

# SAN LEANDRO ADMINISTRATIVE CODE

## TITLE 1 CITY COUNCIL

### Chapter 8 Banner Policy

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**§1.8.100: PURPOSE.** The purpose of this administrative policy is to establish a process by which overhead and Decorative banner and similar decorations installation requests are approved, denied, and financed by commercial or San Leandro-based nonprofit organizations. Except as otherwise permitted by this Chapter and the relevant provisions of the San Leandro Municipal Code, no encroachment within the public right of way shall be permitted.

The activity being advertised must benefit a San Leandro nonprofit organization, applicant, or activity for the betterment of the community, or must be financially supported by the City of San Leandro.

**§1.8.105: DEFINITIONS.**

- (a) **Overhead Banner.** “Overhead Banner” means a banner suspended over the public roadway, attached at both ends to an electrolier, outdoor advertising structure, or building.
- (b) **Decorative Banner.** “Decorative Banner” means a banner suspended over the public roadway or sidewalk, attached to a single electrolier.

**§1.8.110: POLICY.** Banners that are strictly of a commercial nature shall not be installed in the City of San Leandro, except in accordance with § 1.8.111 of this chapter. For the purpose of this policy, a banner of a “commercial nature” is one which directs attention to a commodity, product, service, attraction, or event that is sold or offered for sale or for a charge by a commercial enterprise or which in any way promotes a commercial enterprise or its products. A “commercial enterprise” is an institution, business, or enterprise conducted for profit.

This prohibition shall not apply to banners announcing a community, charitable, or non-profit event which is jointly sponsored by a commercial enterprise and displaying on such banner the identification of such commercial enterprise solely by name and/or trademark. Banners shall be permitted only for events and programs that celebrate and/or increase awareness of a significant occasion. Organizations must demonstrate how the proposed banners are linked to a comprehensive public relations or marketing program that serves the same purpose for which the banners are requested.

In the event that a commercial enterprise wishes to have a sponsorship logo or company name on its banners, it shall be limited to no more than twenty-five percent (25%) of the total banner, with all lettering on the banner maintained at an equal size ratio.

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The City shall not endorse or oppose political or religious viewpoints in the implementation of this policy and, as such, overhead or decorative banners of a political or religious nature shall not be installed in the City of San Leandro. For the purpose of this policy, a banner of a “political or religious nature” is a banner that supports or opposes a candidate, issue or cause, or which advocates or opposes a religion, political position or belief.

Decorative banner installations shall only be permitted on light poles that are City-owned and without signal light standards. Such banner installation requests shall also be restricted to locations and time frames that do not interfere with the City’s ongoing decorative banner installation schedule. Overhead banner requests shall only be permitted in one area of the City on East 14th Street (between Estudillo Avenue and Joaquin Avenue). The City may elect to remove any and all banners at its own discretion. Any exceptions to this policy will be at the discretion of the City Manager.

Any entity requesting installation of overhead or Decorative banners shall request the City’s approval of such installation by submitting a “Request for Authorization for Temporary Banner” application for overhead banners, or letter of agreement between the requestor and the City for Decorative banners.

**§1.8.111: COMMEMORATIVE OR CELEBRATORY DECORATIVE BANNERS FOR COMMERCIAL INTERESTS.** Upon request by a San Leandro commercial interest, such as a corporation or company, the City Manager may approve the installation of commemorative or celebratory decorative banners in recognition of a milestone anniversary or receipt of special recognition by the commercial interest. Commemorative or celebratory decorative banners shall comply with all rules and regulations within this chapter.

**§1.8.115: FINANCIAL.** The financial responsibility of each entity requesting to install banners shall be as follows:

- (a) **Overhead Banner.** An installation fee for each overhead banner will be assessed as provided for in §6.4.100 of the San Leandro Administrative Code. The requesting entity shall be responsible for one hundred percent (100%) of the costs associated with the design, production, installation, maintenance, and removal of its overhead banners.
- (b) **Decorative Banner.** Commercial enterprises and nonprofit organizations shall be responsible for one hundred percent (100%) of the costs associated with the design, production, installation, maintenance, and removal of its decorative banners.

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**§1.8.120: DECORATIVE BANNERS PROCEDURES.** The City Manager's Office shall be responsible for accepting and reviewing all requests by outside agencies to install decorative banners on City streets. The City reserves the right to approve or deny all decorative banner designs based upon quality, artistic interpretation, and general aesthetic appeal.

All requests shall be submitted to the City Manager's Office for review and approval in writing.

All decorative banner designs must comply with the City's standard of quality and adhere to the design and size specifications agreed upon between the City and an approved banner contractor. It shall be the responsibility of the approved banner contractor to fabricate and install all decorative banners to ensure quality control.

The amount of time that a decorative banner shall be installed on behalf of an outside agency is a minimum of six (6) months. Approved banner requests will be handled on a first come, first serve basis. Each agency shall be limited to one (1) banner program every three (3) years. (Exceptions may be granted by the City Manager). The City has the ability to display six (6) different banner exhibits concurrently. Every effort will be made to accommodate each request that meets the aforementioned City requirements.

All enterprises and agencies participating in the City's Banner Program are required to purchase replacement banners to be used when banners are damaged and/or stolen, and to pay for reinstallation costs.

**§1.8.125: OVERHEAD BANNERS PROCEDURES.** The City's Engineering and Transportation Department shall be responsible for accepting and reviewing all requests by outside agencies to install overhead banners on City streets. The City reserves the right to approve or deny all overhead banner designs and construction based upon quality, artistic interpretation, general aesthetic appeal, and specifications. Only the City's Public Works Department will be allowed to install overhead banners on City streets, unless the City Manager provides an exception.

To request an overhead banner installation, outside agencies must submit a completed "Request For Authorization For Temporary Banner" application to the City's Engineering and Transportation Department for review and approval. The Engineering and Transportation Department Director or his/her designee will be responsible for informing the City Manager's Office of all requests via a written memorandum.

Applicants may initially request one 14-day period for their banner to be hung. A second 14-day period may be requested, but the request cannot be submitted more than two months in advance

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of the second installation date. Outside agencies may request no more than two 14-day periods per year.

If two applicants request the same two-week period, each group will be allotted one week. The agency that submitted their application first will be able to choose their desired week. Either applicant may request a substitute period for their banner, or if the two applicants agree, two separate banners can be displayed together (back to back) for two weeks.

The approved applicant will bring the banner seven (7) days before it is to be installed to the Public Works Service Center at 14200 Chapman Road. If the banner is not constructed properly and does not meet City specifications, it will not be installed.

An installation fee will be assessed as provided for in the San Leandro Administrative Code, §6.4.100. Schools advertising an event or program which has been approved by the Superintendent of Schools, or in the case of private schools the School Administrator, will be exempt from installation fees.

The applicant shall pick up the banner within fourteen (14) days after the banner is taken down. Otherwise, the City may dispose of it and charge the applicant for any costs associated.

The City will install and remove the banners but is not responsible for their condition during this period. The City reserves the right to remove any banner at any time at the City's sole discretion.

No lights, streamers, loose pieces, etc., are allowed on the banner.

**§1.8.130 STRUCTURAL SUPPORT, INSTALLATION.** Any banner permitted herein shall be constructed and erected solely in accordance with the specifications of the Engineering and Transportation Department and to the extent applicable with the requirements of the State of California Department of Transportation.

**§1.8.135 INSURANCE AND INDEMNIFICATION.** Applicants shall agree to indemnify and hold harmless the City of San Leandro from any and all claims of liability for damage to property or injury to person as a consequence of the installation of banners provided herein.

Entities requesting installation of Decorative banners in accordance with this Chapter shall also provide the City with a Certificate of \$1 million Liability Insurance, listing the City of San Leandro as additional insured.

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#### **Editor's Note:**

Title 1, Chapter 8, City Council: Banner Policy, was consolidated with former Title 12, Chapter 4, Public Works: Displays within Public Right-of-Way, during the 2005-06 republication.

#### **Legislative History:**

Resolution No. 98-129, 10/05/1998 [§§1.8.100-1.8.125]; Resolution No. 2005-156, 11/21/2005 [§§1.8.100-1.8.135]; Resolution No. 2006-119, 11/06/2006 [§1.8.125]