



41 Perimeter Center East, Suite 250
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MEMORANDUM

To: City of Dunwoody Mayor and City Council
From: Michael Tuller, Community Development Director
Date: January 10, 2011
Subject: **Pole Banner Provision for Special Events**

BACKGROUND

At the regularly scheduled October 25 Mayor and City council Meeting, Councilmember Wittenstein directed staff to look into provisions for a pole banner policy. Staff has researched various other municipalities' pole banner policies and has drafted proposed language to amend Chapter 26, Streets, Sidewalks, and other Public Places. At the December 13, 2010 Special Called City Council Meeting, the Mayor and City Council requested several changes that are reflected in the following draft, prepared for a First Read tonight.

ANALYSIS

The proposed language would require permits for pole banners to be accompanied by a special event permit. The proposed provision only allows for events that receive a special event permit as allowed by the code to erect pole banners in the manner prescribed. Examples of events that are required to obtain special events permits are as follows: parades, road races, and festivals. The criteria that are required to issue a special event permit are restrictive enough that the pole banner permits will be reserved for those purposes that have traditionally required them in the past.

A special event is defined in Chapter 26 as follows:

Special event.

- (1) The term "special event" means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which takes place on public property or on private property, but requires special public services and which is permitted by the city under this article. Gatherings or activities that take place on private property and that make no use of city streets, other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance as to the use of residential property. Gatherings or activities that take place on city park property but are intended to be private events that do not significantly affect the customary and ordinary use of the park, such as a birthday party, and do not include any temporary structures, are exempt



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from the permitting requirements of this article; however these same activities may not have vendors as described in sections 26-272 and 26-273 below. Regularly scheduled events occurring on city park property, including park and recreation facilities, by organizations with on-going agreements with the city shall be exempt from the permitting requirements of this article if prior notification of events is given to the city in writing within a reasonable period of time prior to the event. No special event shall be allowed to exceed six days in any 30-day consecutive period of time.

RECOMMENDATION

Staff recommends the following language to regulate pole banner permits through the special event permitting process from Chapter 26:

(a) Purpose and Authority

- (1) To prescribe policy and procedures for permitting pole banners within City of Dunwoody right-of-way;
- (2) To promote community events and the City in general through the installation of properly designed and installed banners on utility poles and light poles in the City of Dunwoody right-of-way;
- (3) To create an effective administrative process to manage a City pole banner permit process

(b) A pole banner permit may only be issued with the proper acquisition of a special event permit from the City according to the requirements as prescribed herein.

(c) Definitions

Pole banners shall mean temporary signs suspended between brackets and attached to utility and/or light poles in the City right-of-way, designed to advertize special events occurring within the City.

(d) Criteria for Placement

(1) Installation

- i. The applicant is responsible for the installation, maintenance, and removal of the pole banners;
- ii. Installation or any part thereof must be performed by a contractor hired and directly supervised by the applicant;
- iii. Banners must be affixed to the utility pole with appropriate hardware. If there is no hardware on an approved pole, it is the applicant's



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responsibility to install and donate the hardware. The hardware installed shall be left on the pole after the pole banner is removed;

- iv. Utility poles cannot be penetrated or altered in any way by the installation or removal of pole banners except where new hardware fixtures are required;
- v. Banners are allowed only within the City corporate limits.

(2) Size and Installation Dimensions

- i. Banners shall be 30" x 72" in size;
- ii. Vertical orientation of the rectangle shall be 72 inches with the 30 inch width at the top and bottom in use;
- iii. No more than 24 pole banners shall be erected per permit, with only one permit allowed per special event;
- iv. If the Pole Mounted Banner is in an area with curbs the following two options exist:
 - 1. If the banner is behind the face of the curb, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground;
 - 2. If the banner extends beyond the curb, the bottom of the banner shall be at least twelve feet six inches (12' 6") above the shoulder and no closer than four feet from the nearest driving lane, as measured from the white line.
- v. If the Pole Mounted Banner is in an area without curbs the following two options exist:
 - 1. If the banner overhangs a sidewalk or ground that is not a shoulder, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground and not closer than four feet from the edge of the nearest driving lane, as measured from the white line;
 - 2. If the banner overhangs the shoulder of the highway, the bottom of the banner shall be at least twelve feet six inches (12' 6") feet above the elevation of the shoulder and not closer than four feet from the edge of the nearest driving lane, as measured from the white line.

(3) Material

- i. Banners shall be made of durable, acrylic canvas or heavy reinforced vinyl resistant to ultraviolet rays, mold and mildew;
- ii. Each banner shall have two (2) double-stitched reinforced hems looped at the top and bottom to facilitate installation;
- iii. All banners must be printed on both sides of the banner fabric;
- iv. Banner brackets have been placed and may be subsequently maintained by the City of Dunwoody unless otherwise requested by the owner of the light or utility pole.

(e) Illumination

- (1) Illumination will be allowed only on pole mounted string lights in which beams or rays of light are not directed at any portion of the traveled way or which are not of such intensity or brilliance as to cause glare or to impair the vision of the driver of a motor vehicle.
- (2) All other pole banners will not be illuminated

(f) Duration

- (1) A pole banner permit shall become null and void if the pole banners for which the permit was issued has not been installed within six (6) months after the date of issuance.
- (2) Banners shall not occupy the right-of-way for a total duration of more than 60 days.

(g) Restrictions and Limitations

- (1) Banners will not be allowed on freeways or Interstate highways.
- (2) No banners shall be attached to:
 - i. Traffic control devices such as signal poles;
 - ii. Sign structures;
 - iii. Bridges or overpass structures.
- (3) No banner shall obstruct the view of traffic or any traffic control devices.
- (4) No banner shall be allowed to obstruct, impede or endanger the flow of traffic.



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(5) Resemble traffic control signs, signals, marking devices

Banners shall not appear to direct the movement of traffic, obscure, or interfere with the effectiveness of, imitate or resemble any official traffic signal, sign or device or otherwise be a traffic hazard or distraction.

(6) Construction Projects

No banner shall be placed on any utility poles which will require removal during the permit period due to a development project in the right-of-way. If a banner is otherwise permitted for a utility pole that will need to be removed, the City shall not be responsible for replacement of the removed and/or destroyed banner and no substitute banner will be permitted.

(7) Removal by the City

Banners may be removed by the City at any time if, in the sole discretion of the City, the banner is damaged, faded, neglected, becomes unsightly, or does not comply with the requirements of this Chapter. The applicant shall reimburse the City its costs to remove any pole banner that is not promptly removed by the applicant after notice from the City. The removed pole banners will be stored for 30 days after removal.

(h) Permit Requirements

(1) Application Information

Applications for pole banner permits required by this Chapter shall be filed by the banner owner or the owner's agent with the Director of Community Development or his/her designee. The application shall describe and set forth the following:

- i. The total number of pole banners to be erected;
- ii. The poles which banners are to be erected shall be identified on a map as provided by the City.
- iii. Name, address, phone number, certificate of insurance, and occupational tax certificate number of the banner contractor;
- iv. The payment, in full, of the applicable application fees as determined by the Mayor and City Council.

(2) Time for Consideration and Issuance

The Director of Community Development shall issue permits for all applications meeting the requirements of this Ordinance and all other laws and ordinances regulating pole banners within twenty (20) business days. Pole banners not meeting the requirements shall be denied pursuant to the procedure outlined in this section. The Director shall give notice in writing to the applicant of



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his/her decision hand-delivered, mailed by certified mail, e-mailed or faxed to the address on the permit application, and post-marked on or before the twentieth business day after the Director's receipt of the application. If the Director fails to act within the twenty (20)-day period, the permit shall be deemed to have been granted. A sticker or other device issued by the City shall be affixed to each pole banner. Denials may be appealed according to the procedure established by this Article.

(3) Approved Permit

The applicant must have an approved permit before commencing any work on the right-of-way.

(4) Indemnify and Hold Harmless

The applicant agrees to accept full responsibility to the public for loss or damage caused by their installation, operation, maintenance or removal of Banners on the highway right of way. The applicant will hold the City harmless from any suits brought against the City arising out of the installation, occupancy, or removal of any pole banner on the City's right-of-way. The applicant, when required by the City, shall provide or cause to be provided proper insurance coverage for public protection and employee protection during installation, maintenance or removal of any pole banner.

(5) Safety Measures

The applicant will be solely responsible for all appropriate safety measures to be taken when installing, maintaining and removing banners to ensure the safety of the traveling public as well as the safety of those installing or removing the banners.

(6) Traffic Control Measures

The traveling public shall be protected from the activities of the applicant by means of signs, flagmen and traffic control devices as determined by the City in accordance with the Manual of Uniform Traffic Control devices for Streets and Highways and in accordance with any traffic control plans that are attached to the permit.

(7) Cancellation/Revocation of Permit

The permit issued by the City may be cancelled or revoked when the City has actual knowledge that the applicant has failed to comply with the provisions of the permit or this Chapter. In the event that the applicant has failed to remove any pole banners upon request by the City, the City reserves the right to remove any or all pole banners at the expense of the applicant. The removed pole banners will be stored for 30 days after removal. A



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cancellation or revocation of the permit may be appealed in the same manner as denials pursuant to this section.

**AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY OF DUNWOODY
CODE OF ORDINANCES BY ADDING POLE BANNER REGULATIONS**

WHEREAS, The City of Dunwoody has heretofore adopted an ordinance for Public Assemblages and Special Events, Codified as Article VIII of Chapter 26 of the Code of the City of Dunwoody (the "Code"); and

WHEREAS, the City recognizes that some Special Events in the City necessitate erection of pole banners in order to properly inform the public of the event taking place; and

WHEREAS, the Mayor and City Council have determined that it is appropriate to create proper regulations, for the purpose of preserving the health, safety and welfare of the citizens of the City, for erection of the permitted pole banners, to provide for proper safety measures and prevent unnecessary clutter of banners throughout the City.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain:

Section 1: The Assemblages in Public Places ordinance, Chapter 26, Article VIII, Division 3 (Special Events) of the City of Dunwoody Code of Ordinances, is hereby amended, by adding Section 26-278, titled "Pole Banners" to read as follows:

Sec. 26-278. Pole Banners

- (a) Purpose and Authority of Section.
 - (1) To prescribe policy and procedures for permitting pole banners within City of Dunwoody rights-of-way;
 - (2) To promote community events and the City in general through the installation of properly designed and installed banners on utility poles and light poles in the City of Dunwoody right-of-way;
 - (3) To create an effective administrative process to manage a City pole banner permit process
- (b) A pole banner permit may only be issued with the proper acquisition of a Special Event Permit from the City according to the requirements as prescribed herein.
- (c) Definition.

Pole banners shall mean temporary signs suspended between brackets and attached to utility and/or light poles in the City right-of-way, designed to advertize special events occurring within the City.
- (d) Criteria for Placement
 - (1) Installation

- i. The applicant is responsible for the installation, maintenance, and removal of the pole banners;
- ii. Installation or any part thereof must be performed by a contractor hired and directly supervised by the applicant;
- iii. Banners must be affixed to the utility pole with appropriate hardware. If there is no hardware on an approved pole, it is the applicant's responsibility to install and donate the hardware. The hardware installed shall be left on the pole after the pole banner is removed;
- iv. Utility poles cannot be penetrated or altered in any way by the installation or removal of pole banners except where new hardware fixtures are required;
- v. Banners are allowed only within the City corporate limits.

(2) Size and Installation Dimensions

- i. Banners shall be 30" x 72" in size;
- ii. Vertical orientation of the rectangle shall be 72 inches with the 30 inch width at the top and bottom in use;
- iii. No more than 24 pole banners shall be erected per permit, with only one permit allowed per special event;
- iv. If the Pole Mounted Banner is in an area with curbs the following two options exist:
 - 1. If the banner is behind the face of the curb, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground;
 - 2. If the banner extends beyond the curb, the bottom of the banner shall be at least twelve feet six inches (12' 6") above the shoulder and no closer than four feet from the nearest driving lane, as measured from the white line.
- v. If the Pole Mounted Banner is in an area without curbs the following two options exist:
 - 1. If the banner overhangs a sidewalk or ground that is not a shoulder, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground and not closer than four feet from the edge of the nearest driving lane, as measured from the white line;
 - 2. If the banner overhangs the shoulder of the highway, the bottom of the banner shall be at least twelve feet six

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inches (12' 6") feet above the elevation of the shoulder and not closer than four feet from the edge of the nearest driving lane, as measured from the white line.

(3) Material

- i. Banners shall be made of durable, acrylic canvas or heavy reinforced vinyl resistant to ultraviolet rays, mold and mildew;
- ii. Each banner shall have two (2) double-stitched reinforced hems looped at the top and bottom to facilitate installation;
- iii. All banners must be printed on both sides of the banner fabric;
- iv. Banner brackets have been placed and may be subsequently maintained by the City of Dunwoody unless otherwise requested by the owner of the light or utility pole.

(e) Illumination

- (1) Illumination will be allowed only on pole mounted string lights in which beams or rays of light are not directed at any portion of the traveled way or which are not of such intensity or brilliance as to cause glare or to impair the vision of the driver of a motor vehicle.
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(f) Duration

- (1) A pole banner permit shall become null and void if the pole banners for which the permit was issued have not been installed within six (6) months after the date of issuance.
- (2) Banners shall not occupy the right-of-way for a total duration of more than 60 days.

(g) Restrictions and Limitations

- (1) Banners will not be allowed on freeways or Interstate highways.
- (2) No banners shall be attached to:
 - i. Traffic control devices such as signal poles;
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 - iii. Bridges or overpass structures.
- (3) No banner shall obstruct the view of traffic or any traffic control devices.
- (4) No banner shall be allowed to obstruct, impede or endanger the flow of traffic.

- (5) Resemble traffic control signs, signals, marking devices. Banners shall not appear to direct the movement of traffic, obscure, or interfere with the effectiveness of, imitate or resemble any official traffic signal, sign or device or otherwise be a traffic hazard or distraction.
 - (6) Construction Projects. No banner shall be placed on any utility poles which will require removal during the permit period due to a development project in the right-of-way. If a banner is otherwise permitted for a utility pole that will need to be removed, the City shall not be responsible for replacement of the removed and/or destroyed banner and no substitute banner will be permitted.
 - (7) Removal by the City. Banners may be removed by the City and/or the owner of the utility pole at any time if, in the sole discretion of the City, the banner is damaged, faded, neglected, becomes unsightly, or does not comply with the requirements of this Chapter. The applicant shall reimburse the City its costs to remove any pole banner that the City removes as a result. The removed pole banners will be stored for 30 days after removal.
- (h) Permit Requirements
- (1) Application Information. Applications for pole banner permits required by this Chapter shall be filed by the banner owner or the owner's agent with the Director of Community Development or his/her designee. The application shall describe and set forth the following:
 - i. The total number of pole banners to be erected;
 - ii. The poles which banners are to be erected shall be identified on a map as provided by the City.
 - iii. Name, address, phone number, certificate of insurance, and occupational tax certificate number of the banner contractor;
 - iv. The payment, in full, of the applicable application fees as determined by the Mayor and City Council.
 - (2) Time for Consideration and Issuance. The Director of Community Development shall issue permits for all applications meeting the requirements of this Ordinance and all other laws and ordinances regulating pole banners within twenty (20) business days. Pole banners not meeting the requirements shall be denied pursuant to the procedure outlined in this section. The Director shall give notice in writing to the applicant of his/her decision hand-delivered, mailed by certified mail, e-mailed or faxed to the address on the permit application, and post-marked on or before the twentieth business day after the Director's receipt of the application. If the Director fails to act within the twenty (20)-day period, the permit shall be deemed to have been granted. A sticker or other device issued by the City shall be affixed to each pole banner. Denials may be appealed according to the procedure established by this Article.

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- (3) Approved Permit. The applicant must have an approved permit before commencing any work on the right-of-way.
- (4) Indemnify and Hold Harmless. The applicant agrees to accept full responsibility to the public for loss or damage caused by their installation, operation, maintenance or removal of Banners on the right of way. The applicant will hold the City harmless from any suits brought against the City arising out of the installation, occupancy, or removal of any pole banner on the City's right-of-way. The applicant, when required by the City, shall provide or cause to be provided proper insurance coverage for public protection and employee protection during installation, maintenance or removal of any pole banner.
- (5) Safety Measures. The applicant will be solely responsible for all appropriate safety measures to be taken when installing, maintaining and removing banners to ensure the safety of the traveling public as well as the safety of those installing or removing the banners.
- (6) Traffic Control Measures. The traveling public shall be protected from the activities of the applicant by means of signs, flagmen and traffic control devices as determined by the City in accordance with the Manual of Uniform Traffic Control devices for Streets and Highways and in accordance with any traffic control plans that are attached to the permit.
- (7) Cancellation/Revocation of Permit. The permit issued by the City may be cancelled or revoked when the City has actual knowledge that the applicant has failed to comply with the provisions of the permit or this Chapter. In the event that the applicant has failed to remove any pole banners upon request by the City, the City reserves the right to remove any or all pole banners at the expense of the applicant. The removed pole banners will be stored for 30 days after removal. A cancellation or revocation of the permit may be appealed in the same manner as denials pursuant to this Section.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

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SO ORDAINED, this _____ day of January, 2011.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney