. No. 17237, § 13, 5-9-85; C.F. No. 95-516, § 13, 6-7-95; C.F. No. 05-457, § 13, 6-8-05)

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Section 17. Removal of shelter.

A. The council may order company to remove any shelter when it reasonably determines that it is no longer of any benefit to the public, when there is no longer a bus stop at the location or when it finds that maintenance is inadequate under Section 20 herein. If the city requires removal of a bus shelter because of relocation of all or part of a bus route, the city shall give the company a reasonable period of time to remove the shelters thereof. If the city requires the removal of more than four (4) ~~bus~~transit shelters because of the relocation of a ~~bus~~transit route, the reasonable costs of removing or relocating the shelters may be set off against the franchise fee due the city.

(Ord. No. 17237, § 17, 5-9-85; C.F. No. 95-516, § 17, 6-7-95; C.F. No. 05-457, § 17, 6-8-05)

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Section 27. [Incorporation in Legislative Code.]

This ordinance shall be deemed a part of the Saint Paul Legislative Code and shall be incorporated therein as Appendix I.

(Ord. No. 17237, § 27, 5-9-85; C.F. No. 95-516, § 27, 6-7-95; C.F. No. 05-457, § 27, 6-8-05)