AN ORDINANCE ADOPTING CHAPTER 12.32 OF THE HEBER CITY MUNICIPAL CODE, BANNERS ON STREET LIGHT STANDARDS

WHEREAS, the City Council desires to define its streetlight pole banner policy, and create a new Ordinance specifically tailored to banners on Heber City Light Poles along Heber City Main Street; and

WHEREAS, there is an Ordinance that governs size, location, placement, and timing of community signs, and when and where they may be placed, but the City does not have an official Ordinance governing banners, or content for banners; and

WHEREAS, where the policy decision is to determine what kind of banners, and when and where to place them on public property, and Title 12 is a more appropriate location in the Municipal Code, rather than Title 18, which is zoning and deals with placement primarily of community signs on public and private property; and

WHEREAS, creating a new banner ordinance independent of and apart from the community signs ordinance will not conflict with each other; and

WHEREAS, the proposed Ordinance attempts to strike a balance between promoting civic and community events, along with the recognition of holidays and traditional cultural events, while steering away from the litigation often brought on by perceived political debate and controversy,

NOW THEREFORE, BE IT ORDAINED by the City Council of Heber City, Utah, that Chapter 12.32 of the Heber City Municipal Code is adopted as follows:

CHAPTER 12.32  Banners on City Light Standards.

Section 12.32.010 Purpose Statement Pursuant to its substantial governmental interests in protecting property values, promoting the economic vitality and historic character of the City, and contributing to the City’s year-round recreation atmosphere, Heber City finds it advisable to allow from time to time the display of certain banners on City light standards for the purpose of promoting certain events and messages that the City, on behalf of its citizens, deems to be in the public interest. It is not the purpose of the City by so doing to designate its light standards as a public forum of any degree or type.

Section 12.32.020 Section 12.32.020 Administration Banners proposed to be displayed on City light standards, which include Main Street light poles, shall be reviewed by the Heber City Manager,
or designee, pursuant to the criteria set forth in this Chapter and administered by Heber City Public Works as directed by the City Manager. Appeals and questions about compliance with this Section shall be resolved by the City Council. Fees for banner placement and removal will be included in the City’s consolidated fee schedule.

**Section 12.32.030 Eligibility** Entities or events eligible to apply to have their banners displayed on City light standards shall be limited to Heber City, Wasatch County, and the Heber Valley Chamber of Commerce. Eligible events are limited to those sponsored by the above-named entities. Eligible sponsored events are those that are non-profit and non-political, whose primary purpose is the offering of civic services, public events, or entertainment enrichment to the community. Further, banners dedicated to highlighting recognized Federal and State holidays are permissible. A banner approval grants permission to temporarily occupy designated banner locations on City property for the purpose of providing notice to residents and visitors of Heber City about City, County, or Chamber sponsored or funded events, and recognized Federal and State holidays.

**Section 12.32.040 Display Locations** Banners are eligible to be displayed on light poles located along Highway 40 from 500 north to 1200 south.

**Section 12.32.050 Period of Display** The City has complete discretion to decide when and for how long the banners may be displayed.

**Section 12.32.060 Liability** Eligible organizations shall agree to assume full liability and indemnify the City for any damage to persons or property arising from the display of banners by the City. The City is not responsible for any damage that may occur to the banners from any cause. If any Section, Subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

If any provisions of the Heber City Code heretofore adopted are inconsistent herewith they are hereby repealed.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this ____ day of _________________________ 2020.

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Michael Johnston
Rachel Kahler  
Ryan Stack

APPROVED:

_____________________________
Mayor Kelleen L. Potter

ATTEST:

_____________________________ Date: __________________
RECORER