

RESOLUTION R-2018-112

**A RESOLUTION APPROVING A STREETLIGHT BANNER POLICY
FOR THE CITY OF WHEATON**

WHEREAS, the City of Wheaton, DuPage County, Illinois ("City") is an Illinois Home Rule municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, 1970, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this resolution pertains to the government and affairs of the City and its residents; and

WHEREAS, the City administratively implemented a streetlight banner policy on or about February 22, 2001, and the City now desires to abandon that banner policy and adopt a new Streetlight Banner Policy to more effectively administer and manage the eligibility, banner specifications, placement and duration of use for vertical banners displayed on streetlight poles at various locations throughout the City; and

WHEREAS, the City of Wheaton has installed infrastructure for vertical banners on City owned streetlight poles along certain public streets within the City, including North and South Main Street, College Avenue in the Shops of College Avenue area, and the streets within the City's Central Business District; and

WHEREAS, the purpose for such vertical banner infrastructure is to help promote one of its policy goals of unifying, branding and creating a sense of arrival upon entering the City's Central Business District and Shops of College Avenue areas, while also enabling the City to communicate with its residents certain messages which identify, promote, celebrate, complement, commemorate, and/or describe community activities, events, seasons, or significant community anniversaries, and messages which promote general economic stimulation within the City and/or which promote the City's economic vitality by encouraging community gathering, sales tax receipts, and property values to strengthen the City's tax base; and

WHEREAS, to the extent that the prior banner policy implemented on or about February 22, 2001 could be interpreted as creating a public forum for expressive activity, the Corporate authorities hereby elect to close that public forum and revert the forum to its pre-2001 non-public forum status; and

WHEREAS, the banner locations and infrastructure for vertical banners are hereby designated to be a non-public forum, to be utilized by the City, units of local government, and associations which are funded in whole or in part by local taxes and which have contracts or agreements with the City to promote policies consistent with the City's foregoing recital; and

WHEREAS, the City Council has reviewed the Streetlight Pole Banner Policy attached hereto and incorporated herein as "Exhibit A," and has determined it to be in the best interests of the City and its residents to adopt the Streetlight Pole Banner Policy.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council of the City of Wheaton, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as representing the intent of the Corporate Authorities and as substantive recitations.

SECTION 2: That the Banner Policy administratively implemented on or about February 22, 2001 is hereby abandoned.

SECTION 3: That the Streetlight Banner Policy attached to this Resolution as Exhibit A is hereby approved.

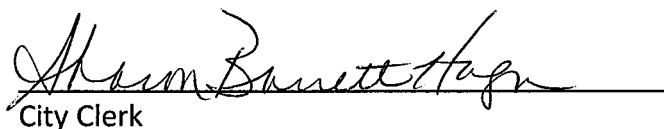
SECTION 4: That the City Manager and Public Information Officer are hereby authorized and directed to take all necessary actions to carry out the Streetlight Banner Policy, including the creation of an application for the installation of banners on City streetlight poles consistent with the Streetlight Banner Policy adopted herein.

ADOPTED this 17th day of December 2018.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes: Councilman Prendiville
Mayor Gresk
Councilman Scalzo
Councilman Suess
Councilman Barbier
Councilwoman Fitch

Nays: None

Absent: Councilman Rutledge

Motion Carried Unanimously

CITY OF WHEATON
STREETLIGHT POLE BANNER POLICY
(Central Business District, North and South Main Street, and Shops of College Avenue)

Purpose

The City of Wheaton banner policy is intended to provide guidance and standards for City staff, units of local government and associations as further defined herein, which wish to apply for and furnish banners related to government speech for installation on City streetlight poles in the City's Central Business District, on North Main Street south of Cole Avenue to the northern border of the Central Business District, on South Main Street north of Roosevelt Road to the southern border of the Central Business District, and along College Avenue in the Shops of College Avenue area. Banners installed on City of Wheaton streetlight poles shall be restricted to those of the City, local government, and government associations which assist in non-commercial communications identifying, promoting, celebrating, complementing and/or commemorating and describing community activities, events, seasons, or significant community anniversaries and that promote the City's economic vitality by encouraging community gathering, sales tax receipts and property values to strengthen the City's tax base. They may also encourage or promote general economic stimulation within the City of Wheaton, and help to unify, brand, and create a sense of arrival upon entering the City's Central Business District, while also sharing information which is viewed as valuable to persons in the downtown. Streetlight pole banners shall not be used as a public forum to promote, endorse, or enhance any individual commercial opportunity or event, direct or indirect political activities or events, or religious activities or events. To the extent that the City's prior banner policy implemented in February 2001 could be interpreted as creating a public forum for expressive activity, the City is now closing that public forum and reverting the forum to its pre-February 2001 non-public forum status as the City does not intend for this banner policy to create or allow streetlight pole banners to be used as a public forum for expressive activity.

Eligible Entities Who May Apply

City of Wheaton Departments, Boards and Commissions, units of local government, and associations funded in whole or part by local taxes and which have contracts or agreements with the City to promote policies consistent with the City's economic vitality may apply for the installation of banners on City streetlight poles located in the Central Business District, on North Main Street south of Cole Avenue to the northern border of the Central Business District, on South Main Street north of Roosevelt Road to the southern border of the Central Business District, or along College Avenue in the Shops of College Avenue area. Any written contract or agreement approved by the City Council between the City and an association as described herein shall be deemed consistent with the promotion of the City's economic vitality.

Application Process

All applications must be by an eligible entity and are subject to approval by the City of Wheaton in conformance with this policy. The sponsoring City department, board, or commission, unit of local government or eligible association must submit a completed application form to reserve streetlight pole banner space for a specific period. Eligible applicants that submit their application first will be given priority in scheduling. The City of Wheaton reserves the right to give priority to recurring, established local and cultural events; national holidays; City of Wheaton events; downtown festivities and promotions; and previously approved banner requests.

Applications will not be accepted less than 30 days prior to the requested display date. Filling out an application does not guarantee a reservation or design approval.

Application forms must be filled out completely and submitted either electronically to communications@wheaton.il.us or dropped off or mailed to Wheaton City Hall-Communications Department, 303 Wesley Street, Wheaton, IL 60187.

The City will provide notification of approval or denial to the applicant within 10 calendar days (City holidays excluded) of receiving the application.

Fees

While the City of Wheaton is not currently charging any application processing fees or installation fees, it reserves the right to implement such a fee in the future. Applicants are responsible for all costs incurred for the creation of the streetlight pole banners.

Location

Banners may only be displayed on designated light poles located within the Central Business District boundaries, on North Main Street south of Cole Avenue to the northern border of the Central Business District, on South Main Street north of Roosevelt Road to the southern border of the Central Business District, and within the Shops of College Avenue boundaries indicated on the Streetlight Pole Banner Map attached to the policy. Placement/installation of banners will be determined by the City of Wheaton based upon availability and scheduling.

Duration

Streetlight pole banners may be limited to a 30-day display period but shall not be displayed for less than 7 days. The display period is dependent upon availability, scheduling, and installation/removal schedules. No multi-year commitments shall be given.

Ownership

ALL BANNERS, INCLUDING THOSE BANNERS FROM OTHER UNITS OF LOCAL GOVERNMENT SHALL BECOME THE PROPERTY OF THE CITY OF WHEATON.

Design

Banners shall be of sufficient strength and durability to withstand the elements during the period they are in place unless otherwise stated herein. **All banners shall contain the phrase "Property of the City of Wheaton" in a font size of one-half inch Calibri font at the bottom left-hand corner of each side of the banner.** Additionally, all banners shall meet the City's specifications. Please contact the City's Communication Department at 630-260-2190 or email communications@wheaton.il.us for a copy of the City's written specifications.

The banner color, design and layout shall be approved by the City's Communications Department. Each applicant shall submit a color sample, and a sketch of its banner design (both sides if each side is different) for approval with the application form. Banners shall not promote referendums or political candidates. **BANNERS SHOULD NOT BE MANUFACTURED PRIOR TO DESIGN APPROVAL BY THE CITY.** The City reserves the right to prohibit banners that do not contain the same design as stated and depicted in the application.

The applicant shall be responsible for all costs associated with printing and purchasing streetlight pole banners for display on City streetlight poles.

Installation, Maintenance, and Removal

The City of Wheaton shall install approved banners, after they have been delivered to the City of Wheaton Public Works Department located at 821 West Liberty Drive. Banners shall be delivered to the Public Works Department by noon on the Friday prior to the Monday installation date. Banners shall be installed

during normal work hours as the schedule of the Public Works Department permits. When the display period has ended, the Public Works Department shall remove the banners. The City may keep the banners if it determines, in its sole discretion, that storage space is available within the Public Works Department. The City, in its discretion, may dispose of or destroy the banners, if the City Council determines they are surplus property. The City shall in no way be obligated to keep any banners.

If a banner is damaged during installation, display, or removal the applicant entity for that banner shall be responsible for providing a replacement. Additionally, to the extent that the City is not deemed the owner of the banners by a court of law, the applicant entity agrees to hold the City harmless if any banner is damaged during installation or removal.

The City reserves the right to, in its discretion, remove, without notice, any banner which is in a poor or unacceptable visual or physical condition. In the event that a banner becomes a danger to public safety due to banner deterioration, storms, high winds, or other weather events, the banner may be removed by the City in its sole discretion.

Not a Public Forum

None of the City's streetlight poles shall constitute or be used as a public forum or in any manner as an open place of public expression. The streetlight poles are reserved for the exclusive use and benefit of the City of Wheaton in its exercise of government speech. The streetlight poles shall be used, maintained, removed, and eliminated as the case dictates, at any and all times, at the discretion of the City Manager or his designee.

The display of banners is based upon availability of streetlight poles and the City of Wheaton shall enjoy, at all times and in all locations, the right to use streetlight poles for its own banners to the exclusion of any other banners. The City reserves the right to not install or remove any banners at any and all times, at the discretion of the City Manager or his designee. Nothing herein shall be deemed to express, imply, or create in any way a right to display banners on any particular streetlight poles or the right to require the City to make any streetlight poles available for banners or the right to require the City to remove any banner to allow for the placement of another banner.

Risk of Loss Statement

Under no circumstances shall the City be responsible to any person or entity for damage to or loss of any banners including the loss of the value of the banner should this policy, either existing or as subsequently modified, prohibit its display.

For questions regarding the City of Wheaton banner policy, please call the Communications Department at 630-260-2190 or email communications@wheaton.il.us.

