

RESOLUTION NO. 2025-042

**RESOLUTION ESTABLISHING A CITY POLICY FOR BANNERS IN THE PUBLIC RIGHTS OF WAY AND REPEALING ANY PREVIOUS RESOLUTIONS RELATED TO BANNERS**

WHEREAS, the City of Rapid City (the “City”) has the ability to mount banners on light poles and across certain streets in the public right-of-way within the City; and

WHEREAS, the City recognizes the importance of maintaining public spaces in a manner that promotes civic unity and governmental functions; and

WHEREAS, the City has determined it is in the City’s best interests to not allow private organizations to be able to mount banners promoting their organizations or agendas on publicly owned property and to reserve these spaces for governmental speech; and

WHEREAS, it is the City’s intent to establish a policy limiting the display of flags and banners on public property to official government flags and banners, thereby exercising its authority to engage in government speech while avoiding the creation of a public forum for private expression; and

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Rapid City that:

1. It is the policy of the City of Rapid City that the mounting of flags, banners, and other temporary signage on City property within public rights-of-way be limited to official government messages, consistent with the City’s authority to engage in government speech and in compliance with applicable U.S. Supreme Court rulings. No private, non-governmental flags, banners, or other displays, including but not limited to those representing commercial, political, religious, or social causes, shall be permitted on public property, except as otherwise provided by law or in designated public forums as established by separate ordinance or policy. For purposes of this resolution, an official government flag is a flag that represents a governmental entity, including but not limited to the flag of the United States, the flag of the State of South Dakota, the flag of the City, and/or other flags officially adopted by a governmental body to represent its authority or jurisdiction. An official government banner is a banner that is designed, approved, and displayed by a governmental entity to convey official governmental messages, such as those related to public safety, civic events, or governmental functions, or a banner that is placed by an organization pursuant to a valid agreement with the City that has been entered into based on the provisions of City ordinance and is consistent with the intent of this policy.
2. Any previous resolutions approved by the City related to the use of City flag poles or the mounting of banners on City light poles, including, but not limited to, the resolution adopted in 2007 related to the lease of banner poles in downtown and Resolution No. 2016-086 are hereby repealed. This resolution is not intended to impact any existing agreements which have been approved by the City Council with organizations such as South Dakota Mines for the placement of banners to promote that institution on City light poles. This resolution is also not intended to

impact or prevent the City's ability to sell advertising for the City's transit system, or on other City owned facilities, or infrastructure, such as parks and sporting facilities pursuant to the adopted policies specific to those departments and facilities. Nor is this resolution intended to impact the City's ability to enter into agreements or implement programs or enter into agreements partnering with organizations to honor veterans.

3. Any applications for the placement of banners across Main and St. Joseph Streets which have already been approved pursuant to the resolutions which are being repealed will be honored, but upon approval of this resolution no new applications from outside organizations for mounting banners will be accepted.

Dated this \_\_\_\_ day of April, 2025.

CITY OF RAPID CITY

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Jason Salamun, Mayor

ATTEST:

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Daniel Ainslie, Finance Director

SEAL