

FLAGS PLACED WITHIN OR EXTENDING OVER THE PUBLIC RIGHT-OF-WAY  
WITHIN BUSINESS IMPROVEMENT DISTRICTS

The City Council supports beautification efforts directed to improve the quality of life and economic vitality of its three geographical Business Improvement Districts' historic commercial villages. Decorative flags shall be permitted to enhance the appearance and identify the areas of the City's geographical Business Improvement Districts pursuant to this policy.

However, the City Council also finds that excessive numbers of flags bearing text can be distracting to drivers, detract from the City's unique environmental setting, and create a cluttered atmosphere on public property. In addition, the City Council does not intend to establish any limited public forum for speech on City fixtures that is inconsistent with the limits on categories of speech, classes of speakers, and venues for such limited speech established in Council Policy L-16.

The City Council wishes to ensure that flags displayed within the three geographical Business Improvement Districts are installed and displayed in a manner that does not damage City property, create a hazardous condition on public property, or incur increased installation or maintenance expense for the City. Encroachment permits shall be required on an annual basis, and all flags displayed pursuant to the provisions of this Policy shall be designed and installed consistent with the technical specifications and other requirements set forth under the encroachment permit.

**POLICY**

- A. The City shall permit decorative flags to be installed by the three geographic Business Improvement Districts on City poles and standards approved by the Director of Public Works, within the geographic boundaries of the Business Improvement Districts. The permitted locations are the Business Improvement Districts of Balboa Village, Marine Avenue, and Corona del Mar. Except as permitted under this Policy, Newport Beach Municipal Code Chapter 20.67, and Council Policies L-16 (Temporary Signs and Banners on Public Property) and L-24 (Flags on Public Bridges), no decorative flags shall be installed within or over the public right of way in other geographic areas of the City.
- B. All flags permitted under this Policy shall be decorative in nature and shall not contain any text with the exception of geographical community designations. (ex: Balboa Island, Balboa Village, etc.) Commercial messages, noncommercial messages, or messages of any kind, including but not limited to logos and symbols associated with known religious, political, commercial, and/or nonprofit entities shall not be allowed. National flags of any nation shall be permitted.

- C. No person shall install, maintain or remove flags on City poles, standards or other fixtures within the geographic boundaries of the Business Improvement District (“BID”) areas without first obtaining an encroachment permit and agreement from the Public Works Department. The permit/agreement shall be valid for a period of one year and will be renewable annually.
1. Applications for an annual flag permit in a BID geographical area shall be submitted to the Public Works Department on a form supplied by the City. With its application for each annual permit, the Permittee shall include proposed locations, designs, materials, specifications and dimensions for all flags it intends to display with its application for the permit/agreement.
  2. The Public Works Director will review each application for consistency with Department standards, including but not limited to dimensions, materials, location, type of installation, and wind load considerations. The Public Works Director shall approve or deny the application within 10 business days from the date the Director deems the application complete.
  3. All flags displayed under the annual permit/agreement shall be consistent with the specifications and other information included with the permit/agreement application. No change or deviation in location, design, material, specification or other information submitted to and approved by the Public Works Director shall be permitted under the annual permit/agreement unless first approved in writing by the Public Works Director.
  4. Flags shall not encroach on or above any portion of a right of way utilized by motor vehicles.
  5. No more than two flags may be installed on any City pole or standard at any time. With the approval of the Public Works Director, up to two flags may be permitted on a single pole. If the Permittee requests a permit for more than one flag or banner on any single pole, only one of the flags or banners on the requested pole may contain text. If a pole or standard designated by the Public Works Director for flag display under this Policy is also one that is designated for temporary banner display under Council Policy L-16, and more than one Permittee or entity requests the use of the same pole or standard at the same time, the City may require temporary removal of some of the flags permitted under this Policy to allow other entities to install banners authorized under City policies.

6. The Permittee shall contact the Electrical Division of the Utilities Department of the City of Newport Beach at least 48 hours prior to the installation of any flag on streetlight poles pursuant to the annual permit/agreement.
7. The Permittee shall employ a licensed contractor for installation and removal of any flags installed under the annual permit. The Permittee and any contractor employed by the Permittee shall agree to indemnify and hold harmless the City of Newport Beach.
8. The Public Works Director may impose a refundable security deposit to be applied to any damages and/or repairs to standards or poles not corrected by Permittee within 14 days of flag removal or any special service required by the City.
9. The Business Improvement Districts shall be responsible for the installation, maintenance and removal of flags permitted under this Policy within their geographic boundaries.

**Adopted - June 9, 2009**