



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Aldinger and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Gill, Director of Parks and Recreation  
Jane Grace, Executive Secretary

**DATE:** October 16, 2007

**SUBJECT:** Discussion of the City Council Work Plan Item Regarding the Policy for Over-the-Street Banners

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**RECOMMENDATION:**

Staff recommends that the City Council review and discuss the policy for hanging over-the-street banners in Manhattan Beach and provide direction.

**FISCAL IMPLICATION:**

The City covers its costs with this program. The City contracts with West Coast Lighting to hang all banners. The City is charged \$300 to hang banners at six downtown locations and \$775 to hang banners at two Sepulveda Locations (which includes \$475 Cal Trans permit fees). The City passes along these exact costs to our customers.

**BACKGROUND:**

During the 2007 City Council Workplan, City Council requested that staff bring forward for Council review the policy for hanging over-the-street banners in Manhattan Beach.

**DISCUSSION:**

City staff approved the hanging of 78 over-the-street banners in the last fiscal year. Of these banners, 16 were for the Parks and Recreation Department, 10 for other City departments and 52 for outside agencies.

City Ordinance 9.60 (attachment A) states that "permits shall be issued only to non-profit organizations for the purpose of publicizing non-commercial ventures and events or commercial events of an area-wide or general community interest for the benefit of organizations or citizens of the City of Manhattan Beach." This ordinance goes on to state that banners may be left up for a maximum of 30 days. However, because of the high demand and to satisfy more agencies, staff limits banner hanging to two weeks.

There are eight approved locations in the city for banner hanging; six locations are in the downtown area and two are on Sepulveda (attachment B).

The complete procedure for agencies wishing to hang a banner is listed on attachment C. This procedure includes the application that is required (attachment D) as well as the requirement for insurances, indemnifications, contact information, costs and other banner hanging requirements.

The annually occurring special events that the City conducts or events that have been approved by the City Council during the fee waiver process can reserve space on the banner hanging calendar up to one year in advance. All other requests are handled on a first-come first served basis.

There are very few complaints regarding banner hanging from the community. The only complaints staff can remember receiving in the last nine years have been for hanging banners for two outside events; the Redondo Lobster Fest and Palos Verdes Car Concourse D'Alegance. Even though these can be construed as "of a general or community-wide interest," staff discontinued approving these banners.

**CONCLUSION:**

Community agencies seem to like the over-the-street banners as a means to advertise their events, as almost all of our customers come back with the same requests year after year. The City does not make money from the program, but it is a good service for the community. Staff recommends that the City Council review the policy for hanging over-the-street banners in Manhattan Beach and provide direction.

- Attachments:
- A. City Ordinance 9.60
  - B. Banner Locations and Installation Guidelines
  - C. Banner Permit Procedure
  - D. Application for Permit to Hang Banner(s) Over Public Street(s)

## Chapter 9.60

### REGULATIONS FOR SUSPENDING DECORATIONS AND/OR BANNERS OVER THE PUBLIC WAY

**Sections:**

- 9.60.010** Permit required to suspend decorations or banners over the public way.
- 9.60.020** Application for permit.
- 9.60.030** Permit fees.
- 9.60.040** Granting or denial of permit.
- 9.60.050** Insurance.
- 9.60.060** Permittee to comply with all laws.
- 9.60.070** Suspension and revocation of permit.

**9.60.010 Permit required to suspend decorations or banners over the public way.**

It shall be unlawful for any person to hang, sustain, or suspend any street banner, flag, pennant, or street decoration over and above any street or other public thoroughfare, or cause the same to be done, without first obtaining a permit in writing from the City Manager or his designated representative so to do; provided, however, such street banner, flag, pennant, or street decoration shall be safely sustained not less than twenty (20') feet above such public thoroughfare, and provided, further, that the advertising made upon such signs shall not contain the name or designation of any individual, firm, or corporation as an advertisement for private gain, and provided, further, that such sign shall be dated in legible letters and shall not remain in place for a period longer than thirty (30) days from the date of the permit given by the City Manager or his designated representative. Permits shall be issued only to non-profit organizations for the purpose of publicizing non-commercial ventures and events or commercial events of an area-wide or general community interest for the benefit of organizations or citizens of the City of Manhattan Beach (such as the City Fair or Downtown, Boulevard, or North End sales).

(§ 1, Ord. 952, eff. November 19, 1963, as amended by § 1, Ord. 1428, eff. September 18, 1975; § 1, Ord. 1444, eff. March 4, 1976; § 1, Ord. 1767, eff. November 19, 1987; § 1, Ord. 1777, eff. May 19, 1988)

**9.60.020 Application for permit.**

Any non-profit organization desiring a permit as required pursuant to the provisions of Section 9.60.010 of this chapter shall file an application with the Department of Public Works. Such application shall set forth the name and address of the applicant, the description of the location and area of the proposed installation or suspension, and a statement of the purpose for which such installation or suspension is to be maintained. The application shall be signed by the applicant and shall contain a statement that the applicant agrees to conform to and obey all of the provisions of this chapter and all regulations of the Council relative to the installation of such devices. Said application shall also contain a certification by the applicant that no individual personal or corporate profit shall result from the banner publicity other than as a participating merchant in an area-wide sale or general community event.

(§ 1, Ord. 952, eff. November 19, 1963, as amended by § 2, Ord. 1428, eff. September 19, 1975; § 2, Ord. 1444, eff. March 4, 1976)

**9.60.030 Permit fees.**

The schedule of fees for permits issued pursuant to the provisions of this Chapter shall be established by the Council under separate resolution.

(§ 1, Ord. 952, eff. November 19, 1963, as amended by § 3, Ord. 1444, eff. March 4, 1976; § 36, Ord. 1458, eff. June 17, 1976)

**9.60.040 Granting or denial of permit.**

The application shall be presented to the City Manager or his designated representative for consideration. The City Manager or his designated representative may take such application under advisement pending its consideration thereof and may grant subject to such conditions as considered appropriate or refuse to grant any such permit. Said decision shall be subject to appeal to the City Council.

When the application shall have been approved by the City Manager or his designated representative, the permit shall be issued jointly by the Chief Building Inspector and the Public Works Director.

(§ 1, Ord. 952, eff. November 19, 1963, as amended by § 3, Ord. 1428, eff. September 18, 1975; § 4, Ord. 1444, eff. March 4, 1976)

**9.60.050 Insurance.**

The permittee shall assume the defense of, and indemnify and save harmless, the City and the Council and each member of the Council and their officers and agents from any suits, claims, or losses of any kind brought by any persons for or on account of any injuries or damages arising out of or which may be attributable to or in any manner connected with, the installation, replacement, repair, or maintenance of cables or other devices and the installation and maintenance of such banners, flags, pennants, or street decorations pursuant to the permit required or from the negligence of the permittee or his agents in the performance of such permit. The permittee shall obtain and, at all times during the life of the permit, have and maintain in full force and effect public liability and property damage insurance with the following limits of liability:

- A. One Hundred Thousand and no/100ths (\$100,000.00) Dollars for death or bodily injury or loss sustained by one person in any one occurrence;
- B. Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for death or bodily injury sustained by more than one person in any one occurrence; and
- C. Fifty Thousand and no/100ths (\$50,000.00) Dollars for loss occasioned by damage or injury to property in any one occurrence.

The insurance policy shall contain either a broad form of contractual liability, including permits, or it shall have attached thereto an endorsement providing for the coverage required pursuant to the provisions of this section. Policies shall be approved as to form and carrier by the City Attorney. Duplicate policies or other proof of coverage satisfactory to the City Attorney shall at all times be filed with the City Clerk during the effective date or dates of the permit required.

(§ 1, Ord. 952, eff. November 19, 1963)

**9.60.060 Permittee to comply with all laws.**

The permit authorized by the provisions of this chapter shall be in addition to all permits required by any other law of the City, and all such devices authorized by the permit shall be subject to the inspection of the Chief Building Inspector and the Public Works Director and shall conform to all requirements of the Building Code, Sign Code, and other codes or laws or regulations relating to the necessary installations incident thereto.

(§ 1, Ord. 952, eff. November 19, 1963)

**9.60.070 Suspension and revocation of permit.**

- A. **Cause.** In the event any person holding a permit to hang, sustain, or suspend any street banner, flag, pennant, or street decoration over and above any street or other public thoroughfare in the City shall violate any condition of such permit, or any provisions of this chapter, the City Manager or his designated representative, in their discretion, may suspend for a stated period or revoke such permit issued to such person. If the permit shall be revoked, the City Manager or his designated representative, in their discretion, may thereafter refuse to grant to such person a permit for such person in the City.
  - B. **Hearing required.** No permit shall be suspended or revoked until a hearing shall have been held by the City Manager or his designated representative in the matter of the revocation of such permit upon not less than ten (10) days written notice to the applicant or permittee.
  - C. **Nontransferable.** The permittee shall not assign his permit, or any interest thereto, without first obtaining the written consent of the City Manager or his designated representative, nor shall such permit, or any interest therein, be transferred by operation of law. Any such assignment or transfer shall be void and shall confer no right of occupancy upon the assignee or transferee. In the event the permittee shall be adjudicated a bankrupt or become insolvent, or in the event possession of any interest in such permit shall be taken by virtue of any writ, the City Manager or his designated representative may terminate such permit.
  - D. **Notice to abate and remove.** Upon the termination, suspension, or revocation of such permit, the permittee shall, upon demand of the City, remove the cables and cable attachments. Upon revocation of the permit with respect to specific cable locations, the permittee shall, upon demand of the City, remove such cable and attachments from such specific locations. In the event the permittee shall fail to remove any cables and cable attachments, or portions thereof, upon demand of the City, the City may remove such cables and cable attachments, and the permittee shall reimburse the City for its costs of removal.
- (§ 1, Ord. 952, eff. November 19, 1963, as amended by § 5, Ord. 1444, eff. March 4, 1976)

Attachment B

BANNER LOCATIONS AND INSTALLATION GUIDELINES

	<u>Post Mile</u>	<u>Distance Between Poles</u>	<u>Length of Ropes (including banner)</u>	<u>Maximum Banner Length</u>
1. Sepulveda Blvd. & Marine Avenue	23.42	92 ft.	38 ft.	30 ft.
2. Sepulveda Blvd. & Manhattan Beach Blvd.	22.90	95.5 ft.	38 ft.	30 ft.
3. Manhattan Avenue & 12 <sup>th</sup> Place		63 ft.	38 ft.	30 ft.
4. Manhattan Avenue & 9 <sup>th</sup> Street		63 ft.	38 ft.	30 ft.
5. Highland Avenue & 13 <sup>th</sup> Place		43 ft.	38 ft.	30 ft.
6. Highland Avenue n/o 11 <sup>th</sup> Street		43 ft.	38 ft.	30 ft.
7. Manhattan Beach Blvd e/o Morningside Dr.		64 ft.	38 ft.	30 ft.
8. Manhattan Beach Blvd. e/o Manhattan Avenue		65 ft.	38 ft.	30 ft.

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1. Banners shall be a minimum length of ten (10) feet and shall be only thirtysix (36) inches maximum in width.
  2. Banners shall have brass grommets at each corner and across the top at 24inch maximum intervals. Grommets shall have an opening of 3/8 inch. A triangular shaped piece of substantial fabric, a minimum of 12 inches on two sides, shall be double stitched into each corner before the four corner grommets are installed.
  3. Rope shall be a minimum ½ inch diameter and in good condition, free from defects. Rope shall be sewn into the top and bottom of the banner.
  4. Half-moon air holes should be cut several times throughout the banner (to prevent wind damage).

CITY OF MANHATTAN BEACH  
BANNER PERMIT PROCEDURE

Please complete the steps outlined below to obtain your Banner Permit. The banner hanging date will not be confirmed until you have completed the first four steps.

STEPS	ACTION REQUIRED	√
Set Tentative Date	Call (310) 802-5403 to check availability of date and location.	
Insurance	Submit Certificate of Insurance to the Parks & Recreation Department.	
Indemnification and Hold Harmless	Submit to Parks & Recreation Department (signed by a representative of your organization). (Attachment #2)	
Application & Fee	Submit the completed application to the Parks & Recreation Department and pay the fee (\$300/\$775 for each banner) (Attachment #3)	
Finalize Banner	Call (310) 802-5403 to finalize banner hanging date.	
Banner	Deliver banner to West Coast Lighting, 930 E. Hyde Park Ave., Inglewood one week prior to scheduled banner hanging date. Call 677-2031 before delivering banner.	
Hanging	Banners are hung on Mondays for a period of one to two weeks. Construction of all banners must follow guidelines. (Attachment #4)	
Banner Pickup	Call (310)677-2031 (J. Carlos DeAlba) to set date for banner pickup.	

APPLICATION FOR PERMIT  
TO HANG BANNER(S) OVER PUBLIC STREET(S)

Permits shall be issued only to nonprofit organizations for the purpose of publicizing noncommercial ventures and events or commercial events of an area-wide or general community interest.

NAME OF APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NO: \_\_\_\_\_

EXACT WORDING OF BANNER(S): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE BANNER(S) TO BE INSTALLED: \_\_\_\_\_

DATE BANNER(S) TO BE REMOVED: \_\_\_\_\_

LOCATION(S): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Applicant agrees to conform to and obey all of the provisions of Chapter 9.60 of the Manhattan Beach Municipal Code and all regulations of the City Council relative to the use of banner poles. Applicant certifies that no individual, personal, or corporate profit shall result from the banner publicity other than as a participating merchant in an area-wide sale or general community event.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



