



**Department of  
Public Works**  
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Director

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June 30, 2010

Dear Business Association:

I am writing to give you notice of an upcoming public hearing on the city's banner ordinance. Business associations commonly use light pole banners to identify and promote their business districts. For that reason, I felt your group would appreciate personal notice of the changes.

In simple terms, the proposal will allow a wider variety of banners. None of the currently permitted banners will be out of compliance with the new ordinance. This statement does not prevent us from enforcing the ordinance on unpermitted banners or banners that have changed since the original permit.

The proposed ordinance contains the following additions or policy changes:

- A Purpose and Criteria Statement
- Expansion of allowable banner content to include identification of historical locations, places of interest, or events of public interest taking place within the city.
- Permitting sponsorship logos on up to 15% of the banner area.
- Permit will be valid for the period of time specified within the permit but no more than one year. Previous ordinance limited permits to 60 days.

The public hearing information is below if you wish to comment on the proposed changes. Comments can also be submitted to the City Clerk prior to the public hearing ([councilcommitteecoordinators@ci.minneapolis.mn.us](mailto:councilcommitteecoordinators@ci.minneapolis.mn.us)) if you cannot attend the meeting.

#### **Banner Ordinance Public Hearing**

Tuesday, July 13, 2010 – 9:45 a.m.

350 South 5<sup>th</sup> Street, Room 317 (Council Chambers)

Minneapolis, MN 55415

I am happy to answer any questions you have about the updated program. Please feel free to contact me at 612-673-2365 or [brette.hjelle@ci.minneapolis.mn.us](mailto:brette.hjelle@ci.minneapolis.mn.us).

Sincerely,

Brette Hjelle  
Minneapolis Public Works Department

#### **Attachments**

1. Transportation and Public Works Committee Request for Council Action
2. Proposed Ordinance





## Request for City Council Committee Action From the Department of Public Works

**Date:** July 13, 2010

**To:** Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

**Subject:** **Banner Ordinance Changes – Public Hearing**

**Recommendation:**

- A. Repeal Title 17, Chapter 449 of the Minneapolis Code of Ordinances.
- B. Approve new Title 17, Chapter 449 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks: Decorations and Banners.

**Previous Directives:**

June 22, 2010 – Set Public Hearing

**Prepared by:** Brette Hjelle, Public Works Interagency Coordinator

**Approved by:**

Steven A. Kotke, P.E., City Engineer, Director of Public Works

**Presenters:** Brette Hjelle, 612-673-2365

<b>Reviews:</b>	Permanent Review Committee (PRC)	Not applicable
	Civil Rights Affirmative Action Plan	Not applicable
	Policy review Group (PRG)	Not applicable

**Financial Impact:**

Action is within current department budget

**Community Impact:**

Neighborhood Notification: n/a

Neighborhood Meetings: n/a

City Goals: Maintain the physical infrastructure to ensure a healthy, vital and safe city

Comprehensive Plan: Not Applicable

Zoning Code: Not Applicable

**Background/Supporting Information:**

Minneapolis Code of Ordinances (MCO) Title 17 Chapter 449 allows the city to issue permits for attaching holiday decorations, convention or community fund banners, signs or the like, to any street lighting fixture or fixtures or over and above any public right-of-way. The most typical permit granted under this authority is for banners that identify neighborhoods or business districts.

Banner applications in the past few years have made it evident that the banner ordinance needed updating. The primary recurring issues include advertising, banner sponsorship and sponsorship logos,

and inconsistent standards within the city. Rather than continue to resolve these issues on a case-by-case basis, Public Works determined reexamining the banner program and updating MCO 449 was the best course of action.

### Review of Other Cities

As part of the ordinance revision process, banner programs in the following cities were reviewed:

Baltimore	Salt Lake City
Chicago	San Francisco
Denver	Seattle
Milwaukee	St. Louis
Pittsburgh	St. Paul
Portland, OR	Stillwater

Banner programs in these cities vary from restrictive to permissive. Almost universally, the declared purpose of their banner programs is to promote/enhance their city. But, the most restrictive cities limit banner permits to nonprofit organizations while other cities have no restrictions on applicants. Cities are also unified in their prohibition of product advertisements, although most allow limited sponsorship logos on the banners.

### Updated Ordinance

A staff group including Public Works, City Attorney's Office, and Zoning is recommending changes to the Decorations and Banners ordinance to achieve the following goals:

- Aid in the promotion of cultural and civic events.
- Promote the City and City-sponsored programs.
- Compliment the City's beautification and neighborhood identification efforts.
- Control visual distractions to traffic control and directional signage.
- Give a unified look to the streets.

The proposed ordinance contains the following additions or policy changes:

- A Purpose and Criteria Statement
- Expansion of allowable banner content to include identification of historical locations, places of interest, or events of public interest taking place within the city.
- Permitting sponsorship logos on up to 15% of the banner area.
- Permit will be valid for the period of time specified within the permit but no more than one year. Previous ordinance limited permits to 60 days.

### Implementation

A majority of the banner program policies will remain the same including rules on banner attachment, mounting height, and banner size. All banner permit applications will require a non-refundable \$55 application fee. Banner permits will cost \$5 per pole. For identification banners that are installed for longer periods of time, the permit can be renewed on an annual basis by invoice. These costs do not include installation and removal, which are the responsibility of the applicant and must be done by a licensed contractor.

### Notice

In addition to the legally required public hearing notice, special service districts and business associations received additional notice of the July 13 public hearing.

Attachments: Amended Ordinance

## CHAPTER 449. DECORATIONS AND BANNERS

**449.10 Purpose and criteria.** The purpose of the following is to promote the public health, safety and welfare through the regulation of placement, type, appearance, and servicing of banners and decorations on public rights-of-way so as to:

- Aid in the promotion of cultural and civic events.
- Promote the City and City-sponsored programs.
- Compliment the City's beautification and neighborhood identification efforts.
- Control visual distractions to traffic control and directional signage.
- Provide a unified appearance to City streets.

**449.20. Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Banner.** Any rigid or flexible material containing a message directed at the public, either by means of a symbol, graphic design or text attached to poles in the public right of way. Any flag, bunting, swag, ribbon, ornament, trimming, lights or other embellishments.

**City Engineer.** City engineer means the city engineer, or the city engineer's designee.

**Lineal Block.** The part of any right of way lying between two intersecting rights of way. In the event that no intersecting right of way exists, the terminating point of the right of way or a distance of 330 feet, whichever is shortest.

**Public right-of-way.** The surface and space above, below, or otherwise integral to any public thoroughfare established by or located within the complete jurisdiction of the city, including but not limited to, roadways, highways, streets, bicycle lanes, boulevards, or sidewalks.

**Supporting Hardware.** Any bracket, wire, clamp, collar or other manufactured product necessary to attach, hold or fix in place a banner. Any electrical or mechanical device ancillary to a banner.

**449.30 Permit required; procedure, conditions.** Notwithstanding the provisions set out at Chapter 544, any person or agency desiring to install any banner or supporting hardware on or over any Public Right of Way or city owned property may do so upon issuance of a permit by the City Engineer. An application shall be submitted on a form prepared by the City Engineer and shall contain, but not be limited to, the following information:

- The name, address and telephone number of the person making the application and to whom the permit will be issued.
- The name address and telephones number of the contractor that will install the banner.
- A color, graphic sample of the banner.
- The specific dimensions of the banner.
- A detailed map depicting the specific location of each installation.
- The specific installation and removal dates for the banner.

(a) A nonrefundable application fee shall be charged in accordance with the fees as set forth by the City Council:

(b) All such permits shall expire as provided for by the City Engineer at the time of the issuance thereof.

(c) Any and all such banners together with any supporting hardware shall be installed and removed only by a licensed and bonded contractor and all such installations and removals shall be done with the approval of the city engineer

(d) Any and all such banners shall be removed and taken down within five (5) days from and after the date of the expiration of such permit, notwithstanding the city engineers approval of permanent supporting hardware as provided for in this section.

**449.40. Banner Content.** Banners must identify a historical location place of interest, or an event of public interest taking place within or benefiting the city. Banners shall not be used to advertise specific businesses, products, or services. Banners shall not be used to advertise or promote political candidates, parties, issues, or messages.

(a) Banners may be used to promote arts and cultural activities including events, festivals, tourism or civic programs, as well as major sporting events.

(b) Banners may include a logo, name or symbol of a sponsoring agency, provided that no more than 15% of the banner area is utilized for such purpose.

(c) The content of any banner intended as an exhibit of public art shall be reviewed and approved in accordance with the Art in Public Spaces Policy adopted by the City Council and administered by the Office of Cultural Affairs of the Community Planning and Economic Development Department.

**449.50. Clearance required.** No such banner or supporting hardware shall be installed unless they shall have a clearance over and above the right-of-way as shall be designated and required by the City Engineer with due regard to public safety, surrounding circumstances, and physical conditions of the area.

**449.70. Permanent supporting hardware.** Wherever any supporting hardware (not including electrical wires or fixtures) are installed which are intended to be kept and maintained as permanent, such supporting hardware may be considered to be permanent and need not be removed if approved by the city engineer. The city engineer if at any time in their judgment such hardware become defective or dangerous, they may require them to be repaired or removed. Any person having a permanent supporting hardware shall provide sufficient public liability insurance therefore, as herein provided.

**449.80. Insurance required.** The applicant shall post with the city engineer and maintain in force a public liability insurance policy including the City of Minneapolis as an additional insured, and protecting against any liability which may result from or arise out of the installation or maintenance of the banners or the supporting hardware for which a permit is issued. The policy of insurance shall be maintained in its original amount by the applicant at their expense at all times during the period for which the permit is in effect. In the event that two (2) or more permits are issued to the same person or corporation, one policy of insurance may be furnished to cover all of the permits, provided that upon applying for each additional permit, the applicant shall file a certificate showing that the said policy of insurance on file is currently in effect and covers the activities for which the additional permit is requested. The policy of insurance shall be of a type which maintains coverage for the full limits of the policy for the occurrence of any accident or loss from which liability may occur.

The limits of liability on the policy of insurance posted shall in no case be less than two million dollars (\$2,000,000) for bodily injuries or death occurring as a result of any one accident, nor less than one hundred thousand dollars (\$100,000.00) for bodily injuries to or death of any one person arising out of the accident, and twenty five thousand dollars (\$25,000.00) for loss or damage of property arising out of any one accident.

**449.90. Revocation of permit.** Any violation of this chapter shall be grounds for the revocation of any permits granted, and any person violating the provisions of this chapter may be denied any future permits for the purposes set out in this chapter.

**449.100. Violations a nuisance.** Any banner or supporting hardware erected or maintained contrary to the provisions of this chapter is declared to be a public nuisance, and any duly authorized City employee may remove or abate the same without any other warrant or authority than this chapter.

**449.110. Severability.** In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter, which shall remain in full force and effect.

