

LEGISLATIVE DIGEST

ORDINANCE REGARDING BANNERS AND DECORATIONS IN THE PUBLIC RIGHT OF WAY

(Additions are shown in double underline; deletions are shown in ~~strikeout~~)

Section 1. Municipal Code Chapter 9.60 is amended as follows:

“Chapter 9.60 - BANNERS IN THE PUBLIC RIGHT-OF-WAY

9.60.010 - Permit required to ~~suspend~~place decorations or banners ~~over~~in the public right-of-way.

It shall be unlawful for any person to hang, ~~sustain~~, or suspend any ~~street~~ banner, flag, pennant, or ~~street~~ decoration (hereinafter collectively “Banner”) over ~~and above~~ any street or other portion of the public thoroughfare right-of-way, 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 the City Manager’s designee. Banner 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)~~ City-sponsored events, area-wide business promotional events, and recreational activities open to the public.

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 City’s 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.~~Parks and Recreation. Such application shall include all the information required by the City pursuant to its banner policy, as it currently exists or may be amended in the future. 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 and policies 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 Banners in the public right-of-way.

9.60.030 - Permit fees.

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

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 designee. If the application complies with the provisions of this chapter and the City's related regulations and policies, the application shall be granted subject to such conditions ~~as considered appropriate or refuse to grant any such permit.~~ Said that may be necessary to preserve the public health, safety, and welfare. Such decision shall be subject to appeal to the City Council. ~~When the~~ Upon approval of an application ~~shall have been approved by the City Manager or his designated representative, the~~ a permit shall be issued ~~jointly by the Chief Building Inspector and the Public Works Director~~ by the City Manager or designee.

9.60.050 ~~-Insurance.~~ - Insurance and Indemnity.

~~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.~~

Any person receiving a permit pursuant to this chapter shall indemnify the City and provide all necessary insurance, as deemed appropriate by the City's Risk Manager.

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.~~ Each Banner authorized by the permit shall be subject to the inspection of the Chief Building Inspector and the ~~Public Works~~Parks and Recreation Director and shall conform to all requirements of the Building Code, Sign Code, and other codes ~~or, laws or, policies,~~ and regulations relating to ~~the necessary installations incident thereto~~decorations, banners, and signs.

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 Banner permit violates any condition of the permit, any ~~provisions~~provision of this chapter, ~~the City Manager or his designated representative, in their discretion, may suspend for a stated period~~or any of the City's policies and regulations, the Parks and Recreation Director may suspend or revoke such permit ~~issued to such person.~~ If ~~the~~such a permit ~~shall be~~is revoked, the City Manager or ~~his designated representative, in their discretion, may thereafter~~designee may refuse to grant a future permit for a Banner 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 Banner and any related cables ~~and/or~~ 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 fails~~ to remove the Banner, any cables and cable attachments, or portions thereof, ~~upon demand of the City~~, the City may remove such ~~cables and cable attachments~~items, and the permittee shall reimburse the City for its costs of removal.

C. **Appeal.** The permittee may appeal a decision to suspend or revoke a permit to the City Manager by filing a notice of appeal to the City Clerk within 10 days of the decision. The City Manager shall conduct a hearing on the appeal and render a decision within 10 days of the date the appeal has been duly filed with the City Clerk. The City Manager's decision is final.