

ORDINANCE 315

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING TITLE 13 PUBLIC WORKS OF THE UNIVERSITY PLACE MUNICIPAL CODE BY ADDING NEW CHAPTER 13.30, TEMPORARY USE OF RIGHTS OF WAYS

WHEREAS, the City of University Place Council desires to encourage community involvement and participation in community events; and

WHEREAS, the Council wants to encourage a sense of community by providing for street banners announcing community events and for a place to display appropriate decorations in public rights-of-way; and

WHEREAS, the Council wishes to encourage economic development within the City of University Place; and

WHEREAS, it is a best practice for the City to have clear guidelines and standards to use public rights-of-way for community events; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amending Title 13 Public Works of the UPMC by Adding New Chapter 13.30, Temporary Use of Rights of Way. Title 13, Temporary Use of Rights of Way, is adopted and added to the University Place Municipal Code, as shown in Exhibit "A" attached and incorporated herein by reference.

Section 2. Severability. 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 by a court of competent jurisdiction shall not be affected.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.


PASSED BY THE CITY COUNCIL ON JUNE 4, 2001.


Lorna Smith, Mayor

ATTEST:


Catrina Craig, CMC, City Clerk

APPROVED AS TO FORM:


Timothy X. Sullivan, City Attorney

Published: 6/6/01
Effective Date: 6/11/01

EXHIBIT "A"

Temporary Use of Rights of Ways

A. Street Banner or Decoration Permits

13.30.010 Declaration of Policy

It is the policy of the City of University Place to protect public rights of ways for the safe movement of vehicular, pedestrian and non-motorized traffic. Any non-traffic use of public rights of way is a secondary use. Certain secondary uses of rights of way, however, including public utilities and temporary street banners and decorations, can benefit the general public health, welfare and safety, foster economic development and enhance community awareness and involvement. The standards and regulations provided herein are designed to foster community awareness, involvement and civic pride by authorizing certain temporary uses of public rights of ways under the supervision of the Director of Public Works.

13.30.020 Permit Required

It is unlawful for any person, firm, corporation or partnership to erect or maintain street banners or other decorations along, over or across any public right of way unless the Director of Public Works issues a temporary street banner or decoration permit pursuant to the conditions and regulations provided herein.

13.30.030 Authority to Issue Permits

The Director of Public Works is authorized to issue temporary street banner or decoration permits for the temporary erection of banners or decorations along public rights of ways.

13.30.040 Authority to Develop Safety Standards

(A) The Director of Public Works is authorized to develop written standards for the design, location and placement of street banners or decorations affixed to any property located within public right of way. The purpose of such standards shall be to enhance public safety and to promote the public welfare.

(B) Such standards shall provide for the length, width and quality of materials used for street banners or decorations. The standards shall provide for the locations where, and the manner in which, street banners or decorations may be mounted in public rights of ways. No permit shall be issued until the Director has developed such standards.

(C) The Director is authorized to update such written standards to protect the public safety and welfare.

(D) A copy of the current standards developed by the Director of Public Works for temporary street banners or decorations shall be available for public inspection at the City's Permit Center.

13.30.050 Bona Fide Community Events

Permits may be issued by the Director for the temporary placement of street banners or decorations within public rights of ways advertising or promoting bona fide community events. A bona fide community event means a carnival, circus, exhibition, fair, farmers' market, festival, fiesta, parade, holiday celebration or other community or regional celebration or event that may be of interest to the entire city or a substantial portion thereof. Bona fide community event include, but are not limited to, certain events sponsored by organizations such as the Chamber of Commerce or other community groups, the University Place School District, the Fire District, Pierce County and other governmental entities serving residents of the city.

13.30.060 Regulations and Conditions of Permit

Any temporary street banner or decoration permit issued pursuant to this chapter shall be subject to the following regulations:

- (A) Street banners or decorations shall not advertise or promote the sale of any product or commodity (except as in Section D. Sponsors);
- (B) Street banners or decorations shall not advertise or promote any religious or political message;
- (C) No street banner or decoration may be hung across the traveled portion of any public right of way. Only vertical banners hung on mounting brackets affixed to City-owned street light poles or decorations hung or mounted in a manner approved by the Director of Public Works shall be permitted;
- (D) Only ten percent of a street banner may contain sponsor information. Ninety percent of the street banner shall contain information about the community event;
- (E) Banners and decorations shall be mounted and removed only by authorized City of University Place personnel.
- (F) Banner permits shall be for a two-week display prior to the specified community event. An additional extension for up to two weeks may be granted if no other application has been received forty-five (45) days prior to the event. In no event shall an event be advertised or promoted for more than four weeks in a twelve-month consecutive period. No permit application will be granted if any proposed street banner or decoration display date is more than one year after the date of permit application.
- (G) Banner or decoration permit fees shall be set by the City Council by resolution. All permit fees must be paid in advance.
- (H) The City reserves the right to remove any banner or decoration for reasons of public safety, convenience and public welfare.
- (I) The City reserves the right to reject any street banner or decoration permit application if the installation of such banners or decorations would interfere with a planned city street banner or decoration use of such poles.
- (J) No more than ten (10) City street light poles shall be affixed with banners.

13.30.070 Application for Permit

Before any banner or decoration permit shall be issued, the applicant shall file an application for the same with the City Permit Center for review by the Director of Public Works, together with a detailed plan banner showing its size, materials of construction and the proposed wording and/or display of the banner; provided, however, that a temporary street banner or decorations permit may be issued for the erection of holiday, seasonal or similar decorations without a detailed plan when a general description of the decorations and their method of support is filed with the application.

13.30.080 Violation - Penalty

Any person who shall violate or fail to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment in the County Jail for a term not exceeding 180 days or by both such fine and imprisonment.

B. Reserved.