



Attach to Permit

Department of PUBLIC WORKS Engineering Division

Banner Permit Agreement

REGULATION

In order to protect the public health, safety and welfare, the City of Seal Beach mandates that any person or entity wishing to install a banner within the public right-of-way, obtain a banner permit from the City Engineer.

DEFINITIONS

- **“Banners”** shall mean any piece of flexible material, geometrically shaped, supported at its ends, displaying colors, graphics and language for advertising purposes. “banners” as used in this permit guidelines shall also mean pennants, flags and all other street decorations.
- **“Cantilever banner”** shall mean a banner supported by one (1) pole.
- **“Suspended banner”** shall mean a banner supported by two (2) poles.
- **“Poles”** shall mean any City-owned light standard.
- **“Vertical clearance”** shall mean the minimum vertical distance between the sidewalk and the lowest point of a banner.
- **“Connections”** shall mean the method of attaching together the various elements of a banner structure including the attachment of a banner to the supporting pole(s). “Connections” shall also mean the hardware and the various structural elements of a banner frame.
- **“One banner location”** shall mean all banners, properly permitted and installed on one block of a public street.
- **“Banner-location map”** shall mean a City street map showing the exact locations of potential banners.
- **“Banner-details drawing”** shall mean a precise drawing showing the following characteristics of a potential banner:
 1. Shape.
 2. Colors.
 3. Graphics.
 4. Language.
 5. Dimensions.
 6. Connections.
 7. Vertical clearance.
- **Highway** shall mean all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.
- **“Roadway”** shall mean that portion of an improved street, designed or ordinarily used for vehicular travel.
- **“Parkway”** shall mean that area between the sidewalk and the curb of any street and, where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. “Parkway” shall also mean any area within a roadway, which is not open to vehicular travel.
- **“Sidewalk”** shall mean any surface provided for the exclusive use of pedestrians.
- **“Street”** shall mean all that area dedicated to public use for public street purposes, and shall include, but not be limited to, roadways, parkway, alleys, and sidewalks.
- **“Public right-of-way”** shall mean all that area dedicated to public use for public purposes and shall include, but not be limited to, roadways, parkway, alleys, sidewalks and public easements.

PERMIT

- An application for a banner permit shall be made **prior** to the placement of any banner within the public right-of-way.
- Any issued banner permit shall be valid for **ninety (90) calendar days** from the date of issuance of said permit.

- Any person or entity seeking the issuance of a banner permit, shall file with the Engineering Division a written application of a form supplied by the City Engineer.
- Prior to the issuance of a banner permit, the applicant shall provide the following information for review and approval BY THE CITY:
 1. **Banner-location map.**
 2. **Banner-details drawing.**
 3. **Approved insurance documents.**
- At the time of making application for a banner permit, the applicant shall pay the City a non-refundable permit fee in an amount established by a resolution of the City Council. Applicant shall pay one permit fee for every one banner location.
- At the time of making application for a banner permit, the applicant shall pay the City a non-refundable inspection fee in an amount established by a resolution of the City Council. Applicant shall pay one inspection fee for every one block of affected streets.
- At the time of making application for a banner permit, the applicant shall post with the City a refundable deposit. The amount of said deposit shall be two hundred dollars (\$200) for every one block of affected streets but not less than one thousand dollars (\$500) for every one permit.

BUSINESS LICENSE

PERMITTEE shall maintain an active Seal Beach City Business License, throughout the term of this permit.

INSURANCE, SUBROGATION & INDEMNITY

- PERMITTEE shall maintain on City files, throughout the term of this permit, a City-approved General Liability Insurance Policy and endorsement naming the City additional insured on primary basis. Insurers must be admitted to do business in the State of California and possess a current AM best's rating of no less than “A:VII”.
- PERMITTEE shall maintain on City files, throughout the term of this permit, a City-Approved Workers' Compensation and Employers' Liability Insurance Policy or Declaration.
- Signing this permit is prima facie evidence that PERMITTEE hereby waives PERMITTEE's right of subrogation against the City of Seal Beach, its officers, elected and appointed officials, employees and volunteers for any loss, liability, damage, or cost sustained by any person or property, arising out of work or operations performed by or on behalf of the PERMITTEE, including materials, parts, or equipment furnished in connection with such work or operations.
- Signing this permit is prima facie evidence that PERMITTEE hereby agrees to indemnify, defend and hold harmless the City of Seal Beach, its officers, elected and appointed officials, employees and volunteers against any loss, liability, damage, or cost sustained by any person or property, arising out of work or operations performed by or on behalf of the PERMITTEE including materials, parts, or equipment furnished in connection with such work or operations.

ALLOWED BANNER LOCATIONS

The City Engineer may grant permits to qualified applicants, to install banners only at the following public right-of-way locations:

1. Main & Pacific Coast Highway
2. Main & Central
3. Lampsom & Seal Beach Boulevard

No banner shall be permitted at any other public right-of-way location that is not listed in this section unless otherwise approved in writing by the City Engineer. Permits for other locations, such as cantilevered banners from light poles, will be made on a case-by-case basis.

GENERAL PLACEMENT OF BANNERS

- No person or entity shall install, use or maintain any banner, which in whole or in part, hangs over any public right-of-way when such installation, use or maintenance endangers the safety of persons or property, or when such banner unreasonably interferes with the use of poles, posts, traffic signals, or other objects permitted at or near such banner location.
- Any banner in this City shall be located so as to maximize public convenience, health, safety and welfare, as to the use of the public right-of-way as a thoroughfare, and as to the aesthetic appearance of the area.
- Any banner, which in whole or in part, hangs over any public right-of-way shall comply with the following standards:
 1. Cantilever banners shall be triple strapped to supporting poles with approved stainless steel fasteners at both, top and bottom ends of banner.
 2. Suspended banners shall be connected to each supporting pole with approved metal cables and locks at both, top and bottom ends of banner.
 3. Cantilever banners shall have a maximum net surface area of fifty (50) square feet per one location.
 4. Suspended banners shall have a maximum net surface area of one hundred and fifty (150) square feet per one location.
 5. Banners shall be installed at a minimum vertical clearance of fourteen (14) from sidewalk. When sidewalk is not available to measure the required vertical clearance from, then the pedestrian surface in the immediate area shall be used as a datum of measurement.

LOCATION PRIORITY SYSTEM

Banner permit for a given location shall be granted on first come, first serve basis. If more than one banner permit application are filed with the City Engineer at the same time for the same location, then the City Engineer shall assign the location to one of the applicants at random by placing the names of all applicants into a container from which the names can be drawn publicly at a time and a place designated by the City Engineer. The remaining drawn names shall then be placed on a waiting list for future assignment of said location. At the end of the ninety (90) calendar day permit term, the second applicant in-line may be granted a banner permit at that location and so on.

RENEWAL

At the end of the ninety (90) calendar day permit term, the PERMITTEE shall either:

1. Apply for a ninety (90) calendar day extension by obtaining a new banner permit for the same location provided that no one is on a waiting list for a banner permit at that location; or
2. Remove all banners and connections from the public right-of-way, and arrange for a final inspection.

FINAL INSPECTION

- PERMITTEE shall arrange for final inspection after the complete removal of all permitted banners and connections from the public right-of-way.
- PERMITTEE shall call the Engineering Division at (562) 431-2527 to arrange for final inspection.
- If the final inspection reveals that an improvement, public or private, has been damaged by the process of installing, using, maintaining and removing said banners, then the PERMITTEE

shall be directed by the City Engineer to repair the damaged improvement within ten (10) calendar days. If the PERMITTEE fails to repair said damage as directed, the City Engineer shall then repair the damage and deduct the cost of said repair from the permit deposit.

ABANDONMENT OF BANNERS

- In the event that the PERMITTEE does not renew the required banner permit, and if banners installed are not removed from the public right-of-way within **ten (10) calendar days** after the end of the permit term, the City Engineer shall deem said banners abandoned and remove banners from the public right-of-way.
- Any banner installed, used or maintained in violation of the provisions of this banner regulation policy, shall be subject to the removal and storage by the City Engineer who shall notify the owner thereof and request compliance within **ten (10) calendar days** prior to the banner removal. If the owner fails to comply with said request, the City Engineer shall then remove said banner at any time after the expiration of the ten-day period, and inform the owner of the date the banner was removed, the reason thereof and the location and procedure for claiming the banner.
- Any banner that creates danger to the health, safety or welfare of the public, shall be summarily removed and stored by the City Engineer who shall inform the owner of the date the banner was removed, the reason thereof and the location and procedure for claiming the banner.
- Banners removed and stored pursuant to this banner regulation policy, shall be ordered, by the City Engineer, returned to the owner upon payment of cost of removal and storage by the owner to the City. Owner shall claim stored banners within **thirty (30) calendar days** from the date of removal and storage. Stored banners that are not claimed within the aforementioned thirty-day period shall be disposed of as an unclaimed property.

DEPOSITS AND BONDS

- If banner sites are inspected and found to be in order, posted deposits and bonds shall be released within **approximately thirty (30) calendar days from the date of final inspection**, less any and all charges and penalties incurred.
- Banners shall be installed, maintained and removed by the PERMITTEE, at the PERMITTEE's sole cost. If the City resources are used to maintain or remove banners due to PERMITTEE's negligence, all expenses incurred by the City staff, shall be deducted from any and all deposits and bonds posted with the City by the PERMITTEE.

CIVIL DEBT

If all deposits and bonds posted by the PERMITTEE with the City are not sufficient to cover charges and penalties incurred by the PERMITTEE, then the balance of any and all penalties and charges incurred by the PERMITTEE shall be charged as a civil debt to the PERMITTEE, and may be collected by the City in the same manner as it collects any other civil debt or obligation.

STATEMENT & AGREEMENT

I, the PERMITTEE, hereby state that I have read and understand the above guidelines of this permit. I, the PERMITTEE, hereby agree to comply with all applicable Federal, State and Local Laws, rules and regulations including the above guidelines of this permit.

Print Name of PERMITTEE: _____

Signature of PERMITTEE
Or authorized agent: _____

Banner location (s): _____

Date: _____ Permit No.: _____