

ORDINANCE NO. 13-0020

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
REGARDING BANNERS AND DECORATIONS IN THE
PUBLIC RIGHT-OF-WAY, AND AMENDING CHAPTER 9.60
OF THE MANHATTAN BEACH MUNICIPAL CODE

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS
FOLLOWS:

Section 1. The City Council hereby amends Chapter 9.60 of Title 9 of the
Manhattan Beach Municipal Code in its entirety to read as follows:

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

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

It shall be unlawful for any person to hang or suspend any banner, flag, pennant, or decoration (hereinafter, collectively, “Banner”) over any street or other portion of the public right-of-way, or cause the same to be done, without first obtaining a permit from the City Manager or the City Manager’s designee. Banner permits shall be issued only for the purpose of publicizing City-sponsored and co-sponsored events and City funded-events.

9.60.020 - Application for permit.

Any organization desiring a permit shall file an application with the City’s Department of 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 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.

9.60.040 - Granting or denial of permit.

The application shall be presented to the City Manager or the City Manager’s 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 that may be necessary to preserve the public health, safety, and welfare. Such decision shall be subject to appeal to the City Council. Upon approval of an

application, a permit shall be issued by the City Manager or the City Manager's designee.

9.60.050 - Insurance and indemnity.

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 the City. Each Banner authorized by the permit shall be subject to the inspection of the Chief Building Inspector and the Parks and Recreation Director and shall conform to all requirements of the Building Code, Sign Code, and other codes, laws, policies, and regulations relating to decorations, banners, and signs.

9.60.070 - Suspension and revocation of permit.

A. **Cause.** In the event any person holding a Banner permit violates any condition of the permit, any provision of this chapter, or any of the City's policies and regulations, the Parks and Recreation Director may suspend or revoke such permit. If such a permit is revoked, the City Manager or the City Manager's designee may refuse to grant a future permit for a Banner to such person.

B. **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 or cable attachments. In the event the permittee fails to remove the Banner, any cables and cable attachments, or portions thereof, the City may remove such 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."

Section 2. **CEQA Finding.** The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. It is therefore exempt from California Environmental Quality Act review pursuant to 14 California Code of Regulations Section 15061(b)(3).

Section 3. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this

Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 5. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

PASSED, APPROVED AND ADOPTED this _____ of _____,
2013.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney