

CITY OF MANHATTAN BEACH POLICY REGARDING BANNERS AND DECORATIONS IN THE PUBLIC RIGHT-OF-WAY

The City of Manhattan Beach owns certain property, such as street light poles and other poles located in the public right-of-way from which the City and others may hang decorations, flags, pennants, or banners promoting special events.

Banners placed on street poles are an important medium for providing notice to Manhattan Beach residents, as well as those who work in and visit Manhattan Beach, about City-sponsored events, City-funded events, and recreational activities open to the public.

By adopting this policy, the City does not intend to create public fora on street poles or in the public right-of-way. The public right-of-way is not a traditional public forum and the City has never intended to open this property to use by others for communicative purposes. The street poles and public right-of-way are not designated public fora. As a consequence, the street poles and public right-of-way are non-public fora.

The City wishes to establish a policy that governs the type of privately-owned banners and decorations that may be affixed to street poles and displayed in the public right-of-way and the manner in which such items may be affixed. The purpose of these administrative regulations is to implement Chapter 9.60 of the Manhattan Beach Municipal Code, which prohibits the posting of any banner, flag, pennant, or decoration over any street or other portion of the public right-of-way without a City permit. Adopting these implementing administrative regulations will ensure that the provisions of Chapter 9.60 are applied in a viewpoint-neutral manner and that posting of banners and decorations will not result in signage clutter that distracts drivers or has a negative aesthetic impact. This policy does not apply to City-owned banners or decorations.

Except as provided in this policy, no privately-owned banner shall be affixed to a street pole or over or in the public right-of-way. Nothing in this policy exempts a person from obtaining City approval before installing banners or decorations over or in the public right-of-way.

Permit Requirements and Regulations

Application and Permit

Pursuant to Chapter 9.60 of the Manhattan Beach Municipal Code, it is 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 applying for, and obtaining a permit from the City Manager or the City Manager's designee.

A permit application shall set forth the name and address of the applicant, the description of the location and area of the proposed installation or suspension, a description of the event that is the subject of the Banner, and a photographic copy of the proposed Banner.

Regulations

1. No banner or decoration shall be hung from a street tree.
2. No banner or decoration shall be hung from any street pole unless that pole has been specifically designed or equipped to accommodate such banners or decorations.
3. Material, location and dimensions of banners shall be subject to the review and approval of the City.
4. No decorative flags or any other moving objects may be attached to the ties or cords used to secure banners hung over a street.
5. Banners advertising an event shall be hung no earlier than 14 days before the event and shall be removed within one business day after the event. If any banner is not removed within this time frame, City personnel shall remove the banner, and the owner of the banner shall be billed for the City's costs associated with such removal.
6. Banners shall be removed if they become torn, tattered, faded or are otherwise not maintained in a first-class condition.
7. All banners shall be affixed in accordance with safety requirements established by the City.
8. The City shall limit its review and approval of banners to whether the banners meet the criteria of Municipal Code Chapter 9.60 and this policy and whether the posting of the banner would conflict with the scheduled posting of any other banner. The City shall render its decision within 10 days after an application for a banner has been filed.