

ORDINANCE O-4837

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING CHAPTER 19.32 OF THE KIRKLAND MUNICIPAL CODE REGARDING STREET BANNERS.

1 WHEREAS, the City of Kirkland has a street banner program  
2 that regulates and controls the messages displayed over and  
3 above the City's rights-of-way; and  
4

5 WHEREAS, the City created this street banner program to  
6 provide a non-public forum for the display of public service  
7 messages and event announcements promoting events taking  
8 place in Kirkland; and  
9

10 WHEREAS, the City Council desires to modify the City's  
11 street banner program in order to ensure the program  
12 comprehensively regulates banners displayed in the City's right-  
13 of-way, to streamline and provide consistency in the regulations,  
14 and to continue providing opportunities for banner messages that  
15 are consistent with the City's official policies, priorities, and  
16 sentiments.  
17

18 NOW, THEREFORE, the City Council of the City of Kirkland  
19 do ordain as follows:  
20

21 Section 1. Section 19.32.010 of the Kirkland Municipal  
22 Code (KMC), and the corresponding portions of Ordinance O-4189  
23 § 2 (2009), is amended to read as follows, with new text shown  
24 in underline and deleted text shown in ~~strikethrough~~; all other  
25 provisions of these sections shall remain unchanged and in full  
26 force:  
27

28 **19.32.010 Definitions.**  
29

30 (a) "Horizontal street banner" means a sign consisting of fabric  
31 and containing a public service message or event announcement  
32 which is hung above or across a public right-of-way, including  
33 signs hung from bridges or overpasses over public right-of-way.

34 (b) "Vertical street banner" means a ~~street banner, sign~~  
35 consisting of fabric and containing a public service message, an  
36 event announcement or approved decorative images, which is  
37 hung vertically in public right-of-way.

38 (c) "Director" means the director of parks and community  
39 services for the city of Kirkland.

40 (d) "Manager" means the department of public works streets  
41 and grounds manager.

42 (e) "Public right-of-way" or "right-of-way" means, for purposes  
 43 of this chapter, any street right-of-way, including sidewalk or  
 44 walkway, and the entire Cross Kirkland Corridor.

45 ~~(e) "Installer" means a person or entity who physically hangs~~  
 46 ~~the street banner over the public right-of-way and who has the~~  
 47 ~~required skill and equipment to properly and safely hang the street~~  
 48 ~~banner. The manager will maintain a list of approved installers~~  
 49 ~~having the required skill and equipment to properly and safely~~  
 50 ~~hang street banners.~~

51 ~~(f) "Grommet" means a protective eyelet in a street banner that~~  
 52 ~~prevents damage to the material.~~

53  
 54 Section 2. KMC 19.32.015, and the corresponding portions  
 55 of Ordinance O-4189 § 2 (2009), is amended to read as follows,  
 56 with new text shown in underline and deleted text shown in  
 57 ~~strikethrough~~:

58  
 59 **19.32.015 Purpose.**  
 60

61 The purpose of street banners is to provide a non-public forum to  
 62 allow for the display of messages from sponsoring organizations  
 63 that the City chooses, consistent with the City's official policies,  
 64 priorities, and sentiments, to allow to be displayed, including  
 65 public service messages and event announcements promoting  
 66 events taking place within the city of Kirkland city limits. This  
 67 chapter does not apply to banners displayed directly by the City  
 68 without a sponsoring organization.

69  
 70 Section 3. KMC 19.32.020, and the corresponding portions  
 71 of Ordinance O-4189 § 2 (2009), is amended to read as follows,  
 72 with new text shown in underline and deleted text shown in  
 73 ~~strikethrough~~:

74  
 75 **19.32.020 Permit required.**  
 76

77 (a) The director and the manager or their designee(s) have  
 78 discretion whether to approve or deny any street banner  
 79 application and should evaluate applications to determine whether  
 80 they are consistent with this chapter and with the City's official  
 81 policies, priorities, and sentiments. Street banner permits shall be  
 82 issued only on approval of the application by the director and the  
 83 manager or their designee(s).

84  
 85 (b) No person shall hang or cause to be hung any street banner  
 86 on, from, above, or across a public right-of-way, except in  
 87 conformance with the provisions of this chapter, nor without first  
 88 obtaining a permit from the city of Kirkland.

89  
 90 (c) It is unlawful for any person to erect or maintain any street  
 91 banner or decoration on, from, above, or across a public right-of-  
 92 way except when authorized by a banner permit issued pursuant

93 to a proper application and subject to the other conditions and  
94 regulations herein stated or by other written agreement with the  
95 City.

96  
97 (d) This section shall not be construed to prohibit the unpermitted  
98 display of banners in any location in the unused right-of-way  
99 portion of an improved street that has been incorporated into the  
100 landscaping design of the abutting private property.

101  
102 Section 4. KMC 19.32.030, and the corresponding portions  
103 of Ordinance O-4189 § 2 (2009), is amended to read as follows,  
104 with new text shown in underline:

105  
106  
107 **19.32.030 Application for permit.**

108  
109 (a) Applications to hang a street banner shall be accepted ~~only~~  
110 ~~from qualified applicants~~ no more than six months prior to the  
111 proposed installation of the street banner.

112  
113 (b) Permit applications along with applicable fees must be  
114 submitted at least thirty days in advance of requested installation  
115 and shall contain the following information:

116 (1) Date of event or dates relevant to the public service  
117 announcement;

118 (2) Name and purpose of event or public service  
119 announcement;

120 (3) ~~Proposed~~ Requested location for street banner(s);

121 (4) ~~All applications must include~~ Detailed plan of  
122 proposed street banner showing its specifications  
123 (including size and materials of construction) and the draft  
124 proposed wording, colors, and/or artwork art work, sample  
125 specification and message to be printed on the street  
126 banner; and

127 ~~(5) Written permission from private property owner(s) to~~  
128 ~~attach a street banner to private property, if applicable;~~

129 ~~(6) Copy of IRS tax exempt certificate; and~~

130 ~~(57)~~ Contact person, name, and phone number to be  
131 used in the event of a problem while an approved street  
132 banner is displayed.

133  
134 Section 5. KMC 19.32.035, and the corresponding portion  
135 of Ordinance O-4189 § 2 (2009), is amended to read as follows,  
136 with new text shown in underline and deleted text shown in  
137 ~~strikethrough~~:

138  
139 **19.32.035 Minimum requirements for all street banners.**

140 (a) Street banner message.  
141

142 (1) Street banner text shall reflect a public service message  
 143 relevant to the Kirkland community or promote an event  
 144 taking place in Kirkland announcement.

145 (2) Vertical banners may display pre-approved decorative  
 146 images or public art in lieu of public service message or  
 147 event announcement.

148 (3) Banner message must be nonreligious and nonpolitical  
 149 in nature. This does not prohibit a banner from including  
 150 information identifying the sponsoring organization, even if  
 151 that organization is considered religious or political.

152 (4) Banners must not advertise or promote the sale of any  
 153 product, commodity, or service. This does not prohibit a  
 154 banner from including information identifying the  
 155 sponsoring organization, even if the organization is  
 156 commercial, or from advertising or promoting a special  
 157 event that charges fees for participation or entry or that  
 158 involves commercial activity.

159  
 160 (b) Street banners must be consistent with the specifications and  
 161 dimensions required by City policy. ~~The street banner shall~~  
 162 ~~maintain minimum clearance of fifteen feet above right-of-way~~  
 163 ~~surface.~~

164  
 165 (c) The following minimum requirements apply to all street  
 166 banners:

167 (1) Artwork or lettering must be printed, drawn, or painted  
 168 on both sides.

169 (2) Banners must be constructed of a good grade of canvas  
 170 or similar material that will not stretch or distort out of  
 171 shape.

172 (3) Banners must have a professional appearance and  
 173 quality and are encouraged to be manufactured or  
 174 produced by a banner company.

175  
 176 (d) The City reserves the right to reject banners that are not  
 177 consistent with these requirements.

178  
 179 (e) Horizontal street banners:

180 (1) Shall be four feet high by thirty feet wide in size;

181 (2) Must be manufactured or produced by a banner  
 182 company, not homemade;

183 (3) Must have wind load slots; and

184 (4) Must have grommets spaced approximately every  
 185 three feet along the top and bottom of the banner placed  
 186 one-half inch to three-quarters inch from the center of the  
 187 grommet to the finished edge. All four corner grommets  
 188 must be reinforced so as not to rip;

189 (5) Must not have internal ropes;

190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239

- ~~(6) — Must be printed on both sides; and~~
- ~~(7) — Which have not been previously hung by the city of Kirkland must have artwork approved prior to being hung.~~

~~(d) — Vertical banners:~~

- ~~(1) — Shall be thirty inches wide by sixty three inches long;~~
- ~~(2) — Must be manufactured or produced by a banner company, not homemade; and~~
- ~~(3) — Must be printed on both sides.~~

Section 6. KMC 19.32.050, and the corresponding portion of Ordinance O-4189 § 2 (2009), is amended to read as follows, with deleted text shown in strikethrough:

**19.32.050 Approved locations—Installing street banners.**

~~(a) — Street banner permits shall be issued only on approval of the application by the director and the manager.~~

~~(a-b) The manager will maintain a list of approved locations for hanging street banners. Approved locations visible from state highways must be consistent with applicable state regulations, including WAC 468-95-148 and chapter 468-66 WAC.~~

~~Requests for hanging street banners at locations not on the preapproved list will be subject to approval by the manager. Newly approved sites will be added to the list of approved locations. The manager will approve the method of attachment, and the first installation of a street banner at an approved location will be performed by the department of public works.~~

~~(b-e) Any installations will be performed by the department of public works and will be done for the current billable rate for the public work crew/equipment and shall be payable in advance.~~

Section 7. KMC 19.32.060, and the corresponding portion of Ordinance O-4189 § 2 (2009), is amended to read as follows, with deleted text shown in strikethrough:

**19.32.060 Time limitation.**

~~(a) Street banners related to an event shall be hung no more than two weeks in advance of an event and shall be removed by the first business day following the event, or as soon as possible as determined by the manager. Street banners related to a public service announcement may be authorized for display for a duration relevant to the announcement as approved by the city, but typically for no more than a two-week period. Vertical street banners may be displayed for a reasonable duration as approved by the city.~~

240 (b) Street banners received late will be hung as workload allows.  
 241

242 (c) The city of Kirkland shall not be responsible for storing street  
 243 banners beyond three days after the removal date(s) of the public  
 244 service announcement or event. The applicant shall collect all  
 245 banners and materials within ~~fourteen~~ three days after banners  
 246 are taken down. Any banners ~~remaining not collected by the~~  
 247 applicant on or after the ~~fifteenth~~ fourth day from the take-down  
 248 date will be recycled or disposed.  
 249

250 Section 8. KMC 19.32.070, and the corresponding portion  
 251 of Ordinance O-4189 § 2 (2009), is amended to read as follows,  
 252 with new text shown in underline and deleted text shown in  
 253 ~~strikethrough~~:  
 254

255 **19.32.070 Removal—Cost responsibility.**  
 256

257 Street banners hung from (e.g., bridges or overpasses) or hung  
 258 over the right-of-way without prior written approval by the  
 259 director and manager, or their designee(s), ~~supervisor~~ will be  
 260 removed by the city and the responsible party shall reimburse the  
 261 city for the cost of having the banner removed at the current  
 262 billable rate for the public works crew/equipment. The ~~applicant~~  
 263 responsible party will be responsible for the cost to repair any  
 264 damage to city-owned property that may result from the  
 265 installation, attachment, hanging or suspension of the banner.  
 266

267 Section 9. KMC 19.32.040, and the corresponding portion  
 268 of Ordinance O-4189 § 2 (2009), is hereby repealed.  
 269

270 Section 10. KMC 19.32.080, and the corresponding portion  
 271 of Ordinance O-4189 § 2 (2009), is hereby repealed.  
 272

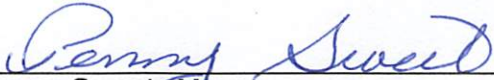
273 Section 11. If any provision of this ordinance or its  
 274 application to any person or circumstance is held invalid, the  
 275 remainder of the ordinance or the application of the provision to  
 276 other persons or circumstances is not affected.  
 277

278 Section 12. This ordinance shall be in force and effect five  
 279 days from and after its passage by the Kirkland City Council and  
 280 publication pursuant to Section 1.08.017, Kirkland Municipal Code  
 281 in the summary form attached to the original of this ordinance and  
 282 by this reference approved by the City Council. five days from and  
 283 after its passage by the Kirkland City Council and publication, as  
 284 required by law.

285  
286  
287  
288  
289

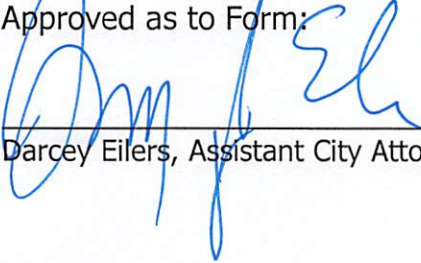
Passed by majority vote of the Kirkland City Council in open meeting this 17 day of January, 2023.

Signed in authentication thereof this 17 day of January, 2023.

  
\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:  
  
\_\_\_\_\_  
Darcey Eilers, Assistant City Attorney

Publication Date: 01/23/2023



PUBLICATION SUMMARY  
OF ORDINANCE NO. 4837

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING CHAPTER 19.32 OF THE KIRKLAND MUNICIPAL CODE REGARDING STREET BANNERS.

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 19.32.101 updating the definitions related to banners.

SECTION 2. Amends KMC Section 19.32.015 related to the purpose of banners.

SECTION 3. Amends KMC 19.32.020 related to banner permit requirements.

SECTION 4. Amends KMC 19.32.030 related to banner permit applications.

SECTION 5. Amends KMC 19.32.035 related to the minimum requirements for street banners.

SECTION 6. Amends KMC 19.32.050 related to approved locations for installing street banners.

SECTION 7. Amends KMC 19.32.060 related to time limitations for banners.

SECTION 8. Amends KMC 19.32.070 related to the cost responsibility of banner removal.

SECTION 9. Repeals KMC 19.32.040.


SECTION 10. Repeals KMC 19.32.080.

SECTION 11. Provides a severability clause for the ordinance.

SECTION 12. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 17 day of January, 2023.

I certify that the foregoing is a summary of Ordinance 4837 approved by the Kirkland City Council for summary publication.

  
\_\_\_\_\_  
Kathi Anderson, City Clerk