

ORDINANCE 3682

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE HANGING OR SUSPENDING OF BANNERS OVER OR ACROSS PUBLIC RIGHTS-OF-WAY WITHIN KIRKLAND, REQUIRING AUTHORIZATION FROM THE CITY OF KIRKLAND, ESTABLISHING A PERMIT SYSTEM THEREFOR AND ADDING A NEW CHAPTER TO TITLE 19 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, a traditional means of displaying public service messages including announcements of City-wide festivals and civic programs has included the use of street banners suspended over or across public rights-of-way; and

WHEREAS, there are only a limited number of places where such banners may be hung or suspended safely and securely within the City; and

WHEREAS, the requests for permission to hang such banners exceed the available locations which may safely and securely accommodate the banners; and

WHEREAS, the City Council finds that the enactment of regulations for the hanging of banners over public rights-of-way within the City including the establishment of a permit system is in the general interest of the public safety and welfare;

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

Section 1. Definitions.

- (a) Banner: Banner means a sign consisting of fabric and containing a public service message or event announcement which is hung above or across a public right-of-way.
- (b) Director: Director means the Director of Administrative Services for the City of Kirkland.
- (c) Supervisor: Supervisor means the Department of Public Works Street Supervisor.
- (d) Installer: Installer means the person or organization who actually and physically hangs the banner over the public right-of-way and who has the required skill and equipment to properly and safely hang the banner. The Supervisor will maintain a list of approved Installers having the required skill and equipment to properly and safely hang banners.

Section 2. Permit required.

No person shall hang or cause to be hung a banner above or across a public right-of-way, except in conformance with the provisions of this Ordinance, nor without first obtaining a permit therefor from the City of Kirkland.

Section 3. Application for permit.

- (a) An application will not be accepted except from a qualified applicant, nor will it be accepted more than one year in advance of the time the banner is to be installed.

- (b) Permit applications along with a permit fee of \$25 must be submitted to the Director at least thirty (30) days in advance of installation and shall contain the following information:

Date of event or public service announcement.

Name and purpose of event.

Date of proposed placement of banner.

Proposed location for banner.

Type of banner - quality, brand, type, size, weight, clearance and name of vendor who is producing banner.

Draft Art Work - sample specification and message to be printed on banner.

Mechanism to be used for hanging banner.

Date banner will be removed.

Name of installer who will hang, remove and service banner should a problem arise.

Written permission from private property owner(s) to attach a banner to private property, if applicable. In the event a banner will be secured to private property and over the public right-of-way, written permission is required from the private property owner.

Copy of IRS Tax Exempt Certificate.

Contact person, name and phone number to be used in the event of a problem.

Current Comprehensive Liability Insurance Certificate and Hold Harmless Agreement.

- (c) Minimum requirements for banner:

Banner text shall reflect a public service message or event announcement.

Banner shall maintain minimum clearance of 15 feet above right-of-way surface.

The banner shall not exceed 4' high X 30' wide in size.

All banners must be manufactured or produced by a banner company, not "home-made".

Section 4. Qualified applicants.

Applications will only be accepted from organizations meeting all of the following criteria:

1. A Kirkland based organization;
2. Be non-religious or non-political in nature;
3. Be a non-profit organization, having obtained IRS certification as tax exempt; and
4. City sponsored: for the purposes of this ordinance, City Sponsored means, an organization which meets one or more of the following criteria:

Receives grant money from the City of Kirkland or, has a contractual relationship with the City of Kirkland, or receives in-kind services from the City of Kirkland staff, or the City of Kirkland is a member of the applying organization.

Section 5. Approved Locations – Installing Banners.

- (a) Banner permits shall be issued only on approval of the application by the Director and the Supervisor.
- (b) The Supervisor will maintain a list of approved locations for hanging banners. Request for hanging banners at locations not on the pre-approved list will be subject to approval by the Supervisor. Newly approved sites will be added to the list of approved locations. The Supervisor will approve the method of attachment, and the first installation of a banner at an approved location will be performed by the Department of Public Works.
- (c) Permittees are responsible for making arrangements and contracting with an approved installer to hang any banner after the first banner at an approved location. Any installations performed by the Department of Public Works will be done for the current billable rate for the Public Work crew/equipment and shall be payable in advance. The initial billable rate is \$150.
- (d) If a banner will be secured by anchor bolts, lag screws or other similar method of attachment to the exterior wall or face of a building, approval by the Building Department will be required.

Section 6. Banners shall be hung no more than two weeks in advance of an event, and shall be removed by an approved installer no later than 5:00 p.m. the first business day following the event.

Section 7. Banners hung over the right-of-way without prior approval by the Director and Supervisor will be removed by the City and the responsible party shall reimburse the City for the cost of having the banner removed at the current billable rate for the Public Works crew/equipment. The holder of a permit to hang banners will be responsible for the cost to repair any damage to City owned property that may result from the installation, attachment, hanging or suspension of the banner.

Section 8. Organizations who anticipate using grant funds received from the City of Kirkland toward the purchase and placement of banners shall provide a breakdown of associated costs along with their grant application materials.

Section 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 10. Sections 1-9 inclusive of this Ordinance shall constitute a new chapter in Title 19 of the Kirkland Municipal Code.

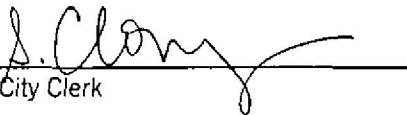
Section 11. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting
this 6th day of April, 1999.

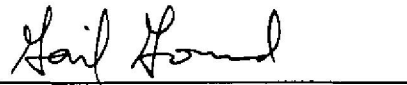
Signed in authentication thereof this 6th day of April,
1999.


MAYOR

Attest:


Deputy City Clerk

Approved as to Form:


City Attorney

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BANNER HANGING POLICY

I. Purpose

The purpose of this policy is to allow for the display of public service messages or event announcements, not private commercial advertising, in the form of banners over the public right-of-way in a safe orderly manner. A permit from the City of Kirkland must be obtained prior to hanging a banner over any public right-of-way.

II. Application Process

Applicants shall be:

1. A Kirkland Based Organization;
2. Non-religious or political in nature;
3. Non-profit w/IRS designation; and
4. City sponsored*.

For the purpose of this policy, City sponsored shall be defined as a permittee who meets one or more of the following criteria:

- Receives grant money from the City of Kirkland
- Has a contractual relationship with the City of Kirkland
- Receives in kind services from City of Kirkland staff, or
- The City is a member of permittee's organization

Permit applications (city form) along with a permit fee of \$25.00 will be submitted to the Director of Administrative Services at least 30 days in advance and will contain the following information/attachments:

- Date of event or public service announcement
- Name and purpose of event
- Requested banner site or proposed location
- Installation/Removal dates
- Banner specifications (quality/brand/type/size/weight/clearance) and name of vendor who is producing banner
- Draft artwork – sample specification and message to be printed on banner
- Mechanism to be used for hanging banner
- Vendor who will hang, remove, and service banner
- If applicable, written permission from private owner to hang banner on private property
- Contact person, name and phone number to be used in the event of a problem
- IRS non-profit designation
- Insurance certificate with limits of not less than one million dollars for personal injury to any one person and two million dollars for personal injury growing out of any one incident or occurrence, and limits in the amount of one million dollars for property damage sustained by any one person and two million dollars for property damage growing out of one incident or occurrence and hold harmless agreement

Applications will not be accepted more than one year in advance.

Applicants for banner permits shall meet all of the following criteria:

- Banner text will reflect a public service message or event announcement
- Maintain minimum clearance of 15 feet above right of way surface
- The banner shall not exceed 4' high x 30' wide in size
- All banners must be professionally designed and manufactured or produced by a banner company, not "home made"

III. Approval/Requirements/Conditions

The Director of Administrative Services and the Department of Public Works Street Department Supervisor will approve banner applications.

If a banner will be secured by anchor bolts, lag screws or other similar method of attachment to the exterior wall or face of a building, approval by the Building Department will be required.

In the event a banner will be secured to private property and over the public right-of-way, written permission will also be required from the property owner.

Permittees are responsible for making arrangements and contracting with an approved vendor to hang any banner after the first banner at an approved location. The Department of Public Works Crew will install/remove banners at a cost of \$150.00, and will be payable in advance. The cost will be updated based on the current billable rate for Public Works Crew and equipment.

The Public Works Street Department Supervisor will maintain a list of approved locations for hanging banners. Requests for hanging banners at locations not on the pre-approved list will be subject to approval by the Department of Public Works Street Department Supervisor. Newly approved sites will be added to the list of approved locations. The first installation of a banner at a newly approved location will be done by the Department of Public Works Crew.

Banners will be hung no more than two weeks in advance of an event and will be removed by an approved vendor no later than 5:00 p.m. the first business day following the event.

Banners hung over the right-of-way without a permit will be removed by the Department of Public Works Crew and the responsible party invoiced for the cost of removing the banner.

An organization which anticipates using grant funds for the purchase and placement of a banner shall provide a breakdown of associated costs with grant application materials.

Applicants will be responsible for the cost to repair any damage to City owned property associated with a banner.