

**Chapter 9.60**

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

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**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)