

BANNER AGREEMENT



THIS AGREEMENT is entered into this ____ day of _____, _____ by and between GREATER LAFAYETTE COMMERCE, an Indiana not-for-profit corporation (hereinafter referred to as “GLC”), and _____, (hereinafter referred to as “User”).

WHEREAS, the City of Lafayette has purchased and owns certain banner arm standards that are installed on certain light posts located within the City of Lafayette, to-wit:

Forty-eight (48) cobra head light poles located on Main, South, and Columbia Streets between 2nd Street and 11th Streets; and six (6) streetlight poles on 2nd between Main and South Streets; and twenty-one (21) period light poles at Riehle Plaza; and twenty (20) poles on Veteran’s Memorial Parkway between 9th Street and Concord Road.

WHEREAS, banner arm standards exist for the purpose of installing banners on the light poles at the above-mentioned locations; and

WHEREAS, GLC has the responsibility for controlling and approving the usage of said banners; and

WHEREAS, the User is desirous of installing banners on the above-mentioned light poles.

IT IS THEREFORE AGREED, as follows:

1. Approval. The User shall submit a sketch of the proposed banner to the Banner Committee of GLC. The proposed banner shall comply with the specifications as set forth in Exhibit “A” of this Agreement.
2. Period of Use. Upon receiving approval from the Banner Advisory Committee (see Exhibit “A”), the User shall be permitted to use the certain light poles as described in Exhibit “A” attached hereto from the ____ day of _____, _____ to the ____ day of _____, _____.
3. Fee. The User shall pay to GLC, rental for the use of the poles as follows:
 - (a) Individual rate of \$5.00 per banner per pole.
4. Security Deposit. The User shall pay to GLC the sum of \$250.00 as a security deposit for the usage of said banner arm standards.

5. Installation and Removal of Banners. The User shall be responsible for installation and removal of the banners subject to the specifications as set forth in Exhibit "B" hereof. Failure to install or remove the banners pursuant to the terms and conditions of this Agreement may cause a forfeiture of the security deposit in the event GLC incurs any expense in installing or removing said banners.

6. Hold Harmless. The User shall be responsible for any injury to the light poles and banner arm standards, as well as, injury to any other person or property as a result of the installation, use and removal of said banners. The User and/or GLC shall provide GLC and the City of Lafayette, as a precondition to installation, a Certificate of Insurance insuring against property damage in the sum of \$50,000.00 and personal injury in the amount of \$500,000.00/\$1,000,000.00. Said Certificate of Insurance shall name GLC, IBEW, Duke Energy, and the City of Lafayette harmless from any and all claims, to include attorneys' fees, incurred by GLC, IBEW, Duke Energy, and/or the City of Lafayette in regard to any claim made for property damage or personal injury as a result of the installation, use and removal of the banners by the User.

7. Care of Banners. The User agrees that they are solely responsible for the care and usage of said banners and shall indemnify and hold GLC harmless for any damage to said banners.

8. This Agreement shall be subject to the laws and ordinances of the City of Lafayette, Indiana.

GREATER LAFAYETTE COMMERCE

by: _____
 (signature)

 (printed name and title)

Date: _____

USER

by: _____
 (signature)

 (printed name and title)

Date: _____

This instrument prepared by: Greater Lafayette Commerce, 337 Columbia St., P.O. Box 348, Lafayette, Indiana 47902-0348. Telephone: (765) 742-4044.

EXHIBIT A

BANNER ARM USE GUIDELINES/SPECIFICATIONS (Updated January 2011)

Goals of Street Banner Program

1. Introduce color and a festive atmosphere in Downtown Lafayette and our community.
2. Compliment the beautification efforts of our community.
3. Assist in the promotion of cultural & civic events, particularly those sponsored by non-profit groups.

Use of Banner Arms

Use of banner arms will be limited to non-political, non-commercial entities to promote event-related civic and cultural activities. Advertising on banners will be permitted if the event is actually sponsored by the advertiser, and will be limited to not more than 10% of the total size of the banner.

Banner Advisory Committee

The Banner Advisory Committee is an appointed body determined by GLC. This Committee shall be responsible for considering requests for use, approving design, scheduling the installation and removal of banners, and establishing a list of suggested resources for banners. The make-up of the Committee includes two representatives from GLC and one representative from each of the following entities:

Lafayette Redevelopment Department
Tippecanoe Arts Federation
Friends of Downtown
West Lafayette Development Director (ex-officio)

The Banner Advisory Committee will have final vote on all issues, interpretations, rules, and modifications to rules governing the Street Banner Program.

Banner Design and Approval Procedure

Banner design must be artistic in nature, graphically or symbolically representing or depicting the subject of the event. A commercial entity that is a sponsor of the cultural or civic event or activity of general public interest will be allowed to be given sponsorship acknowledgement on the lower tenth of the banner space. Commercial identity logos are permitted within the sponsorship area, but no telephone numbers or similar forms of advertising are allowed:

EXAMPLE: Run in the New Year
Sponsored by XYZ Company, Inc.

The design of the banner shall be developed by the User under the guidelines set forth herein. The Banner Advisory Committee shall review the preliminary design concept prior to preparation of final, camera-ready artwork for compliance with these specifications. The Banner Advisory Committee reserves the right to give final approval for the graphic design of the banner.

The design must be submitted to the Committee at least two weeks in advance of placing an order with an approved banner supplier.

Suppliers

Only those suppliers approved by the Banner Advisory Committee will be allowed to manufacture banners for the Street Banner Program. It is important that the proper fabric and treatments are provided along with adequate construction technique to prevent deterioration and damage. Approval status is obtained by demonstrating the ability to produce a banner of equal to or greater than those standards represented in the specifications of this document.

Dimensions and Materials

The banner, including applied designs, shall be fabricated from high quality, colorfast, water repellent material. Banners are to be printed on both sides and bracketed both at the top and bottom. Banners intended for Veterans Memorial Parkway are required to have wind slits cut into them.

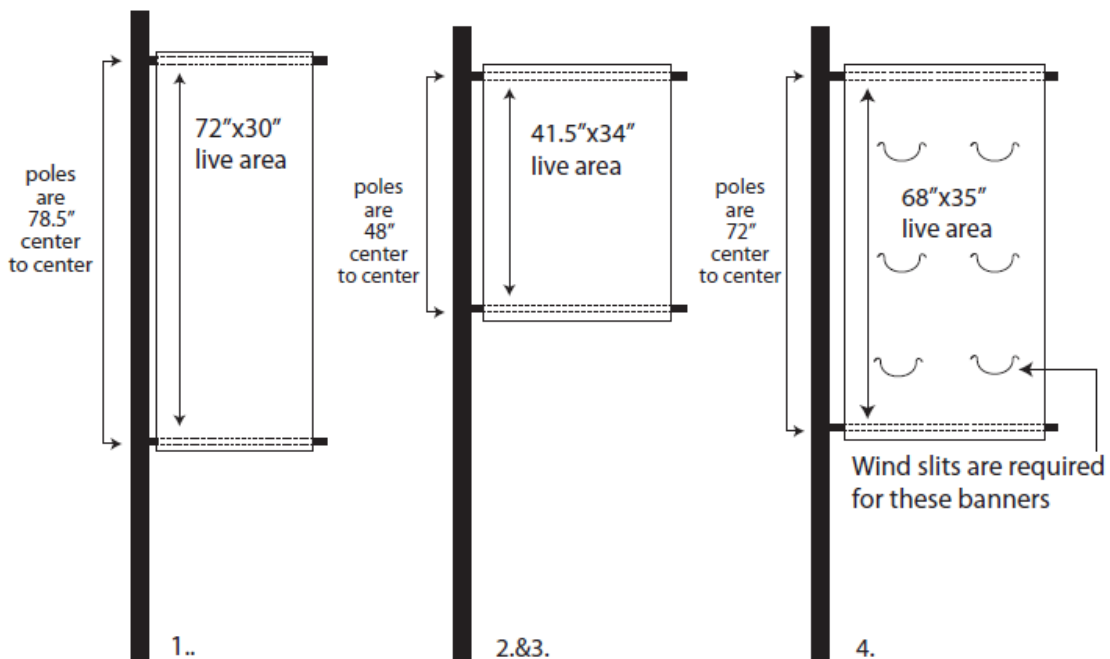
See illustration below for dimensions of banners at the various locations

City of Lafayette Pole Banners

Banner Specs.

1. Downtown - Include a 4" pole pocket top and bottom.
2. Farmers Market -Include a 4" pole pocket top and bottom.
3. Riehle Plaza - Include a 4" pole pocket top and bottom.
4. Veterans Memorial Parkway - Include a 4" pole pocket top and bottom and add wind-slits as shown.

* Actual banner dimensions will vary depending on construction method.



Banner Arm Reservations

Any organization considering participation in the Street Banner Program must notify the Banner Advisory Committee not less than one month nor more than one year in advance of the activity. The Banner Advisory Committee can be contacted through GLC. Reservations are subject to priority of the activity and light pole availability. Confirmation is made by execution of the Banner Agreement and payment of 50% of the rental expense.

Rental Fee/Security Deposit

Rental fees are determined according to the number of poles used:

- a) Zone 1 includes poles on Columbia, Main and South Streets between 2nd and 11th Streets; and 2nd Street between Main and South Streets. There are a total of 54 poles in Zone 1.
- b) Zone 2 includes poles at Riehle Plaza. There are a total of 21 poles in Zone 2.
- c) Zone 3 includes poles on Veterans Memorial Parkway. There are 50 poles on VMP of which 20 are available to rent.

Light pole brackets are the property of the City of Lafayette. A security deposit of \$250.00 will be made to GLC as a precaution in case of damage to the banner arms and to insure banners are removed within the specified timeframe. The security deposit will be returned when banners are removed, unless damage to banner arms results.

Duration of Banner Display

Banners may be displayed from a minimum of two weeks to a maximum of thirty days prior to or during the event date(s), as determined by the Banner Advisory Committee. Events lasting over 30 days will be reviewed on a request by request basis. A banner activity calendar is maintained by the Committee to coordinate placements. Banners will be removed immediately following the activity or on the first work day available to the removal crew.

Areas of Responsibility

The User is responsible for all costs and related fees regarding the production, printing, installation and removal of the banners.

The Banner Advisory Committee shall serve as monitor between the User, banner supplier, and banner installation crew.

The User will contract directly with the banner supplier to order, arrange delivery schedule, and determine final costs.

Only the Banner Advisory Committee, with direction from the owners of the light posts, can approve the installation and removal of the banners. An approved installer will have the authority to install and remove banners at the discretion of the Banner Advisory Committee.

In emergency situations, upon request from Duke Energy, any banners which adversely affect Duke Energy's ability to provide electricity in a safe and reliable manner to any of the streetlight facilities, or which adversely affect Duke Energy's ability to maintain and operate in a safe and reliable manner the streetlight facilities which it owns, shall be removed. In the event of an electric service emergency, Duke

Energy reserves the right, in addition to any other right, to remove a banner (including bracket) from any streetlight facility.

Procedure for Obtaining Approval

1. Application with proposed design and installer submitted to the Banner Advisory Committee for preliminary approval.
2. Following approval by the Banner Advisory Committee, first half of the rental fee is paid to confirm use of banner arms.
3. Original Certificate of Insurance is delivered to the Clerk of the City of Lafayette.
4. User contacts the Lafayette Police Department with name of installer, party responsible, and dates of installation/removal.
5. Final half of rental payment is due prior to banner installation, and a security deposit of \$250.00 is given to Banner Advisory Committee, to be held until banners are removed.

Storage

All banners become the property of the User. The Banner Advisory Committee will not be responsible for storing or maintaining the banners.

Insurance/Liability/Damage

Neither the Banner Advisory Committee, GLC, City of Lafayette, IBEW, nor Duke Energy will be held responsible for any damage or theft occurring to the banners. As stated above, an original Certificate of Insurance must be filed with the Clerk of the City of Lafayette prior to installation of banners.

The User shall hold the GLC, IBEW, City of Lafayette, and Duke Energy harmless for any injury to the light poles or banner arm standards, as well as injury to any other person or property as a result of the installation, use or removal of said banners.

Payment Schedule

Fifty percent of the rental fee is required as confirmation along with signed contract, following approval by necessary governing bodies. Remaining one-half of the rental and a security deposit of \$250.00 are required prior to the actual installation. Security deposit will be returned to User after banners have been removed, unless damage has resulted to the banner arms, or removal falls under the responsibility of GLC and User has complied with all other terms and conditions of this Agreement.

Questions concerning this Banner Arm Policy should be referred to the GLC, P.O. Box 348, Lafayette, IN 47902-0348, or by calling (765) 742-4044.

EXHIBIT B
SPECIFICATIONS FOR INSTALLATION/REMOVAL OF BANNERS

Equipment Required

- One foot long “tie wraps” (at least one per banner arm)
- Bucket trucks or hi-jackers (extension or A-frame ladders are not acceptable)

Banner Preparation

Banner Dimension:	Downtown Cobra heads	80”x 30”
	Riehle Plaza	49.5”x 34”
	Veteran’s Memorial Parkway	76” x 35”

Each banner includes a 4-inch banner arm sleeve top and bottom.

A 1-inch reinforced grommet is required adjacent to each banner sleeve.

Coordination Required Prior to Installation of Banners

- 1) A written Agreement with GLC, acting as agent for the City of Lafayette, IBEW, and Duke Energy;
- 2) Written certification filed with GLC confirming the name of the approved banner fabricator and installer(s);
- 3) A refundable deposit required for the use of the banner arms. This deposit will be returned only when all banners have been removed;
- 4) Instruction by an authorized representative of GLC for the correct method of installing banners on the cobra heads;
- 5) Notification to the Lafayette Police Department’s Traffic Division of the dates and times of banner installation and removal. Such notification must include any appropriate requests for parking restrictions (if bucket trucks are used, parking restrictions are not necessary).

Method of Installation

Banner Installation

- 1) Slide banner carefully over both the top and bottom arms.
- 2) Secure the banner to the pole by wrapping a “tie-wrap” through each grommet and the retaining ring on the banner arm bracket. If there is not a ring, wrap one or more tie-wraps around the pole; cut off tie-wrap tails.
- 3) To remove banners, reverse the procedure.

Approved Fabricators and Installers

Refer to the list of approved banner fabricators and installers which has been prepared by the GLC Banner Committee and is available from the GLC office. Prior to the installation or removal of banners, written certification is required stating the name of the approved banner fabricator as well as the approved installer(s).