

Chapter 14.58

STREET POLE BANNERS

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14.58.010 Purpose.

The purpose of this chapter is to regulate installation of street pole banners over public ways in a safe, coordinated and aesthetically acceptable manner. (Ord. 19123 §1; August 11, 2008).

14.58.020 Definitions.

For the purpose of this chapter, the following definitions are applicable:

Street pole banner shall mean banners that are mounted on City-owned streetlight poles that do not have a traffic signal affixed to them, or are not used for distribution of electrical power.

Sponsoring organization shall mean groups or entities with nonprofit status involved in activities of general community interest.

Banner Coordinator shall mean the chief administrative officer of the City responsible for the proper management of the banner system (City Engineer). (Ord. 19123 §2; August 11, 2008).

14.58.030 Permit Required.

It shall be unlawful, except as otherwise authorized in the Lincoln Municipal Code, for any person to use space above the surface of any street, alley, sidewalk or other public ground within the City of Lincoln for installation for street pole banners unless a sponsoring organization has received a permit granted by the Banner Coordinator.(Ord. 19123 §3; August 11, 2008).

14.58.040 Application for Permit.

An application for permit shall be filed with the Banner Coordinator upon a form provided by such coordinator for that purpose, and shall include the following information:

- (a) The name, address, and telephone number of the applicant;
- (b) The name, address, and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's banners;
- (c) Description of the purpose of the banners, proposed period of display of banners, and a scaled drawing of the graphic of the banner;
- (d) Identification of desired locations of banners;

(e) Such application shall also contain a statement that the applicant will, in consideration of being issued a permit for the placement of street pole banners, agree to release the City and the officers and employees of the City for any loss or damage to the banners and will further agree to hold harmless the City of Lincoln and the officers and employees of the City for any loss or damage arising out of the use of the space, or the discontinuance of such use; that the applicant understands that the use of the space is to be temporary; that the applicant shall not acquire any right, title, or interest in such space; that the applicant may be required by the City at any time to vacate all or any part of the space the applicant has been given permission to use; that upon termination of the permit and demand to vacate such space, the applicant will promptly remove any banner placed thereon by such applicant, or reimburse the City for the cost of moving such banners; and that the applicant shall have no recourse against either the City or its officers or agents, either for any loss or damage occasioned by the applicant being required to vacate all or part of the space which the applicant has been granted permission to use.(Ord. 19123 §4; August 11, 2008).

14.58.050 Permit Conditions.

A permit to use public right-of-way for the placement of street pole banners shall be subject to the following conditions:

(a) That such space shall only be used for the banners specified on the permit in accordance with the requirements of these or any other applicable regulations.

(b) That such use is temporary, and that the user acquires no right, title, or interest in the space permitted to be used.

(c) That the City Council may require such space to be vacated upon demand and its use discontinued, with no recourse against the City for any loss or damage occasioned by any such requirement.

(d) That if any such space be not vacated and such use be not discontinued by the time specified, the City may remove from such space any banner left thereon at the risk and expense of the owner.

(e) That the permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

(f) Banners may only be used to represent or promote local educational, historical, ethnic or cultural civic events or activities that are of general community interest, or to celebrate the historical, ethnic, or cultural heritage of the community or a neighborhood district therein.

(g) Banners shall not contain commercial advertising or advertise or promote political candidates, parties or issues as the City does not wish to create a forum for the expression of ideas or opinions.

(h) Banners shall be located only in the exact locations described in the approved application.

(i) The permittee shall be responsible for the cost of installing, maintaining and removing banners and associated hardware, utilizing an installer approved by the Banner Coordinator. The permittee shall monitor and maintain the banners at all times. Torn and frayed banners shall be replaced.

(j) All installations shall be under the supervision of the Banner Coordinator.

(k) The Banner Coordinator shall monitor the condition of banners.

(l) The permittee shall be responsible for any authorized pruning of trees and such work shall only be done by a licensed and insured arborist upon approval of the City Arborist.

(m) The permittee assumes all risk in placing the banners on City property including damages, vandalism, and/or destruction of the banners. (Ord. 19123 §5; August 11, 2008).

14.58.060 Suspension or Revocation of Permit.

Any permit issued pursuant to this chapter may be suspended or revoked by the Council after notice for any of the following causes:

- (a) Fraud, misrepresentation, false statement contained in the application for the license;
- (b) Violation of this chapter or any of the provisions of the Lincoln Municipal Code;
- (c) Upon demand of the Banner Coordinator. (Ord. 19123 §6; August 11, 2008).

14.58.070 Application Fee.

Any person or sponsoring agency or organization requesting a permit under this chapter shall pay to the City an application fee for each permit or annual renewal of said permit as approved by the Mayor. (Ord. 19123 §7; August 11, 2008).

14.58.080 Insurance.

The applicant shall be required to:

(a) At all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$1,000,000.00 aggregate for any one occurrence. The coverages required herein shall be subject to review and approval by the City Attorney for conformance with the provisions of this section;

(b) At all times keep on file with the Banner Coordinator a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and approved by the City Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required by subsection (a) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty days notice by mail to the Banner Coordinator before the insurer may cancel the policy for any reason, and upon request of the Banner Coordinator or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or lapse of such insurance shall automatically revoke any permit issued pursuant to this chapter. (Ord. 19123 §8; August 11, 2008).

14.58.090 Rules and Regulations.

In addition to the specific authorizations aforementioned, the Banner Coordinator shall be authorized to promulgate rules and regulations regarding the design, fabrication, and placement of street pole banners for the health safety and welfare of the public provided that such rules and regulations shall not be inconsistent with the City Charter or with the Lincoln Municipal Code. Such regulations shall be approved by the Mayor and filed with the office of the City Clerk, and when so filed they shall be in full force and effect. (Ord. 19123 §9; August 11, 2008).