

City of Rockford, Illinois

Public Works Department
425 East State Street, Rockford, IL 61104
Phone: 779-348-7174 Fax: (815) 967-7058 TDD (815) 987-5718
Web: www.rockfordil.gov



Timothy Hanson
Director
Public Works Department

INDEMNIFICATION AGREEMENT

(Organization) _____, hereinafter referred to as “applicant,” for itself and personal representatives, assigns, heirs and next of kin does hereby release, remise and forever discharge the City of Rockford, a municipal corporation, from any and all claims, debts, obligations, liabilities, demands, actions and causes of action of every kind and nature whatsoever, from the beginning of the world to the date of these presents, and particularly, from any claim, debt, demand, liability, action or cause of action which may be incurred by the applicant arising out of posting banners at the above described locations and dates.

The applicant agrees to protect, defend, indemnify and save harmless the City of Rockford against and from any and all claims by or on behalf of any person, firm, corporation or governmental authority, arising from the occupation, use, possession, conduct on the above stated locations of its banners, or arising from any breach or default on the part of the applicant in the performance of any covenant or agreement on the part of the applicant to be performed, or arising from any act or negligence of the applicant, or its agents, contractors, servants, employees or licensee, or arising from any accident, injury or damage whatsoever caused to any person, firm or corporation, occurring as a result of the banners being on the above described locations, and from and against all costs, expenses and liabilities incurred in or about any such claim or action or proceeding brought thereon; and in case any action or proceedings be brought against the City of Rockford by reason of such claim, the applicant upon notice from the City of Rockford covenants to resist or defend such action or proceeding by counsel reasonably satisfactory to the City of Rockford.

Organization _____ by: _____

Organization shall bear full expense for production, erection, and removal of banners and any resulting damage to City Property.

City Official _____ Date: _____

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Chapter 26 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE IX. BANNERS

Sec. 26-351. Declaration of intent.

- (a) It is in the public interest to promote public festivals that can bring the residents of the city and their visitors together and promote ethnic traditions, customs, historical or cultural events, or athletic competition, and foster the development of tourism.
- (b) The attractive decoration of public places and festivals complement one another. Organizers of festivals should be allowed to apply to the city requesting that attractive banners be displayed from specifically designated posts on authorized locations at the expense of the community organization in order to promote the public interest.
- (Code 1970, § 26-200; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-200, 1-22-2008)

Sec. 26-352. 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:

Community organization shall mean a duly organized association or corporation that sponsors, promotes, organizes and/or conducts a festival or event which primarily promotes the public interest by fostering ethnic traditions or customs, historical or cultural events, athletic competitions, or development of tourism.

Temporary banner shall mean any sign, banner, pennant, or display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only on municipal property or over municipal streets, alleys or lots, excepting flags of the city, this or any other state, the United States, or any foreign country.

(Code 1970, § 26-201; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-201, 1-22-2008)

Sec. 26-353. Display of temporary banners; application required.

- (a) It shall be unlawful for any person other than a public officer in performance of a public duty, or a private person giving legal notice, to fasten a banner to any post upon any public property or over any public street, alley or lots in the city, except as may be required by the ordinances of the city, or the laws of the state or of the United States of America, without having first submitted and obtained a permit.
- (b) The following signs shall not be subject to regulation under this article:
- (1) Signs regulated by other provisions of this Code.
 - (2) Signs or plates on residential or private property.
 - (3) Municipal, county, state and federal signs, including necessary traffic signs.
 - (4) Historical markers, monuments, or signs erected by public authorities.
 - (5) Official notices or advertisements posted or displayed by or under the direction of any public official in the performance of his official or directed duties, or by trustees under deeds of trust or other similar instruments.
- (Code 1970, § 26-202; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-202, 1-22-2008)

Sec. 26-354. Permit required; fastening and removal.

- (a) No banner shall be displayed from specifically designated posts on authorized locations unless an application has been submitted and approved by the department of public works in accordance with the provisions of this article and in no event shall the display of banners exceed a duration of 14 days.
- (b) The fastening, display and removal of any banner shall be performed by the community organization and only after the application for said banner has been approved by department of public works.
- (Code 1970, § 26-203; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-203, 1-22-2008)

Sec. 26-355. Application.

- (a) Application for a permit for a temporary banner, where required by this article, shall be made to the department of public works, and shall include pertinent data relating to the design, material, placement, and location, duration, and fasteners for the proposed banner, a description of the festival, including places, dates and times, and names and addresses of responsible parties. The city engineer or his designee shall issue a permit for a temporary banner that conforms to this article.
- (b) There shall also be submitted as part of the application, the following:
- (1) An agreement by the community organization that it shall bear the full expense of producing, erecting and removing the temporary banner, and any resulting damage to city property.
 - (2) An agreement by the community organization to assume the defense of and indemnify and save harmless the city, its officers and employees from all suits, actions, damages or claims to which the city may be subjected resulting from the display, maintenance and removal of the temporary banner from the designated posts situated at authorized locations. The city shall not be held responsible for returning the banners to the community organization in their original condition.
- (Code 1970, § 26-204; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-204, 1-22-2008)

Sec. 26-356. Denial of banner application.

- (a) No application shall be approved by the city engineer or his designee:
- (1) Except upon a finding that the banner display during the festival will promote the public interest by fostering ethnic tradition, customs, historical or cultural events, athletic competition, or the development of tourism.
 - (2) If the city engineer or his designee believes that the public health, safety or welfare will be impaired at any time during the banner display.
 - (3) If the community organization fails or refuses to comply with the provisions of this article or any other applicable ordinance or regulation.
- (b) Written notice of the approval or denial of an application shall be provided to the applicant as soon as practicable. If the application is denied, said written notice shall state the reasons for denial.

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(c) Appeal of denial may be made in writing to the city council.
(Code 1970, § 26-205; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-205, 1-22-2008)

Sec. 26-357. Revocation of permit.

The city engineer or his designee may revoke any approval of an application made under this article at any time for the following reasons:

- (1) Failure or refusal by the community organization to comply with the provisions of this article or any other applicable statute, ordinance or regulation.
- (2) Failure by the community organization to promptly provide replacement of any banner deemed by the city engineer or his designee to be damaged, soiled or in disrepair.
- (3) The public health, safety or welfare is jeopardized.
- (4) When any banner which by reason of its size, location, movement, content, coloring or manner of display constitutes a traffic hazard, or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device or by diverting or tending to divert the attention of drivers of moving vehicles from the traffic movement on the public streets and roads, and said community organization fails, upon notice, to remove or replace same.

(Code 1970, § 26-206; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-206, 1-22-2008)

Sec. 26-358. Removal.

- (a) Banners shall be removed by the community organization within two business days after the final date of the event. If the community organization fails to do so, the city may remove the banners and collect \$200.00 from the community organization as cost of such removal.
- (b) Any temporary banner that is erected, used, maintained, operated or displayed in violation of this article is hereby declared to be a public and private nuisance and is subject to immediate removal by the department of public works. The city may order immediate removal of same and/or may remove same and collect \$200.00 from the community organization as cost of such removal.
- (c) Any temporary banner which becomes a safety hazard, or which is not kept in good general condition and in a reasonably good state of repair, is hereby declared to be a public and private nuisance and is subject to immediate removal by the department of public works. The city may collect \$100.00 from the community organization as cost of such removal.
- (d) In the event that it becomes necessary for the city to remove any banner, banners made of paper may be destroyed by the city upon removal. All other banners shall be held for 30 days and thereafter shall be deemed to be abandoned and forfeited and may be destroyed by the city.

(Code 1970, § 26-207; Ord. No. 1988-352-O, 8-8-1988; Ord. No. 2008-007-O, § 26-207, 1-22-2008)

Secs. 26-359--26-390. Reserved.