

**COUNCIL POLICY
CITY OF CHULA VISTA**

SUBJECT: FLAGS, BANNERS - IN PUBLIC RIGHT -OF -WAY	POLICY NUMBER	EFFECTIVE DATE	PAGE
	102-02	01-06-70	1 OF 2

ADOPTED BY: Resolution No. 5499

DATED: 01-06-70

AMENDED BY:

BACKGROUND

Various individuals and organizations have expressed the desire to display banners in the public rights-of-way. The following policy establishes regulations for such displays.

PURPOSE

Establishing the policy of the City of Chula Vista (City) concerning permission to install flags and banners in the public right-of-way.

POLICY

Temporary Banners on City Property in the Public Rights-of-Way

1. The City Manager, or designee, has the authority to approve and issue a permit (“Banner Permit”), which includes an encroachment permit or is in combination with an encroachment permit, authorizing the temporary display of banners within the public right-of-way, including but not limited to on City-owned streetlight standards, City-owned fences, and other City-owned property within the public right-of-way.
2. The City Manager, or designee, has the authority to designate locations that are available for the temporary display of banners within the public right-of-way.
3. The City Manager, or designee, has the authority to create an administrative policy regarding permissible banner specifications including but not limited to those related to acceptable designs, dimensions, materials, and logos/trademarks/servicemarks.
4. In order to display a banner within the public right-of-way, an applicant must obtain a Banner Permit that shall include, without limitation, the following requirements:
 - a. Permittee is required to display banners in accordance with this policy and all other City policies regarding banner displays.
 - b. Permittee is authorized to display banners only during the term identified in the Banner Permit. No term shall be for a period of more than sixty (60) days.
 - c. Permittee is responsible for the purchase, installation, maintenance, and removal of banners (including all mounting and related hardware) at permittee’s sole cost.
 - d. Permittee is required to install, maintain, and remove banners with a person and/or entity approved by the City. Such approval by City shall not relieve permittee of any responsibility or cost associated with the installation, maintenance, or removal of the banner.
 - e. Permittee is required to notify the City prior to proceeding with any installation, maintenance, or removal of a banner.
 - f. Permittee is required to repair and/or remove banners upon request of the City. Permittee is required to complete such repair or removal within forty-eight (48) hours

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- of receipt of notice from City. If a banner display is not timely or adequately repaired or removed, City is authorized to repair or remove such banner display at permittee's sole cost. Notwithstanding the issuance of any permit, City is authorized to remove any banner display in the event of an emergency or other exigent circumstance.
- g. Permittee is required to defend, hold harmless, and indemnify the City of Chula Vista for all actions and omissions of permittee, its agents, employees, and contractors, that are related to or connected with a Banner Permit or the purchase, installation, maintenance, or removal of a banner under this policy.
 - h. Permittee is required to procure and maintain general liability and other necessary insurance, as determined by City, naming the City of Chula Vista and its elected officials, appointed officials, and employees as Additional Insureds.
5. To approve a Banner Permit, the proposed banner display must contain a "Public Interest Message". As used in this policy, a "Public Interest Message" means:
- a. An official sign or notice for the purpose of carrying out a public official's official duty or responsibility;
 - b. An informational sign or notice for a City event, policy, or program;
 - c. An informational sign or notice for an event, policy, program, or purpose that is Sponsored or Endorsed by the City;
 - d. An informational sign or notice for a program or purpose of a charitable organization that provides social services and is funded in whole or in part with federal, state, or local government funding; or
 - e. An informational sign or notice promoting a special event that is approved by City in accordance with City's special event policies.

As used in this policy, "Sponsored" means the City provides significant staff support or services, or both, and funding from the General Fund. For purposes of this policy, a purpose or event may be sponsored only by resolution of the City Council.

As used in this policy, "Endorsed" means the City provides limited staff support or services at the direction of the City Manager, or designee.

I certify that this is the true and correct version of said Policy, adopted by the City Council of the City of Chula Vista on this date _____.

Signed:

Dated: