

**TEMPORARY BANNERS EXTENDING OVER OR WITHIN
THE PUBLIC RIGHT-OF-WAY**

Findings and Purpose

Temporary banners and signs pose risks to the public in the form of potential physical obstructions in or over the right-of-way and by distracting an individual who otherwise would, and should, focus on other users. The City Council also finds that, in the absence of the size and number limits specified in this policy, temporary banners or sign could reduce property values, adversely impact land uses, and interfere with the recreational objectives of visitors to the City of Newport Beach. A total prohibition on the installation of temporary banners and signs within the public right-of-way is appropriate with the exception of the provisions of this Policy and Newport Beach Municipal Code Chapter 20.42 because there are adequate alternative means of communication for those wishing to engage in commercial or non-commercial speech except for temporary real estate signs and non-profit groups organizations conducting community wide events that are co-sponsored by the City of Newport Beach and open to the general public. Finally, the City Council has determined that the restrictions contained in this policy and the provisions of Newport Beach Municipal Code Title 20 are the least restrictive means available to accomplish the public safety, economic and aesthetic objectives of the City Council.

General Provisions

Temporary banners and signs shall not be permitted within or over any public street or pedestrian right-of-way with the exception of temporary real estate signs as specified in Newport Beach Municipal Code Chapter 20.42, or any successor statute, and banners notifying the general public of a community wide event, open to the general public, conducted by a non-profit corporation or organization, and co-sponsored by the City of Newport Beach. Temporary banners and signs shall be installed in strict compliance with the provisions of this Policy and any conditions imposed on the permit by the Public Works Director and, if required, by the Utilities Director.

Permit Process

- A. Except as provided in Newport Beach Municipal Code Title 20, or any successor statute, no person shall install any temporary banner or sign within any public right-of-way without first obtaining a permit issued by the Public Works Department.
- B. Applications for a temporary banner permit shall be submitted to the Public Works Department on a form supplied by the City, and prior to thirty (30) days of planned installation date.

- C. The Public Works Director shall determine if the application complies with the standards specified in this policy.
- D. The Public Works Director shall approve/deny/recommend City Council approval of the application within five (5) working days. If City Council approves the request, subsequent requests for the same event maybe approved by the City Manager, provided that the size, number, location and banner type (language and graphics) are unchanged.
- E. The Public Works Director shall approve the permit if the application conforms with the standards contained in this policy.
- F. The Public Works Director shall deny the permit if the application does not conform to the standards in this policy and shall give the applicant written notice of, and the reasons for, the denial.
- G. The Public Works Director may impose a refundable security deposit to be applied to any damages, repairs to standards, poles or City property not corrected by permittee within fourteen (14) days of banner removal or any special services required by City.
- H. The Permittee shall agree to indemnify and hold harmless the City of Newport Beach.
- I. The Permittee shall maintain a minimum of \$1,000,000 in liability insurance from a company with a Best's Key Rating Guide parameter of "A" or better and a financial size category of "VIII" or higher.

Standards

- A. Manner of Installation
 - 1. Permittee shall install no more than 100 banners;
 - 2.
 - a) Banners on streetlight poles shall be no more than two-and-one-half (2.5) feet wide and eight (8) feet high. Wind load calculations, determined by a registered engineer, shall be required for banners greater than twenty (20) square feet;
 - b) Banners other than streetlight pole banners shall be no more than four (4) feet by eight (8) feet wide and are subject to review and approval for safety sight distance and clearance issues.

3. No more than one (1) banner shall be installed on any pole or standard and banners may not be installed between poles or standards;
4. The banners shall contain only the name of the permittee and if applicable, the date, time and the name of the event to be conducted by the permittee;
5. All banner brackets on streetlight poles shall be mounted at least fourteen (14) feet above the ground surface;
6. All banner brackets on streetlight poles shall be installed using stainless steel band clamps and the brackets must be sufficiently strong to withstand wind-load generated by ninety (90) mile per hour winds. Each banner shall have a minimum of two (2), five (5) inch half circle wind slits;
7. Poles or standards shall be wrapped with forty-five (45) milliliter thick black rubber sheet or other pre-approved material under all stainless steel brackets and clamps and no portion of any bracket shall be in direct contact with the surface of any street light pole or standard. In addition, all street light pole(s) being used shall be inspected and approved by the Utilities Department;
8. Banners shall be installed only at locations specified on the permit;
9. Permittee shall install and remove banners in strict compliance with the traffic control, signage and warning device criteria specified in the WATCH handbook and/or the California Manual on Uniform Traffic Control Devices; and
10. If more than one permittee requests the use of the same street light pole(s) at the same time, the City may require removal of some of the banners to allow other organizations to install banners authorized under City policies.

B. Time of Installation

1. Permittee shall contact the Public Works Department at least forty-eight (48) hours prior to the installation of any banner on streetlight poles pursuant to the permit;
2. All banners and supporting material shall be removed within thirty (30) days after the date of installation;

C. Place of Installation

1. Banners shall only be installed on City owned poles and standards, or approved locations in roadway medians, in City parks, and on other City owned facilities;
2. Banners shall not be installed on any pole or standard which could create sight distance problems for pedestrian or vehicular traffic;
3. Banners shall not be installed on poles or standards in any residential district.
4. Banners shall only be installed at the approved locations indicated on the plan submitted with the banner application.
5. City owned poles within Caltrans right-of-way shall require an additional review/approval process with Caltrans Permit Department.

History

(1977, 10/25) - L-8 - Adopted
(1994, 01/24) - M-4 - Adopted again
(1996, 02/26) - L-16 - Amended - changed to L-16
(1997, 02/24) - L-16 - Amended
(2001, 05/08) - L-16 - Amended
(2003, 04/08) - L-16 - Amended
(2006, 10/10) - L-16 - Amended
(2013, 05/14) - L-16 - Amended
(2015, 05/12) - L-16 - Amended
(2018, 08/14) - L-16 - Amended