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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** August 8, 2006

**SUBJECT:** Petition No. 400-03-08 - A request by the Salt Lake City Planning Commission to amend section 21A.46.070(K) of the Zoning Ordinance to adopt standards regulating street banners on utility poles in the public way.

**STAFF REPORT BY:** Jennifer Bruno, Policy Analyst

**AFFECTED COUNCIL DISTRICTS:** City-wide

**ADMINISTRATIVE DEPT:** Community Development Department  
**AND CONTACT PERSON:** Lex Traugher, Principal Planner

**NOTICE REQUIREMENTS:** Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

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## UPDATE

The Council held a work session regarding this issue on July 6, 2006. At the meeting, Council Members agreed with the general idea of the proposed ordinance. Council Member Simonsen however, suggested a clarification so that local streets' holiday decorations and neighborhood banners, would not be regulated by the proposed ordinance. Since the briefing, Planning Staff and the Attorney's Office have added language to clarify this idea.

The updated ordinance includes the following revisions:

1. *In the Purpose section* - "or non-public" was added to the last sentence to read "In allowing this limited signage on utility poles, in certain designated locations, the City does not intent to create a public forum, but rather intends to create a limited or non-public forum for the purposes set forth herein." The Attorney's office suggested this language to strengthen the City's legal protection.
2. *In Section O* - the following sentence was added "Nothing in this section shall apply to (1) holiday decorations (such as lights, wreaths, garlands, or similar decorations) attached to utility poles or (2) banners on utility poles located on local streets as shown on the adopted 'Salt Lake City Transportation Master Plan' map that provide information about localized community events such as block parties, street fairs, or neighborhood celebrations and that contain no commercial content."

A revised ordinance is included in the Administration's supplemental transmittal, dated July 20, 2006.

Additionally, the Business Advisory Board has provided the Council with a memo stating their support of the proposed ordinance (see attached, dated July 20, 2006).

## POTENTIAL MOTIONS

1. **["I move that the Council"]** Adopt an ordinance to amend the Salt Lake City Zoning Ordinance, adopting standards regulating street banners on utility poles in the public way.
2. **["I move that the Council"]** Not Adopt an ordinance to amend the Salt Lake City Zoning Ordinance, adopting standards regulating street banners on utility poles in the public way.

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The following information was provided previously for the Council Work Session on July 6, 2006. It is provided again for your reference.

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## KEY ELEMENTS:

- A. The Administration's transmittal contains an ordinance for Council consideration to amend the Zoning Ordinance to adopt standards regulating street banners on utility poles in the public way.
- B. The proposed ordinance would allow street banner signs on any utility poles along the arterial and collector streets identified in the Salt Lake City Transportation Master Plan map, and along Terminal Drive at the Salt Lake City International Airport. (Note: The Administration's transmittal indicates that Terminal Drive was added to the list of streets at the request of the Department of Airports.) A map of these streets is included in the Administration's transmittal.
- C. The ordinance proposes that street banners be allowed for the limited purpose of encouraging and promoting community identity, community organizations, and community activities and events.
  1. The purpose statement reads as follows: the purpose of this chapter is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create an open public forum, but rather intends to create a limited forum for the purposes set forth herein.
  2. The ordinance lists the following groups as eligible applicants for a permit to display street banners: community organizations, local non-profit organizations, city and county government, the State of Utah, or governmentally owned educational institutions.
  3. The ordinance outlines specific display areas, allowable content and design, duration of display, and materials standards.
  4. The Transportation Division will handle applications for street banners, unless the City has entered into an agreement with community, government, or educational organizations to manage a coordinate street banner program within a specific geographic area. A current example of this idea is in the downtown, where the signage program is under contract by the City to be managed by the Downtown Alliance. The Parks Division has expressed an interest in entering into an inter-city

agreement to manage the signage surrounding Liberty Park. The Airport has also expressed an interest in managing the signage on Terminal Drive.

- D. After the original ordinance was transmitted to the City Council from the Administration, the City Attorney's office requested that a Council briefing be postponed until concerns regarding free-speech issues could be addressed. Subsequently, staff from the Attorney's Office, Planning & Zoning, and Transportation revised and finalized the ordinance. The revised version was then presented again to the Planning Commission, who again, forwarded a positive recommendation. This revised version is the ordinance that is before the City Council, and has the following substantive changes:
1. (Subsection I) – Establishes standards for the approval/denial for City personnel (to reduce risk of viewpoint-based discrimination).
    - Clarifies if a proposed sign “endangers public safety” by defining it as interfering with street lighting or obscuring traffic signs.
  2. (Subsection J) – Shortens the time allotted for the City to approve or deny a request from 60 to 30 days (the Attorney's Office raised concerns about free speech law and how a 60 day timeframe could be construed as “delaying a person's right to speak”).
  3. (Subsection K) – To expressly state that people can seek judicial review of City staff's decisions (the Attorney's Office feels that this strengthens the ordinance under free speech law).
  4. (Subsection O) – The concept of this section was used in the Olympics omnibus ordinance. In short, it invalidates the entire ordinance, if (1) any part of the ordinance is ruled (through the judiciary or the administration) to be unconstitutional or illegal in the future, or (2) if any state or federal legislative action renders any part of the ordinance unconstitutional or illegal. The Attorney's Office has communicated that this will reduce the incentive for people to challenge the constitutionality of the ordinance.
- E. Key points from the Administration's transmittal are following:
1. The current section of the zoning ordinance pertaining to signs on public property prohibits the location of signs on publicly owned land or inside street rights of way, unless such signs are permitted by an authorized public agency. The interpretation of this current language has been to allow the Mayor to issue executive orders to regulate time, place and manner restrictions on signs in the public way (Executive Order dated August 19, 2003, included in the Administration's transmittal).
  2. The Administration is proposing this ordinance to codify in the zoning ordinance, the overall policy with relation to street banners, rather than issue a succession of executive orders.
  3. Other “street banner” related programs currently in place:
    - Downtown: There is currently a downtown banner program, which the City has contractually allowed the Downtown Alliance to administer since 1991 (their standards are included in the Administration's transmittal – Exhibit 2). The area is generally bounded by North Temple, 200 East, 400 South, and 400 West. This agreement will NOT be superseded by the proposed ordinance, as the Downtown Alliance is under contract with the City to administer the signage. The proposed ordinance was mirrored after the Downtown Alliance's current standards.

- Neighborhood specific: In response to specific community requests, the City has approved various neighborhood street banners, first in Poplar Grove, then in Sugar House and in various other locations.
  - 4. Because the standards regulating street banners on state roads are much more restrictive (they do not allow any private, non-governmental group), the City proposes that any applicant who wishes to display street banners on a state road first obtain a permit from UDOT. It should be noted that several of the City's state-owned roads are important gateways to the City (State Street, 700 East, 400 South, North Temple, etc).
  - 5. The Planning Staff's report found that the proposed text amendment is consistent with the purposes and goals of the adopted general plan of Salt Lake City, that the amendment contains sufficient language to ensure that street banners are harmonious with the overall character of existing development, and that adverse affects on adjacent properties will be limited.
  - 6. An open house to discuss this issue was held on October 10<sup>th</sup>, 2005. Those notified included the Business Advisory Board, Community Council Chairs, City Departments/Divisions, all business groups, and others on the Planning Division's mailing list. Only a representative from the Salt Lake City International Airport attended the open house.
- F. City Departments and Divisions were contacted for their comments. The Attorney's Office was involved in crafting the proposed ordinance and is aware of the risk of a constitutional challenge based on the First Amendment. The City Attorneys believe that time, place and manner restrictions, while at risk of being challenged, are a legally acceptable tool to regulate use of a sufficiently limited public forum. The Transportation Division is supportive of the proposed ordinance.
- G. Community Councils were notified in a letter dated May 29, 2003. No comments were received.
- H. The Arts Council provided several relevant comments in terms of appropriate language and wording clarification, which were incorporated into the draft ordinance.
- I. The Planning Commission held a public hearing on October 26, 2005. The Commission voted, based on Planning Staff's findings, to transmit a favorable recommendation to the City Council to adopt the proposed text amendment with the following exceptions: elimination of the proposed proximity requirement, and a word change in section E2a from "geographic area" to "management area." The following issues were discussed at the Planning Commission public hearing:
- 1. A representative from the Sugar House Community Council spoke at the hearing, and stated that banners were an important component to building community and was supportive of the proposed ordinance.
  - 2. Other issues discussed included community input, issues relating to removal of signage, first amendment issues, how long the banners should be allowed to be displayed, and the proximity requirement (which would limit the location of banner signs to within two miles of the permanent location of a community organization or event location).

3. The decision to eliminate the Proximity requirement was due to concerns that it would be “exclusive,” and that people on one side of the City would not know about events or locations on the other side of the City.
4. Planning Staff had suggested this provision to eliminate conflicts between various groups that might place street banners in locations that may not be appropriate. This provision was suggested by multiple concerned entities. The example raised is a banner for Hogle Zoo in Liberty Park, which may divert attention from the Tracy Aviary. It has been eliminated from the proposed ordinance before the Council, but was previously section E.2.i. The wording presented to the Planning Commission, but stricken from their recommendation, was as follows:
  - Street banners may be placed up to a maximum of 2 miles from the permanent or home location of a community organization, or the location of a specific community activity or community event.
5. The Planning Commission was presented with the revised version of the ordinance (referenced in section D above), on February 8, 2006. Commissioners indicated that they were in agreement with the proposed changes to the ordinance and their original positive recommendation stands.

## **MATTERS AT ISSUE:**

- A. The Council may wish to revisit and discuss the issues pertaining to a proximity requirement. The Planning Commission recommended removing this requirement because of concerns that it would be exclusive and that people in one area of the City would not know what was going on in another area. However, planning staff recommended including the proximity requirement because of the concerns of several community entities that likely to use street banners, about conflicting/competing advertising. Planning staff also stated that keeping a proximity requirement also reinforced the idea of community identity.
- B. The initial proposal (presented to the Planning Commission in June 2003) included a \$25 application fee in order to be consistent with the fee currently charged by the Downtown Alliance. The Council may wish to ask the administration why the fee was raised to \$50, as latest paperwork obtained from the Downtown Alliance indicates that they still charge \$25 for their “application fee.”

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

- A. While there are no specific references to implementing a street banner program or codifying street banner regulations in the zoning ordinance, several City Master Plans, including the Urban Design Element, Futures Commission Plan, and various Community Plans, discuss the need to enhance community identity, define neighborhood boundaries, and enhance community gateways using urban design elements.
- B. The Council has adopted the following statements with regard to Transportation philosophy that are relevant to this petition:
  1. The Council considers neighborhoods, residential and commercial, as the building blocks of the community;
  2. The Council encourages the preservation and enhancement of living environments, particularly in the Downtown area;
  3. The Council discourages through traffic on streets, other than arterial streets, in residential neighborhoods;

4. The Council will make and support transportation decisions that increase the quality of life in the City, not necessarily the quantity of development;
  5. The Council supports the creation of a series of linkages to foster appropriate growth in currently defined growth centers;
  6. The Council will give all neighborhoods equal consideration in transportation decisions.
- C. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

## **BUDGET RELATED FACTS:**

- A. The proposed ordinance states that the street banner applicant must pay a \$50 application and permit fee. The Administration has not provided an analysis of the overall revenue that the City can expect from this fee should the Council approve the proposed ordinance.

## **CHRONOLOGY:**

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

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|--------------------------------|---|
| • February 12, 2003            | Planning Commission initiates petition.   |
| • March 8, 2003                | Petition assigned.  |
| • June 25, 2003                | Planning Commission public hearing/subcommittee created to further study the proposal.    |
| • October 10, 2005             | Open House held.  |
| • October 26, 2005             | Planning Commission holds second public hearing.  |
| • November 16, 2005            | Ordinance received from City Attorney's office.   |
| • December 1, 2005             | Transmittal received in City Council Office.  |
| • January 11- February 1, 2006 | Attorney's Office, Planning and Transportation Staff revised and finalized the ordinance. |
| • February 8, 2006             | Planning Commission presented with revised ordinance.                                     |
| • February 16, 2006            | Revised ordinance received from Attorney's Office.  |
| • March 29, 2006               | Revised transmittal received in City Council Office.                                      |

cc: Rocky Fluhart, Sam Guevara, Rick Graham, Kevin Bergstrom, Tim Harpst, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Lex Traughber, Kurt Larson, Val Pope, Barry Esham, Marge Harvey, Janice Jardine, Dave Oka, Valda Tarbet

File Location: Community Development Dept., Planning Division, Street Banners Standards Zoning Text Amendment, Planning Commission Request

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## MEMORANDUM

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**DATE:** July 20, 2006

**TO:** City Council

**FROM:** Business Advisory Board  
Mary Corporon – Chair

**RE:** Banner Sign Regulations

**CC:** Mayor Ross C. Anderson, Alison McFarlane, Cindy Gust-Jenson, Sam Guevara, Tim Harpst, Louis Zunguze, Rocky Fluhart, Lex Traughber

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### **Background**

On September 15, 2005, Lex Traughber, Preservation and Urban Design Planner, presented a draft of the proposed Banner Sign Regulation ordinance to members of the Business Advisory Board. The ordinance regards the “use of certain utility poles for the display of street banners to benefit local neighborhoods and the City.” The ordinance will permit community, governmental and education organizations to manage a coordinated street banner program within a specified geographical location. Additionally, the ordinance will define the display content and design of the banners.

## **Discussion**

As business owners, members of the Business Advisory Board recognize the importance of knowing their neighborhood, target market and community. Permitting local groups to manage their own banner programs will follow this principle and will allow for the further development of Salt Lake City's distinct commercial and residential districts. The community groups can utilize the banners in promoting events and festivals that are unique to their area. Local residents and visitors alike will be able to easily identify these neighborhoods and events through the banners, increasing overall community participation. Additionally, the community organizations will avoid the often time cumbersome application process associated with a City wide banner program.

## **Recommendations**

The Board recommends that it be left to local community groups to determine how long banners may be up, and also to keep applications costs as low as possible to promote local business communities.

The Board commends the City's for creating an ordinance that will encourage and promote community identity. The Business Advisory Board voted unanimously to support the Banner Sign Regulation ordinance and its passage.

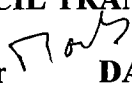



A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON  
MAYOR

**SUPPLEMENTAL CITY COUNCIL TRANSMITTAL**

**TO:** Rocky Fluhart, Chief Administrative Officer  **DATE:** July 20, 2006

**FROM:** Louis Zunguze, Community Development Director 

**RE:** Petition 400-03-08 by the Salt Lake City Planning Commission requesting to amend section 21A.46.070(K) of the Zoning Ordinance to adopt standards regulating street banners on utility poles in the public way

**STAFF CONTACT:** Lex Traughber, Principal Planner, at 535-6184 or  
lex.traughber@slcgov.com

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** That City Council proceed with the Public Hearing set for August 8, 2006, regarding said Salt Lake City Code text amendment

**BUDGET IMPACT:** None

**DISCUSSION:**

This petition is a Zoning Ordinance text amendment that has City-wide implications. It is proposed that street banner signs may be placed on any utility pole along the arterial and collector streets identified on the Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification) map or along Terminal Drive at the Salt Lake City International Airport.

**Issue Origin:** On July 6, 2006, the Salt Lake City Council held a briefing regarding the above referenced petition. Councilmember Søren Simonsen requested that the proposed ordinance be revised to clarify that the banners regulated in this petition do not include holiday decorations and other non-advertising banners located on utility poles on smaller neighborhood streets.

**Analysis:** Following the City Council briefing, Planning Staff and the City Attorney's Office worked to compose language to address Councilmember Simonsen's concerns. The proposed ordinance has been revised to include this clarification. The following sections of the proposed ordinance have been changed as follows:

**O. Local Street Banners:** Nothing in this section shall apply to (1) holiday decorations (such as lights, wreaths, garlands, or similar decorations) attached to utility poles or (2) banners on utility poles located on local streets as shown on the

adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map that provide information about localized community events such as block parties, street fairs, or neighborhood celebrations and that contain no commercial content.

In addition, Section A has been slightly revised to include the language “or non-public” in the last sentence of this Section. The revised section reads:

**A. Purpose:** The purpose of this section is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, and community events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create a public forum, but rather intends to create a limited or non-public forum for the purposes set forth herein.

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2006  
(Enacting Regulations Pertaining to Street Banners on Utility Poles)

AN ORDINANCE ENACTING SECTION 21A.46.170, *SALT LAKE CITY CODE*,  
RELATING TO STREET BANNERS ON UTILITY POLES LOCATED IN THE PUBLIC  
WAY, PURSUANT TO PETITION NO. 400-03-08.

WHEREAS, the City Council finds that the proposed ordinance is in the best interest of the City.

Now, Therefore, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. Section 21A.46.170, *Salt Lake City Code*, pertaining to street banners on utility poles located in the public way be, and the same hereby is, enacted to read as follows:

**21A.46.170 Street Banners on Utility Poles in the Public Way:**

**A. Purpose:** The purpose of this section is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, and community events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create a public forum, but rather intends to create a limited or non-public forum for the purposes set forth herein.

**B. Definitions:**

1. “**Applicant**” means any person or organization that makes application for a street banner permit as described herein.
2. “**Community event**” means a significant occurrence, happening, or activity in a given local neighborhood at a given place and time of specific and limited duration.
3. “**Community organization**” means a City recognized, community-based organization, as defined in Section 2.60.020 of the Salt Lake City Code, or a local non-profit 501(c)(3) tax exempt status organization.
4. “**Coordinated street banner program**” means a program described in subsection 21A.46.170(G).
5. “**Logo**” means a business trademark or symbol.
6. “**Sign**” means a sign as defined in Section 21A.46.020, Salt Lake City Code.
7. “**Street banner**” means a temporary secured banner to be located along designated arterial or collector streets as shown on the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or along Terminal Drive at the Salt Lake City International Airport, and displayed on a utility pole located in the public way.

**C. Authority to Display:** In order to encourage and promote community identity, community organizations, and community events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, place street banners on existing utility poles in the public way.

**D. Eligible Participants:** The City will accept applications for a permit to display street banners only from community organizations, city and county government, the State of Utah, or from governmentally-owned educational institutions. Applications for political and for-profit promotional street banners will not be accepted. Street banners may be placed on existing utility poles in the public way or on public property only for the limited purpose of promoting and encouraging community identity, community organizations, or community events. Street banners located within the boundaries of a coordinated street banner program shall be managed by the respective coordinated street banner program administrators.

**E. Approved Display Areas:**

1. Street banners may be placed on any existing utility poles that are located along designated arterial or collector streets according to the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, if done in compliance with the requirements of this section.
2. Location:
  - a. Placement of street banners within locations identified on the “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, must be reviewed in relationship to proximity and use of other existing or proposed street banners and their sponsoring institutions. In certain locations, such banner uses may have the potential for adverse impacts if located without careful planning. Such impacts may interfere with the enjoyment of adjacent property and uses.
  - b. Street banners approved and managed by a coordinated street banner program shall be located within the boundaries of the program’s specified management area.

**F. Display Content and Design**

1. Allowable Displays - The following displays are permitted on street banners:
  - a. Advertisements or promotions of community organizations;
  - b. Advertisements or promotions of community events;
  - c. Advertisements or promotions of activities sponsored by the City, Salt Lake County, the State of Utah, or a governmentally-owned educational institution;
  - d. Advertisements or promotions of community events that are commercially sponsored;
  - e. Welcome messages, such as those for class reunions, conventions, conferences, athletic tournaments, or local winners of major events;
  - f. Advertisements or promotions of sales and fund-raising events for youth organizations, community organizations, and community service organizations for their program support; or
  - g. Non-partisan and non-candidate voting information.

2. Non-Allowable Displays - The following displays are not permitted on street banners:

- a. Personal messages;
- b. Promotion of a commercial for profit enterprise, activity, or event;
- c. Advertisements for clubs, churches or for profit organizations promoting an event with an admission charge;
- d. Advertisements for religious organizations with a message not described in subsection (F)(1);
- e. Messages of political parties or political groups that are not described in subsection (F)(1); or
- f. Advertisements of clubs or organizations for events that are primarily open only to members of those clubs or organizations.

**G. Management of Coordinated Street Banner Programs:** The City may enter into agreements with community, government, or educational organizations to manage a coordinated street banner program within a specified geographic area. Coordinated street banner programs shall be subject to requirements as set forth herein. Such agreements must be approved by the City and may establish regulations governing the application, approval, and placement of street banners within the geographic area specified by the agreement.

**H. Application for Permit:**

1. Street banners to be located outside the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners to be located outside of the boundaries of a coordinated street banner program shall submit an application to the City Transportation Division. An application form must be submitted to the Transportation Division not more than six months nor less than two months before the first date the street banners are proposed to be displayed and must contain the following:
  - a. The name, address, and telephone number of the applicant, or if an organization, the name address and telephone number of a contact person;
  - b. The name, address, and telephone number of any licensed contractor hired to place or remove street banners;
  - c. A photograph, drawing, or other visual representation of the proposed street banners;
  - d. The proposed number of street banners and the proposed locations where the street banners will be placed;
  - e. The proposed dates for placement and removal of the street banners;
  - f. If the City does not own the real property or the utility pole upon which a street banner is proposed to be placed, evidence of written permission from the owner consenting to such placement; and
  - g. An application fee of \$50.00.
2. Street banners to be located within the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners within the boundaries of a coordinated street banner program shall submit an application to the managing entity of the coordinated street banner program. The applicant shall submit any payment or fee required by the coordinated street banner program.

- I. Standards for Granting of the Permit:** A street banner permit application shall be reviewed and a permit issued by the City Transportation Division on a first-come first-served basis upon a determination that the application has been properly completed, and that:
1. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians, by interfering with street lighting, obstructing traffic signs or other control devices, or otherwise creating dangerous distractions; and
  2. The street banners would comply with all other requirements of this section.
- J. Time for Approval or Disapproval of Application:** Within thirty (30) days after receiving the application for a permit, the City Transportation Division shall grant, modify, or deny the permit request.
- K. Judicial Review of Denial:** Any person adversely affected by the granting or denial of the permit may appeal such decision to a court of competent jurisdiction after receiving notice of the decision. The decision granting or denying the permit shall be effective on the date of written notice issued by the City Transportation Division.
- L. Street Banner and Hardware Standards:**
1. **Materials:** Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners shall not be hung and shall be promptly replaced by the applicant if they are torn or damaged after being hung.
  2. **Dimensions:**
    - a. The street banners shall not exceed an overall length of 96 inches and a width of 30 inches. There shall be a six inch sleeve at the top of the street banner to slide over the bracket. The bottom shall have a two inch hem, and the sides shall have a minimum hem of 0.75 inches. There shall be two grommets at the bottom of the street banner. The graphic area shall not exceed 26 inches by 88 inches.
    - b. Promotional street banners may carry a sponsor's logo. The sponsor logo is limited to the bottom 20% of the banner. Sponsor information shall not exceed 6 inches in height.
  3. **Banner Hanging Hardware:** Any hardware installed on utility poles to hold banners must first be approved by the City Transportation Division. All street banners and hardware shall be installed such that the top of the street banner is at least 18 feet above the ground. If the street banner hangs over the traffic way, the top of the banner must be at least 22 feet above the ground. If the City does not own the utility pole or if the utility pole is not on City property, installation must be approved by the pole owner.
- M. Duration of Display:** The street banners may be permitted to be in place for a period of at least seven days but not more than 30 days. As long as no other applicant has applied for permission to place street banners in the same location, that initial 30-day maximum display period may be extended for additional periods of 30 days. Notwithstanding the foregoing, the City may order that street banners be removed prior to the expiration of any permit period, if such street banners are determined to constitute a safety hazard, blight, or otherwise not meet the requirements of this section. The City reserves the right to remove street banners after the display period expires. If the applicant does not remove the street banners,

the City may remove them and may charge the applicant for the cost of such removal.

**N. Installation, Maintenance and Removal:** Street banners and any hardware necessary to display them may be installed only by a licensed contractor approved by the City. Except as may be otherwise determined by the City, the applicant is responsible for all costs associated with installation, maintenance, and removal of street banners and any hardware necessary to display them. The applicant is also responsible for any damage that may occur to the street banners, hardware, or utility poles while the street banners are being installed, displayed, or removed. The applicant shall immediately replace, repair or clean, as applicable, damaged or dirty street banners. At the expiration of the permit period, the applicant shall remove the street banners within five (5) business days. After installation, any hardware installed on utility poles shall become the property of the City and shall remain on the utility poles after removal of the street banners unless the City Transportation Division instructs the applicant to remove the hardware.

**O. Local Street Banners:** Nothing in this section shall apply to (1) holiday decorations (such as lights, wreaths, garlands, or similar decorations) attached to utility poles, or (2) banners on utility poles located on local streets as shown on the adopted "Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)" map that provide information about localized community events such as block parties, street fairs, or neighborhood celebrations and that contain no commercial content.

**P. Effect of Invalidity:** If any portion of this section is determined to be illegal, invalid, unconstitutional, or superseded, in whole or in part, this entire section shall forthwith be voided and terminated, subject to the following provisions: (1) in the event of a judicial, regulatory, or administrative determination that all or some part of this section is illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the date of a final appealable court order; and (2) in the event of any state or federal legislative action that renders any portion of the section illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the effective date of such legislative action.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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CHIEF DEPUTY CITY RECORDER



Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2006.

Published: \_\_\_\_\_.

I:\Ordinance 06\Enacting Section 21A.46.170 Street Banners on Utility Poles in the Public Way - 7-17-06 draft.doc

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2006  
(Enacting Regulations Pertaining to Street Banners on Utility Poles)

AN ORDINANCE ENACTING SECTION 21A.46.170, *SALT LAKE CITY CODE*,  
RELATING TO STREET BANNERS ON UTILITY POLES LOCATED IN THE PUBLIC  
WAY, PURSUANT TO PETITION NO. 400-03-08.

WHEREAS, the City Council finds that the proposed ordinance is in the best interest of the City.

Now, Therefore, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. Section 21A.46.170, *Salt Lake City Code*, pertaining to street banners on utility poles located in the public way be, and the same hereby is, enacted to read as follows:

**21A.46.170 Street Banners on Utility Poles in the Public Way:**

- A. Purpose:** The purpose of this section is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, and community events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create a public forum, but rather intends to create a limited or non-public forum for the purposes set forth herein.
- B. Definitions:**
1. **“Applicant”** means any person or organization that makes application for a street banner permit as described herein.
  2. **“Community event”** means a significant occurrence, happening, or activity in a given local neighborhood at a given place and time of specific and limited duration.
  3. **“Community organization”** means a City recognized, community-based organization, as defined in Section 2.60.020 of the Salt Lake City Code, or a local non-profit 501(c)(3) tax exempt status organization.
  4. **“Coordinated street banner program”** means a program described in subsection 21A.46.170(G).
  5. **“Logo”** means a business trademark or symbol.
  6. **“Sign”** means a sign as defined in Section 21A.46.020, Salt Lake City Code.
  7. **“Street banner”** means a temporary secured banner to be located along designated arterial or collector streets as shown on the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or along Terminal Drive at the Salt Lake City International Airport, and displayed on a utility pole located in the public way.

**C. Authority to Display:** In order to encourage and promote community identity, community organizations, and community events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, place street banners on existing utility poles in the public way.

**D. Eligible Participants:** The City will accept applications for a permit to display street banners only from community organizations, city and county government, the State of Utah, or from governmentally-owned educational institutions. Applications for political and for-profit promotional street banners will not be accepted. Street banners may be placed on existing utility poles in the public way or on public property only for the limited purpose of promoting and encouraging community identity, community organizations, or community events. Street banners located within the boundaries of a coordinated street banner program shall be managed by the respective coordinated street banner program administrators.

**E. Approved Display Areas:**

1. Street banners may be placed on any existing utility poles that are located along designated arterial or collector streets according to the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, if done in compliance with the requirements of this section.
2. Location:
  - a. Placement of street banners within locations identified on the “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, must be reviewed in relationship to proximity and use of other existing or proposed street banners and their sponsoring institutions. In certain locations, such banner uses may have the potential for adverse impacts if located without careful planning. Such impacts may interfere with the enjoyment of adjacent property and uses.
  - b. Street banners approved and managed by a coordinated street banner program shall be located within the boundaries of the program’s specified management area.

**F. Display Content and Design**

1. Allowable Displays - The following displays are permitted on street banners:
  - a. Advertisements or promotions of community organizations;
  - b. Advertisements or promotions of community events;
  - c. Advertisements or promotions of activities sponsored by the City, Salt Lake County, the State of Utah, or a governmentally-owned educational institution;
  - d. Advertisements or promotions of community events that are commercially sponsored;
  - e. Welcome messages, such as those for class reunions, conventions, conferences, athletic tournaments, or local winners of major events;
  - f. Advertisements or promotions of sales and fund-raising events for youth organizations, community organizations, and community service organizations for their program support; or
  - g. Non-partisan and non-candidate voting information.

2. Non-Allowable Displays - The following displays are not permitted on street banners:

- a. Personal messages;
- b. Promotion of a commercial for profit enterprise, activity, or event;
- c. Advertisements for clubs, churches or for profit organizations promoting an event with an admission charge;
- d. Advertisements for religious organizations with a message not described in subsection (F)(1);
- e. Messages of political parties or political groups that are not described in subsection (F)(1); or
- f. Advertisements of clubs or organizations for events that are primarily open only to members of those clubs or organizations.

**G. Management of Coordinated Street Banner Programs:** The City may enter into agreements with community, government, or educational organizations to manage a coordinated street banner program within a specified geographic area. Coordinated street banner programs shall be subject to requirements as set forth herein. Such agreements must be approved by the City and may establish regulations governing the application, approval, and placement of street banners within the geographic area specified by the agreement.

**H. Application for Permit:**

1. Street banners to be located outside the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners to be located outside of the boundaries of a coordinated street banner program shall submit an application to the City Transportation Division. An application form must be submitted to the Transportation Division not more than six months nor less than two months before the first date the street banners are proposed to be displayed and must contain the following:
  - a. The name, address, and telephone number of the applicant, or if an organization, the name address and telephone number of a contact person;
  - b. The name, address, and telephone number of any licensed contractor hired to place or remove street banners;
  - c. A photograph, drawing, or other visual representation of the proposed street banners;
  - d. The proposed number of street banners and the proposed locations where the street banners will be placed;
  - e. The proposed dates for placement and removal of the street banners;
  - f. If the City does not own the real property or the utility pole upon which a street banner is proposed to be placed, evidence of written permission from the owner consenting to such placement; and
  - g. An application fee of \$50.00.
2. Street banners to be located within the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners within the boundaries of a coordinated street banner program shall submit an application to the managing entity of the coordinated street banner program. The applicant shall submit any payment or fee required by the coordinated street banner program.

- I. Standards for Granting of the Permit:** A street banner permit application shall be reviewed and a permit issued by the City Transportation Division on a first-come first-served basis upon a determination that the application has been properly completed, and that:
1. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians, by interfering with street lighting, obstructing traffic signs or other control devices, or otherwise creating dangerous distractions; and
  2. The street banners would comply with all other requirements of this section.
- J. Time for Approval or Disapproval of Application:** Within thirty (30) days after receiving the application for a permit, the City Transportation Division shall grant, modify, or deny the permit request.
- K. Judicial Review of Denial:** Any person adversely affected by the granting or denial of the permit may appeal such decision to a court of competent jurisdiction after receiving notice of the decision. The decision granting or denying the permit shall be effective on the date of written notice issued by the City Transportation Division.
- L. Street Banner and Hardware Standards:**
1. **Materials:** Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners shall not be hung and shall be promptly replaced by the applicant if they are torn or damaged after being hung.
  2. **Dimensions:**
    - a. The street banners shall not exceed an overall length of 96 inches and a width of 30 inches. There shall be a six inch sleeve at the top of the street banner to slide over the bracket. The bottom shall have a two inch hem, and the sides shall have a minimum hem of 0.75 inches. There shall be two grommets at the bottom of the street banner. The graphic area shall not exceed 26 inches by 88 inches.
    - b. Promotional street banners may carry a sponsor's logo. The sponsor logo is limited to the bottom 20% of the banner. Sponsor information shall not exceed 6 inches in height.
  3. **Banner Hanging Hardware:** Any hardware installed on utility poles to hold banners must first be approved by the City Transportation Division. All street banners and hardware shall be installed such that the top of the street banner is at least 18 feet above the ground. If the street banner hangs over the traffic way, the top of the banner must be at least 22 feet above the ground. If the City does not own the utility pole or if the utility pole is not on City property, installation must be approved by the pole owner.
- M. Duration of Display:** The street banners may be permitted to be in place for a period of at least seven days but not more than 30 days. As long as no other applicant has applied for permission to place street banners in the same location, that initial 30-day maximum display period may be extended for additional periods of 30 days. Notwithstanding the foregoing, the City may order that street banners be removed prior to the expiration of any permit period, if such street banners are determined to constitute a safety hazard, blight, or otherwise not meet the requirements of this section. The City reserves the right to remove street banners after the display period expires. If the applicant does not remove the street banners, the City may remove them and may charge the applicant for the cost of such

removal.

- N. Installation, Maintenance and Removal:** Street banners and any hardware necessary to display them may be installed only by a licensed contractor approved by the City. Except as may be otherwise determined by the City, the applicant is responsible for all costs associated with installation, maintenance, and removal of street banners and any hardware necessary to display them. The applicant is also responsible for any damage that may occur to the street banners, hardware, or utility poles while the street banners are being installed, displayed, or removed. The applicant shall immediately replace, repair or clean, as applicable, damaged or dirty street banners. At the expiration of the permit period, the applicant shall remove the street banners within five (5) business days. After installation, any hardware installed on utility poles shall become the property of the City and shall remain on the utility poles after removal of the street banners unless the City Transportation Division instructs the applicant to remove the hardware.
- O. Local Street Banners:** Nothing in this section shall apply to (1) holiday decorations (such as lights, wreaths, garlands, or similar decorations) attached to utility poles, or (2) banners on utility poles located on local streets as shown on the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map that provide information about localized community events such as block parties, street fairs, or neighborhood celebrations and that contain no commercial content.
- P. Effect of Invalidity:** If any portion of this section is determined to be illegal, invalid, unconstitutional, or superseded, in whole or in part, this entire section shall forthwith be voided and terminated, subject to the following provisions: (1) in the event of a judicial, regulatory, or administrative determination that all or some part of this section is illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the date of a final appealable court order; and (2) in the event of any state or federal legislative action that renders any portion of the section illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the effective date of such legislative action.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2006.  
Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date July 18, 2006  
By Melanie Hef