



City of Arts & Innovation

# Governmental Affairs Committee Memorandum

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**TO: GOVERNMENTAL AFFAIRS COMMITTEE**                      **DATE: AUGUST 2, 2017**  
**FROM: OFFICE OF THE CITY MANAGER**                      **WARDS: ALL**  
**SUBJECT: UPDATE ON THE POLICY AND PROCESS FOR BANNERS DISPLAYED IN THE  
PUBLIC RIGHT-OF-WAY**

**ISSUE:**

Receive an update on the City policy and associated processes for banners displayed in the public right of way.

**RECOMMENDATION:**

That the Governmental Affairs Committee receive an update on the City policy and associated processes for banners displayed in the public right of way.

**LEGISLATIVE HISTORY:**

Riverside Municipal Code provisions respective to banners in the public right-of-way:

*10.16.040 (B) Unauthorized signs, lights and signals prohibited in public street right-of-way*

The City Council, through its Public Works Department may approve the placement on the public street right-of-way of public safety signs, including neighborhood watch signs, community identification signs, subdivision directional signs subject to terms of a licensing agreement with the City, approved street light banners along designated streets subject to the terms of a license agreement with the City, business or facility identification signs which do not identify a specific business or facility by name, an approved, interpretive historic sign, as defined in Section 19.620.140, providing historic or interpretive information located in or adjacent to the right-of-way of a designated historic district or designated historic street, or an approved monument or directional sign within the Riverside Auto Center Assessment District. All signs placed in the public street right-of-way require an encroachment permit and shall meet the specifications of Chapters 19.620 and/or Chapter 19.625, or if not specified in the aforementioned Chapters, the Public Works Director for size, format, color, material, location and manner of placement and attachment. Signs posted in violation of Chapters 19.620 and/or Chapter 19.625 are subject to removal, costs for removal, and any other enforcement or punishment prescribed by law.

### *13.08.015 Encroachment permit--Fee*

No facilities or structures shall be constructed or placed upon a street right-of-way or upon any City-owned easement except upon issuance of an encroachment permit by the City, or except for facilities or structures installed or constructed by public utilities in accordance with any franchise or right previously granted. All work shall comply with MS4 NPDES Requirements. A processing fee for any permit issued for encroachments into the street rights-of-way or upon City easements shall be paid to the Public Works Department at the time of application for such permit, which fee shall be in an amount as established by resolution of the City Council. (Ord. 7182 § 17, 2012; Ord. 4822 § 3, 1980)

### *19.620.040 (A) (7) Signs Exempt from Permitting and Standards; Exempt Signs*

In addition to specific provisions elsewhere in this Chapter that exempt certain signs from a permit requirement, the following signs do not require a permit and are not subject to standards: Public service and civic identification signs promoting City-sponsored activities or community events as authorized by the City Council.

### *19.620.070 (Q)(6) General Provisions for All Sign Types; Permitted Sign Locations*

Projection of Permanent Signs over Public Rights-of-Way. All signs that project over or into the public right-of-way require approval of an encroachment permit by the Public Works Department under Sections 10.16.040 and Section 13.08.015 of the Riverside Municipal Code.

### *19.625.060 Projection of Temporary Signs Over Public Rights-of-way*

No temporary sign or banner shall extend over or into a street, alley, sidewalk or other public place except those signs placed by the City for the purpose of advertising civic events. (Ord. 7331 §98, 2016; Ord. 6966 §1, 2007)

### *19.625.090 Encroachment*

Any sign projecting into the public right-of-way, or into public property, is subject to an encroachment permit. (Ord. 7331 §98, 2016; Ord. 6966 §1, 2007)

### *19.625.100 Enforcement*

Any sign posted on public property or the public right-of-way, in violation of the provisions of this Chapter, is declared to be a trespass and a public nuisance, may be summarily removed by the City without notice, and the persons or parties responsible for such unauthorized posting may be charged with the City's actual costs of removal. In addition, any violation of this Chapter may be enforced or punished in any manner prescribed by law, including any method provided for enforcement of the Zoning Code and a criminal proceeding under the Penal Code. (Ord. 7331§98, 2016; Ord. 6966 §1, 2007)

## **BACKGROUND:**

On February 9, 2016, Councilmember Davis requested a report to the Governmental Affairs Committee regarding the hanging of banners by a single company.

August 28, 2001, City Council approved the Public Works Department license agreement for the Street Light Banner Program (Attachment 1). The agreement was for a three-year term with Dekra-Lite to produce banners to City specifications and install the banners at approved locations. This agreement did not include the banners that hang over the street. A contract extension was not executed with Dekra-Lite at the end of the three-year term, nor was an agreement issued to a new provider for the Street Light Banner Program.

From 2004 to 2007, the responsibility of the banner program was administratively transferred from the Public Works Department to the (now, former) Redevelopment Department. With the dissolution of Redevelopment in California in 2012, former Redevelopment divisions kept the process responsibility when staff transferred to new city departments. The current task assignments and specifications are:

	<b>Over-the-Street Banners</b>	<b>Street Light Banners</b>
<b>Responsible Staff</b>	Museum & Cultural Affairs – Arts & Culture Division	City Manager’s Office of Communications
<b>Locations</b>	University Ave, between Orange/Lemon, & Van Buren at Magnolia	Non-residential streets
<b>Artwork Approval Process</b>	Yes	Yes
<b>Fee Collected</b>	Yes	No
<b>Contract Executed</b>	Yes	No
<b>Permit Issued</b>	No	No

Hensley Construction is the current vendor authorized to install banners on the Over-the-Street locations. If other companies provide the insurance and are approved those companies are allowed to place banners, although this happens infrequently. All companies are provided the specifications and locations of the Over-the-Street banner locations.

Creative Outdoor Advertising (COA) is the current, sole vendor authorized to install banners on street lights. COA has been advised by city staff regarding street light banner specifications and approved banner installation locations. COA provides a pricing sheet for installation services to contract with the non-profit organizations that receive approval to hang the banners. COA has been providing the City of Riverside with insurance certificates, listing the City of Riverside as an additional insured party, since May 2011.

**DISCUSSION:**

Following is a status report on progress made and efforts underway:

*Request for Qualifications*

Staff worked with the Purchasing Division to draft a Request for Qualifications (RFQ) for firms to contract with the City to provide installation services for non-profit organizations to install banners in the City’s right-of-way. The RFQ (Attachment 2) includes applicable Public Works contract language and the requirement for the company to secure the appropriate encroachment permits. Multiple contracts may be approved, each with a 5-year term, with specific language clarifying the process and holds the City harmless from banners, installations, and removals.

It is expected to have installation service providers contracted by September 14, 2017.

### *Procedure*

In accordance with the Riverside Municipal Code, the responsibility of issuing permits for over-the-street and street light pole banners is with the Public Works Department only. Permits for both banner types will soon be available at the One-Stop Shop, 3<sup>rd</sup> floor of Riverside City Hall.

Public outreach to known non-profit organizations will be conducted to advise of the revised procedure. Facts and helpful tips will be developed and provided on the City website and available at the One-Stop Shop.

The permit service and outreach are expected to be completed by October 1, 2017.

### *Policy*

A multi-department effort was conducted to draft a revised policy (Attachment 3) that incorporates all current procedures for banners into a single policy that resolves outstanding concerns of the impacted departments.

### **FISCAL IMPACT:**

The total fiscal impact of the action is unknown at this time. Any impacts are expected to be minimal and dependent on the number of encroachment permits needed for the firms that contract with the City to provide the service.

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### Attachments:

1. August 28, 2001, City Council report
2. Draft RFQ
3. Draft Policy
4. Presentation