

ORDINANCE NO. 4189

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STREET BANNERS AND REPEALING AND REENACTING CHAPTER 19.32 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Chapter 19.32 of the Kirkland Municipal Code (KMC) is hereby repealed.

Section 2. A new Chapter 19.32 of the KMC is hereby adopted to read as follows:

19.32.010 Definitions.

- (1) "Street 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.
- (2) "Vertical Banner" means a street banner, consisting of fabric and containing a public service message, an event announcement or approved decorative images, which is hung vertically in public right-of-way.
- (3) "Director" means the director of parks and community services for the city of Kirkland.
- (4) "Manager" means the department of public works street manager.
- (5) "Installer" means a person or entity who physically hangs the street banner over the public right-of-way and who has the required skill and equipment to properly and safely hang the street banner. The manager will maintain a list of approved installers having the required skill and equipment to properly and safely hang street banners.
- (6) Grommet means a protective eyelet in a street banner that prevents damage to the material.

19.32.015 Purpose

The purpose of street banners is to allow for the display of public service messages and event announcements promoting events taking place within the City of Kirkland city limits.

19.32.020 Permit required.

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

19.32.030 Application for permit.

- (1) Applications to hang a street banner shall be accepted only from qualified applicants no more than six months prior to the proposed installation of the street banner.

(2) Permit applications along with applicable fees must be submitted at least thirty days in advance of installation and shall contain the following information:

- (a) Date of event or public service announcement;
- (b) Name and purpose of event;
- (c) Proposed location for street banner;
- (d) All applications must include draft art work—sample specification and message to be printed on the street banner;
- (e) Written permission from private property owner(s) to attach a street banner to private property, if applicable;
- (f) Copy of IRS tax exempt certificate; and
- (g) Contact person, name and phone number to be used in the event of a problem.

19.32.035 Minimum requirements for all street banners.

(1) Street banner text shall reflect a public service message or event announcement. Vertical banners may display pre-approved decorative images or public art in lieu of public service message or event announcement.

(2) The street banner shall maintain minimum clearance of fifteen feet above right-of-way surface.

(3) Horizontal street banners

- (a) shall be four feet high by thirty feet wide in size;
- (b) must be manufactured or produced by a banner company, not "homemade;"
- (c) must have wind load slots;
- (d) must have grommets spaced approximately every 3 feet along the top and bottom of the banner placed 1/2 inch – 3/4 inch from the center of the grommet to the finished edge. All four corner grommets must be reinforced so as not to rip;
- (e) must not have internal ropes;
- (f) must be printed on both sides; and
- (g) which have not been previously hung by the City of Kirkland must have artwork approved prior to being hung;

(4) Vertical banners

- (a) shall be 30 inches wide by 63 inches long;
- (b) must be manufactured or produced by a banner company, not "homemade;" and
- (c) must be printed on both sides.

19.32.040 Qualified applicants.

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

- (1) A Kirkland-based organization;
- (2) Nonreligious or nonpolitical in nature;
- (3) A nonprofit organization, having obtained IRS certification as tax exempt; and
- (4) City Sponsored. For the purposes of this chapter, "city sponsored" means an organization which meets one or more of the following criteria: receives funding from the city of Kirkland; or has a contractual relationship with the city of Kirkland; or receives in-kind services from city of Kirkland staff; or the city of Kirkland is a member of the applying organization.

19.32.050 Approved locations—Installing street banners.

- (1) Street banner permits shall be issued only on approval of the application by the director and the manager.
- (2) The manager will maintain a list of approved locations for hanging street banners. Request 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.
- (3) 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.

19.32.060 Time limitation.

- (1) Street banners 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.
- (2) Street banners received late will be hung as workload allows.
- (3) The City of Kirkland shall not be responsible for storing street banners beyond the removal date(s) of the public service announcement or event. The applicant shall collect all street banners and materials within 14 days after banners are taken down. Any banners remaining on or after the 15 day from the take down date will be recycled.

19.32.070 Removal—Cost responsibility.

Street 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 applicant 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.

19.32.080 Grants.

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

19.32.090 Severability.

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

Section 3. 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 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of April, 2009.

Signed in authentication thereof this 7th day of April, 2009.



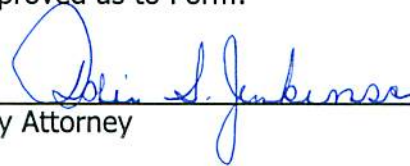
MAYOR

Attest:



City Clerk

Approved as to Form:



City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4189

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO STREET BANNERS AND REPEALING AND REENACTING CHAPTER 19.32 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Repeals Chapter 19.32 of the Kirkland Municipal Code (KMC) relating to street banners.

SECTION 2. Adopts a new Chapter 19.32 of the KMC relating to street banners.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 of the KMC 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 7th day of April, 2009.

I certify that the foregoing is a summary of Ordinance 4189 approved by the Kirkland City Council for summary publication.



City Clerk