

ORDINANCE NO. 3747

An Ordinance amending Section 5.10 (Light Pole Banners and Decorations) of the City of Broken Arrow's Zoning Ordinance; Repealing All Ordinances to the Contrary; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

SECTION I. Section 5.10 (Light Pole Banners and Decorations) of the Broken Arrow Zoning Ordinance is hereby amended to read as follows:

5.10 Light pole banners and decorations.

- A. *Generally.* The city manager or his designee may accept donations of decorative banners or other decorations designed to be placed on light poles. Such donated banners may be displayed for a limited amount of time. The city may use light poles to display donated banners that promote or celebrate city-recognized holidays. No commercial banners or decorations will be accepted for display on city light poles.
- B. *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:
 - 1. *City-recognized holiday* means any holiday for which city council has approved the closure of city offices or that the city council has declared a holiday.
 - 2. *Commercial banner or decoration* means those banners, flags or decorations the sole or chief purpose of which is to advertise or promote the distribution, sale or rental of goods and/or services other than those which are strongly vested with public importance, such as utility, education, recreational, cultural, medical, protective, and governmental goods or services.
- C. *Donation of banners or decorations.*
 - 1. *Application for display of banners or decorations.* Prior to the donation of any decorative banners or other decorations designed to be placed on light poles, the prospective donor shall apply to the city manager or his designee who will determine if the proposed donation will be accepted for display and, if so, where and when the proposed banners or decorations may be displayed. The city manager or his designee shall review the donor's application to determine that the proposed banners or decorations meet the specifications of the director of community development ("director"), to determine that the proposed banners or decorations are not commercial, and to determine whether the locations where the donor proposes the donated banners or decorations should be displayed are not already designated for the display of other banners or decorations. The review of the city manager or his designee shall be done and the results of that review shall be communicated to the applicant donor within seven business days of the receipt of the application by the director.
 - 2. *Right of appeal non-acceptance of banners or decorations.* Any potential donor of banners or decorations to be displayed on light poles within the city shall have a right of

appeal to the traffic advisory committee from any rejection of donation by the city manager or his designee. Such appeal shall be taken by filing written notice of appeal with the city clerk within ten business days after the rejection of donation is rendered. The traffic advisory committee staff shall, within seven business days of receipt of a written notice of appeal, set a date for a hearing of the appeal at the committee's next available regular meeting. Such notice will provide the applicant with at least five days' notice of the date, time and place of the hearing. Any appeal from the decision of the traffic advisory committee shall be to the district court of Tulsa County.

D. *Display period.* The display of donated decorative banners or other decorations shall be limited to a maximum period of 45 calendar days, except that for the Rose District, display shall be limited to a maximum period of 30 calendar days.

E. *Installation of banners.*

1. No donated banner or other decoration may be hung except by City of Broken Arrow employees.
2. Any person or entity which hangs a banner or other decoration on a city light pole in violation of this section shall be fined \$100.00 per pole, per day, and shall be liable to the city for the cost of removing such banner or other decoration.

F. *Rules and regulations for display.*

1. The director is expressly authorized and empowered to promulgate rules and regulations supplementing this article, within its terms, provisions and limitations. The rules and regulations shall be subject to approval by the city manager. Such rules shall include, but are not limited to, specifications as to the number of banners to be displayed, the size and dimensions of the materials out of which the banners or decorations may be made, the processes to be used in producing the banners or decorations.
2. The city manager or his designee shall have the authority, however, to waive specific technical rules when:
 - a. The banner or other decoration substantially complies with the rules; and
 - b. The city manager or his designee determines that the waiver will not have any adverse effect on public safety and welfare.

G. This section does not apply to banners purchased by the City for placement on city owned light poles.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 20th day of September, 2022.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

CITY ATTORNEY