

**FLAGS ON PUBLIC BRIDGES, WITHIN OR EXTENDING OVER THE PUBLIC  
RIGHT-OF-WAY**

The City supports the beautification efforts directed to improve the quality of life and economic vitality of various communities and commercial areas. Decorative flags shall be permitted to enhance the appearance of City Bridges and identify the areas of the City geographical commercial villages pursuant to this policy.

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, or any successor policy.

***Flags on Public Bridges***

- A. Flags are permitted on the following public bridges: the (1) Lido Isle/Via Lido Bridge; (2) the Balboa Island/Marine Avenue Bridge; (3) Little Balboa Island/Park Avenue Bridge; (4) the Arches Interchange Bridge; and (5) any other bridge allowed by the City Manager. Flags shall be prohibited on all other public bridges.
- B. All flags shall be decorative in nature and shall not contain any text with the exception of the U.S. flag and geographical community designations (ex: Balboa Island, Lido Isle, etc.). Commercial, political, or religious messages or messages of any kind, including logos and symbols shall not be allowed.
- C. No person shall install, maintain or remove flags on City bridges without first obtaining an encroachment permit and agreement from the Public Works Department. The permit/agreement shall be valid for a period of one (1) year and shall be renewable annually.

***Authority to Install, Maintain And Remove***

- A. The Lido Isle Community Association shall be the designated agent of the City and shall be responsible for the installation, maintenance and removal of flags on the Lido Isle/Via Lido Bridge.
- B. The Balboa Island Improvement Association shall be the designated agent of the City and shall be responsible for the installation, maintenance and removal of flags on the Balboa Island/Marine Avenue Bridge.

- C. The Little Balboa Island Association shall be the designated agent of the City and shall be responsible for the installation, maintenance and removal of flags on the Little Balboa Island/Park Avenue Bridge.

*Flags Placed Within or Extending Over the Public Right Of Way*

The City Council wishes to ensure that flags displayed within the three (3) geographical commercial villages 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.

*Definitions*

- A. The City of Newport Beach's commercial villages shall be defined as follows:
1. Balboa Village Business District, generally located between A Street and Coronado Street on the Balboa Peninsula;
  2. Balboa Island Business District, generally the 200 and 300 blocks of Marine Avenue;
  3. Corona del Mar Business District, generally located along East Coast Highway from Hazel Drive to Avocado Avenue; and
  4. Any other Business Improvement District that is formed by the City under the California Streets and Highways Code.
- B. The City shall permit decorative flags to be installed by the three geographic commercial villages on City poles and standards approved by the Director of Public Works, within the geographic boundaries of the commercial villages. Except as permitted under this Policy, Newport Beach Municipal Code Chapter 20.42, and Council Policies L-16 (Temporary Banners Extending Over the Public Right-of-Way), or any successor statutes or policies, no decorative flags shall be installed within or over the public right-of-way in other geographic areas of the City.
- C. 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.

- D. No person shall install, maintain or remove flags on City poles, standards or other fixtures within the geographic boundaries of the commercial village 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 (1) year and shall be renewable annually.
1. Applications for an annual flag permit in a commercial village 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 shall 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 ten (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 (2) flags may be installed on any City pole or standard at any time. With the approval of the Public Works Director, up to two (2) flags may be permitted on a single pole. If the Permittee requests a permit for more than one (1) flag or banner on any single pole, only one (1) 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 (1) 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 Utilities Department of the City of Newport Beach at least forty-eight (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 fourteen (14) days of flag removal or any special service required by the City.
9. The entities applying for a permit shall be responsible for the installation, maintenance and removal of flags permitted under this Policy and installed within their geographic boundaries.

### ***History***

(2004, 06/22) - L-24 - Adopted (Flags on Public Bridges)

(2009, 06/09) - L-27 - Adopted (Flags Placed Within or Extending Over the Public Right-of-Way within Business Improvement Districts)

(2018, 08/14) - L-24 - Amended - incorporating L-24 & L-27