



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 01

POLICY REGARDING FLAGS PROJECTING OVER CITY PROPERTY ¹

WHEREAS, the City Council recognizes that there are safety and aesthetic concerns attendant to the placement of flags over the City's rights-of-way; and

WHEREAS, the City Council recognizes that there is an inherent inter-relationship between such flags and sandwich board signs placed on sidewalks in front of City businesses as well as projecting signs placed over municipal sidewalks by City businesses; and

WHEREAS, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into municipal airspace over streets and sidewalks; and

WHEREAS, the City Council desires to balance the signage needs of City businesses with aesthetics and the safety and convenience of the public at large.

NOW THEREFORE, the City Council adopts the following policy:

- A. Neither a sandwich board sign nor a flag which is allowed by the City to project over a City sidewalk or right-of-way should be deemed to be a sign for zoning purposes. (This element of the policy should ultimately be formalized in an amendment to the Zoning Ordinance.)
- B. A business should be allowed the option of either a flag projecting from the building in which the business is located over a City sidewalk or a sandwich board sign placed in front of the business on the City sidewalk, but not both.
- C. Flags should not exceed 12 square feet in area, and should maintain at least 7 feet of clearance above the sidewalk at all times.
- D. Sandwich board signs should not exceed 8 square feet in area on each side.
- E. Sandwich board signs (as well as other sidewalk obstructions) should only be allowed where a continuous path of travel at least four (4) feet wide can be maintained.

- F. The City Manager is requested to adopt procedures to streamline the approval process as much as possible consistent with prudent management in order to reduce waiting times for approvals of projecting signs, flags and sandwich board signs.
- G. Permanent signs projecting over City rights-of-way should be authorized only through a revocable license determined by the City Council with prior administrative review by City staff.
- H. Flags and sandwich board signs should be authorized through an annual permit process, including fees appropriate to represent the administrative cost of reviewing applications and issuing permits.
- I. The City Council hereby delegates the authority to issue an initial license for a flag or sandwich board sign to the City Manager or his designee. Under the delegated authority, City officials should apply the above standards approved by the City Council to the initial license application for a flag or sandwich board sign and send copies of applications and licenses to the City Council. Thereafter, licenses should be presented to the City Council in an omnibus package for annual renewal.
- J. No flag, sandwich board sign or projecting sign should be allowed by the City except in conformance with the foregoing.

¹ The Legislative intent was to exempt “Branded Areas” i.e., Deer Street and State Street

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **February 1, 2010**.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Ratified by the Portsmouth City Council on January 11, 2016.
Ratified by the Portsmouth City Council on January 16, 2018.
Ratified by the Portsmouth City Council on January 8, 2020.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk