



City of Broken Arrow

Request for Action

File #: 19-1181, **Version:** 1

**Broken Arrow City Council
Meeting of: 9-03-2019**

Title:

Consideration, discussion and possible adoption of Ordinance No. 3603-Corrected, a Zoning Ordinance of the City of Broken Arrow Code of Ordinances, amending Chapter 5, Development Standards, adding Section 5.10, Light Pole Banners and Decorations, of the City of Broken Arrow Zoning Ordinance; specifically including rules and procedures for the City's acceptance of donation of decorative banners or other decorations designed to be placed on light poles, repealing all ordinances to the contrary and declaring an emergency

Background:

The City has received a request by the Military History Center ("Center") to place banners honoring veterans on City of Broken Arrow light poles equipped with banner brackets. The staff has researched the law regarding placing city-owned banners on light poles. Currently, the City does not have a written policy governing the use of the banner brackets. However, the light poles may be considered a limited public forum for promoting downtown events and generally promoting economic development in the City. The United States Supreme Court allows a City to restrict speech in a limited public forum to certain topics.

On June 20, 2019, the City Council held a working group to discuss how the Council would like to go forward in regulating the use of City owned light poles. Attached are drafts of two ordinances that reflect the different approaches discussed at the working group meeting. The first ordinance limits the use of donated banners and flags on the City owned light poles to City recognized holidays. The second ordinance authorizes the acceptance of banners and flags for display on the City owned light poles for all public events and activities.

At the August 20, 2019, City Council meeting, the Council directed staff to draft and present an ordinance restricting the use of light poles to display donated banners, or any other City owned or controlled banners that promote or celebrate City recognized holidays. The ordinance also prohibits commercial banners or decoration to be displayed on City light poles. The proposed ordinance also provides procedures for the City to process such applications. On September 3, 2019, the Council adopted Ordinance No. 3603, however, the emergency clause was omitted.

Cost: No Cost

Funding Source: No Source

Requested By: Trevor Dennis, City Attorney

Approved By: City Manager's Office

Attachments: Ordinance No. 3603-Corrected

Recommendation:

Adopt Ordinance No. 3603-Corrected and approve the emergency clause.