

RESOLUTION NO. 21-2019

A RESOLUTION BY CITY COUNCIL OF THE CITY OF PACIFICA APPROVING ADMINISTRATIVE POLICY NO. 82 REGARDING GUIDELINES AND PROCEDURES FOR INSTALLATION OF TEMPORARY STREET BANNERS ON PUBLIC PROPERTY

WHEREAS, temporary street banners are currently regulated by Pacifica Municipal Code (PMC) Title 9. – Planning and Zoning, Chapter 4. – Zoning, Article 29. Signs; and

WHEREAS, street banners can have a positive impact on a City's character, and can promote an aesthetic appeal to a neighborhood, an increase in commerce and tax revenues, and create a sense of community identity; and

WHEREAS, it is important that the City of Pacifica promote events and activities that occur in the City of Pacifica, as Pacifica is a visitor-serving tourist destination; and

WHEREAS, the City of Pacifica would like to have a clear set of guidelines and policies regarding the content and installation of street banners on public property; and

WHEREAS, the purpose of Administrative Policy No. 82 is to outline the requirements for the installation and maintenance of temporary street banners on City-owned poles in the right-of-way in the City of Pacifica.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pacifica hereby approves the Administrative Policy No. 82, attached hereto and hereinafter incorporated by reference as Exhibit A, regarding Guidelines and Procedures for Installation of Temporary Street Banners on Public Property.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 10th day of June 2019, by the following vote:

AYES, Councilmembers: Vaterlaus, Martin, Bier, O'Neill.
NOES, Councilmembers: None.
ABSENT, Councilmembers: Beckmeyer.
ABSTAIN, Councilmembers: None.


Sue Vaterlaus, Mayor

APPROVED AS TO FORM:


Michelle Marchetta Kenyon
City Attorney

ATTEST


Sarah Coffey
City Clerk

EXHIBIT A

ADMINISTRATIVE POLICY NO. 82 REGARDING GUIDELINES AND PROCEDURES FOR INSTALLATION OF TEMPORARY STREET BANNERS ON PUBLIC PROPERTY

I. Purpose of Policy

The City of Pacifica ("City") Municipal Code Title 9, Chapter 4 Article 29 Section 9-4.2900 ("Sign Ordinance") regulates the placement of signs throughout the City, including signs and banners in the public right-of-way or other public place. This Administrative Policy provides guidelines and procedures for the approval and installation of temporary banners on specified City-owned poles in the public right-of-way ("City Poles") to create a non-public forum which can be used to announce Community Events or Promotional Activity, as defined below, on City Poles.

II. General Guidelines

- A. The approval and installation of Banner(s) on City Poles shall be administered in accordance with this Policy. The City may also use or authorize the use of Banner(s) on other City property and for other purposes deemed appropriate by the City.
 1. Banner(s) authorized by this Policy may be used to promote events that are either a City Sponsored Community Event or City Sponsored Promotional Activity or a City Co-Sponsored Community Event or City Co-Sponsored Promotional Activity.
- B. Banner(s) authorized by this Policy may not:
 1. Contain any political reference or commentary; or
 2. Contain any religious or obscene references; or
 3. Contain any election campaign information.

III. Definitions

Applicant: Representative or agent representing a Local Non-Profit which is seeking to publicize a City Co-Sponsored Community Event or City Co-Sponsored Promotional Activity consistent with the provisions of this Policy.

Banner: A temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame.

City Co-Sponsored Community Event: A Community Event that is being sponsored by the City and a Local Non-Profit either through financial support, in kind services and/or through formal action of the City Council.

City Co-Sponsored Promotional Activity: A Promotional Activity that is being sponsored by the City and a Local Non-profit either through financial support, in kind services and/or through formal action of the City Council.

City Sponsored Community Event: A Community Event that is sponsored by the City either through financial support, in kind services and/or through formal action of the City Council.

City Sponsored Promotional Activity: A Promotional Activity that is sponsored by the City either through financial support, in kind services and/or through formal action of the City Council.

City Manager: The City Manager of the City of Pacifica or his or her designee.

Community Event: Any planned community event, gathering, program, or exhibit which is open to the public to attend or otherwise accessible to the public within the City or San Mateo County.

Local Non-profit: Any organization located in Pacifica that serves Pacifica residents that is registered with the State of California as a “non-profit” community organization and/or is exempt under section 501(c)(3) of the Internal Revenue Code and receives City support either through financial support, in kind services and/or through formal action of the City Council.

Promotional Activity: An activity intended to raise awareness, promote, or support fundraising efforts for the programs and activities of the City or a Local Non-profit. Promotional Activity shall include promotion of a geographic boundary or business district such as the Palmetto Avenue “Main Street” or Rockaway Beach District.

Reservation Period: The duration of the display of the Banner.

IV. Regulations

- A. The City shall, for the benefit of the community at large, allow for the temporary display of Banner(s) on City Poles to promote Community Events and Promotional Activity, as defined by this Policy.
- B. The display of information on any approved Banner(s) is limited to Community Events and Promotional Activity that meets the General Guidelines described above.
- C. Any Banner associated with a Local Non-profit shall not contain any information relating to private sponsorship or funding including information about corporations or private funding sources including trademark, logo or other brand recognition on the Banner. All Banners should incorporate bright clean colors and simple graphics if possible, use geometric or abstract shapes that are easy to read.

V. Procedure for Approval

- A. Any City department or division may display Banner(s) on City Poles for City arranged events, City Sponsored Community Events or City Sponsored Promotional Activity, which does not involve an Applicant, without filing an application pursuant to this Section V of the Policy.
- B. To facilitate the review and processing of Banner applications, the City Manager shall only review and process applications for Banners from March 1st until March 15th of each year. The applications shall be for the succeeding twelve (12) month period (April 1st to March 31st). The City Manager may however, review and process an application received after

March 15th if the City Manager determines, in his or her sole discretion, that there is good cause to justify the untimely application.

- C. The application shall include the following:
 - 1. The name and contact information of Applicant;
 - 2. The names of all other Co-Sponsors;
 - 3. Name, date, location and description of Community Event or summary of Promotional Activity;
 - 4. Proposed dates for installation, duration of the display of the Banner(s) and removal the Banner(s);
 - 5. Description of Banner(s) and half-scale color images for each separate Banner design, including proposed dimensions, text and graphics; Proposed Banner location(s); and
 - 6. Any other relevant information requested by the City Manager.
- D. The application for a Banner pursuant to this Policy shall be accompanied by a fee for the processing of the Application, which shall be established by Council resolution.
- E. Applicant shall be responsible for all costs to manufacture, repair, maintain, install and remove the Banner(s) and must conform to the dimensions specified by the City for the specific location of the Banner, which may vary depending upon the location of the City Pole. The Banner materials and hardware for installation must conform to City specifications, which may also vary depending upon the location of the City Pole. The installation and removal of the Banner(s) shall be in accordance with Section VI.
- F. If two or more Banner applications make requests to display Banners in the same place at the same time, the City Manager, in his or her sole discretion, may decide which Banner(s) shall be displayed and the location where the Banner(s) may be displayed. Factors which may be considered by the City Manager include, but are not limited to, timing of receipt of request or prioritizing based on type of Community Event or Promotional Activity.
- G. The City Manager may determine, in his or her sole discretion, that different Banner(s) for different Community Events and/or Promotional Activities can be displayed simultaneously on alternating City Poles. In that case, the City Manager shall determine the location and the alternating order in which the Banner(s) will be displayed.
- H. The City Manager shall review the application and any other submitted information to ensure conformance with the Sign Ordinance and this Policy and make a final determination as to whether the application is approved without modification or conditions, approved subject to conditions or modifications or rejected. The City Manager shall complete his or her review on or before April 1st of each year for all applications received between March 1st through March 15th of that year. Should the

application be approved, the City Manager shall determine the Reservation Period which shall be determined in the sole discretion of the City Manager. The Reservation Period shall not include the time necessary to install or remove the Banner.

- I. The decision of the City Manager may be appealed to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of the date of the decision by the City Manager. Appeals shall be heard and determined according to the procedures set forth in Chapter 4 of Title 1 of the Pacifica Municipal Code. The Council may approve, disapprove or modify the decision of the City Manager.
- J. Upon approval of an application, the City Manager shall inform the Applicant of the Reservation Period and the dates on which installation and removal of the Banner shall occur.

VI. Installation and Removal of Banners

- A. The Applicant shall be responsible for all costs to manufacture, install, repair, maintain and remove any Banner(s) installed on City Poles. All installation, removal, repair and maintenance of the Banner(s) on City Poles shall be conducted by a professional who is fully licensed, bonded and insured for such work and has been identified by the City as a City approved vendor that is qualified to perform the installation, removal, repair and maintenance of the Banner(s).
- B. An approved Encroachment Permit will be required for the installation of the Banner(s).
- C. Public Works, or a vendor approved by Public Works, shall be allowed to remove the Banner(s) either: 1) at the expiration of the Reservation Period if the Applicant fails to remove a Banner in a timely manner, or 2) determines in its sole discretion that a Banner poses a health and safety concern. All costs associated with the City's or City approved vendor's removal of any Banner shall be paid by the Applicant.

VII. Release of Liability

- A. The City of Pacifica or other departments involved in any Banner application review and approval process will not be held liable for any damages, loss or theft of Banner(s) and the Applicant assumes all responsibility and liability for damages arising from the installation, removal, repair and maintenance of the Banner(s).
- B. Theft, loss or destruction of Banner(s) should be reported immediately to City of Pacifica Police Department. Any damages to the City Poles or surrounding areas caused by such theft, loss or destruction is the responsibility of the Applicant and any repair or replacement costs or fees will be charged to the Applicant.