



Shermer-Walters Public Forum Use and Reservation Process

Effective Date: October 11, 2023

APPROVAL

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Village Manager

POLICY

Encroachments on and obstructions of public property within the Village are governed by Chapter 22 of the Northbrook Municipal Code. In 1996 the Village Board adopted Resolution No. 96-R-179 allowing for encroachments on and obstructions of that certain parkway area located at the northwest portion of the intersection of Shermer Road and Walters Avenue (the "**Parkway**"), but only upon the prior issuance of a reservation therefor by the Village Manager, subject to such restrictions that the Village Manager may impose. In doing so, the Village established the Parkway as a designated public forum.

The purpose of this Standard Operating Procedure is to specify the restrictions and the procedures that the Village Manager will implement in considering and processing a reservation for use of the Parkway.

The erection, placement, construction, operation, use or maintenance of any public or private display, structure, exhibit, sign or other encroachment upon the Parkway shall be governed by all applicable statutes, ordinances and resolutions regarding encroachments and obstructions on public property, including specifically those restrictions set forth in this Standard Operating Procedure.

PURPOSE

Any individual, group, or entity seeking to erect, place, construct, operate, use or maintain a display, structure, exhibit, sign or other encroachment, herein referred to as "**Displays**", on the Parkway must first obtain a reservation from the Village Manager specifying in detail the nature of any such Display. The Village Manager shall have the authority to make decisions and determinations regarding the issuance of a reservation therefor in accordance with Chapter 22 of the Northbrook Municipal Code and Northbrook Resolution No. 96-R-179.

PROCEDURE

The erection, construction, placement, maintenance, operation, or use of a display, structure, exhibit, sign or other encroachment (a "**Display**") on, at, or within the Parkway shall be subject to, and conditioned upon, each and all of the following conditions

and restrictions:

A. Reservation Required. A reservation, issued by the Village Manager, shall be required prior to the erection or maintenance of any Display on the Parkway, in accordance with the following procedures:

1. Reservation Request. The reservation request shall be in writing on a form prepared by the Village, and shall be filed in the Village Manager's Office. The reservation request must include the name of the individual or group sponsoring the Display ("**Responsible Party**"), and the name, address, and telephone number of a member of the Responsible Party who will be the Village's "**Primary Contact**" for the reservation request and the Display after it is installed.
2. Submission Date. The reservation request must be submitted not less than 10, nor more than 30, days prior to the desired installation date for the Display.
3. Specifications and Description of Display. The reservation request must include specifications and a description of the Display that accurately depict the Display:
 - a. Preliminary Specifications and Rendering. At the time of the reservation request, the Responsible Party may submit preliminary specifications and a drawing or plan for the Display that includes the following:
 - i. Approximate dimensions of the Display;
 - ii. The manner in which the Display will be mounted or secured to the ground;
 - iii. The construction materials to be used;
 - iv. The lighting, if any, that will be a part of, or that will illuminate, the Display; and
 - v. A narrative and graphic description of the Display, including any and all written content, graphics, and art or architectural features that will be included on or within the Display.
 - b. Final Specifications and Rendering. No later than seven calendar days prior to the proposed installation date of the Display, the Responsible Party will provide the Village Manager's Office with updated specifications and an accurate and fully dimensioned (including height, width, and depth) rendering of the Display. The final specifications and rendering must incorporate and address all Village staff comments provided during the reservation review process. Failure to provide these final specifications and rendering by the required deadline will result in the revocation of the reservation.

4. **Review by Village Departments.** Prior to approval of any reservation, the Village Manager shall cause the reservation request to be reviewed by all departments of the Village or code enforcement officials that the Manager deems to be appropriate or necessary to determine (a) whether the proposed Display meets all applicable laws governing encroachments and obstructions to public property and (b) whether the proposed Display will create a danger or hazard to vehicular or pedestrian traffic in the vicinity of the Parkway. As part of the reservation process, the Village Attorney may review submittals to assist staff in determining compliance with provisions of this Standard Operating Procedure.
5. **Action on Reservation Request.** After reviewing a reservation request for a Display permit, the Village Manager may:
 - a. issue the reservation for the proposed Display;
 - b. request modifications to the reservation request or Display specifications and require resubmission of the reservation request;
 - c. issue the reservation with conditions for the installation and maintenance of the proposed Display reasonably necessary to allow the Display to be in compliance with the intent of this Standard Operating Procedure; or
 - d. deny the issuance of a reservation for the proposed Display if the Village Manager determines that (i) the proposed Display does not comply with any or all of the conditions or requirements set forth in this Standard Operating Procedure, or (ii) the proposed Display will present a clear and present danger to the public health or safety of the Village, its residents, or the pedestrians or operators of vehicles in the vicinity of the Parkway.
6. **Not Transferable or Assignable.** Any Display reservation issued by the Village Manager is solely for the benefit and use of the Responsible Party and may not be transferred or assigned to any other individual, group, or entity. Any Display reservation issued by the Village Manager will only be valid for the time period specified in the reservation confirmation letter.
7. **Revocation.** The Village Manager may revoke a Display reservation request in the event that the Village Manager determines that any or all of the conditions set forth in this Standard Operating Procedure, or any additional conditions included in the reservation confirmation, have been violated.
8. **Appeals.** The determination or action of the Village Manager, or his or her designee, to grant, deny, or revoke a reservation request may be appealed to the Village Board of Trustees in accordance with the same rules and procedures governing Building Code appeals set forth in Sec. 6-14 of the Northbrook Municipal Code. The decision of the Village Board of Trustees on an appeal shall be final.

9. Reservation Fee. A non-refundable fee in the amount set forth in the Annual Fee Resolution shall be due and payable at the time of reservation request.
- B. Size of Display. A Display, including all support structures, must completely fit within a volume bounded by an imaginary cube that is six feet wide, six feet deep, and six feet high. Displays that exceed these dimensions must be altered to fit within that volume.
- C. Support for Banners. Displays that are banners must use support structures, consisting of removable posts, provided by the Village. Displays consisting of solid objects or structures may utilize their own support structures so long as they are approved by the Village.
- D. Number of Displays.
 1. No more than two Displays may be installed and maintained in the Parkway at any one time. If multiple Display reservation requests are received for the same time period, reservation requests that are deemed to be in full compliance with this Standard Operating Procedure will be given preference in the order that they are received by the Village Manager's office, as indicated by the date/time stamp applied by Village staff upon receipt.
 2. No Responsible Party will be allowed to maintain more than one Display on the Parkway at the same time.
 3. No Responsible Party will be allowed to install and maintain more than one Display on the Parkway in a 365-day period. This provision does not apply to Displays that are installed directly by the Village of Northbrook.
- E. Duration. No Display may be maintained within the Parkway for a time period exceeding 30 consecutive days. All installation, deconstruction, and removal of the Display must be completed prior to end of the 30-day Display period. No Display may be maintained on the Parkway for more than a total of 30 days in any 365-day period.
- F. Removal and Restoration. Prior to the expiration of the 30-day period, the Responsible Party must, at its sole cost and expense, deconstruct and remove the Display, and restore the Parkway to its condition prior to the installation of the Display.
- G. Obscenity Prohibited. No Display may contain any matter, in writing or in a depiction, that, when considered as a whole, predominantly appeals to prurient interests and lacks serious literary, artistic, political, or scientific value.
- H. Advertising Prohibited. No Display that directs attention to or identifies a business, commodity, service, or entertainment that is an off-site Commercial Use (as defined in Article XII of the Village Zoning Code) as opposed to a Civic Use (as defined in Article XII of the Village Zoning Code) shall be permitted to be installed and maintained in the Parkway. This prohibition includes Displays promoting the off-site sale of commercial or residential property.

- I. Disclaimer Sign. The Village maintains a permanent sign on the Parkway disclaiming any Village interest in the operation, use or maintenance of the Displays erected on the Parkway ("**Disclaimer Sign**"). The Responsible Party may not remove, relocate, obstruct, or in any way tamper with the Disclaimer Sign.
- J. Construction Materials. The construction and structural elements of the Display must be in full compliance with the standards and regulations of the Village Building Code. Specifically, and without limitation, the Display must be (a) constructed of fire-resistant materials, (b) capable of withstanding wind pressures of at least 30 pounds per square foot of surface area, and (c) capable of receiving dead loads based on the actual weight of the structure.
- K. Lighting Restrictions. No flashing, blinking or intermittent lights shall be permitted on, or illuminating, the Display. All Displays shall be in full compliance with the signage illumination provisions set forth in Section 9-106 D 1 of the Village's Zoning Code. No Display may be illuminated in a manner that directs light into vehicular traffic on streets adjacent to the Parkway.
- L. Responsible Party's Risk. The Responsible Party shall acknowledge and agree that the installation and physical maintenance of the Display will be at the sole and exclusive expense and risk of the Responsible Party. The Village will not be responsible for damage of any kind caused to, or for any damage, injury, or loss as a result of, the Display.
- M. No Damage to Surrounding Property. Displays may only be installed in one of the two areas in the Parkway designated for Displays. The Responsible Party shall cause the Display to be installed and maintained in a manner that does not permanently damage or disturb the Parkway, including any vegetation or landscaping, or damage or disturb any public or private property surrounding the Parkway. In the event of any such damage or disturbance, the Responsible Party must promptly repair and remedy the damage or disturbance at its sole cost and expense.
- N. Removal of Damaged or Unsafe Display. The Responsible Party shall, at its sole cost or expense promptly (but in no event more than 24 hours after receipt of notice from the Village Manager) remove or repair any Display that is either (i) defaced with graffiti or other markings in such a manner as to render the Display obscene or (ii) is damaged or destroyed by any cause (whether intentional or unintentional, by natural causes or by deliberate causes) in such a manner as to render the Display unsafe. If a Display is defaced, damaged, or destroyed, and the Responsible Party does not either remove or repair the Display within 24 hours after receiving notice from the Village Manager, the Village will have the right to disassemble and remove the Display from the Parkway. Any Display removed by the Village will be preserved, to the extent feasible, and stored at the Village's Department of Public Works Center at 655 Huehl Road where it may be retrieved by the Responsible Party during regular business hours for five business days after removal.