

TOWN OF MORAGA
TEMPORARY WALL AND BANNER SIGNS ON TOWN-OWNED PROPERTY
POLICY AND PROCEDURES

1. PURPOSE:

This document provides policies and procedures for the approval and installation of temporary wall and banner signs (“Banners”), at preapproved locations on Town-owned property. The purpose of the policy is to create a non-public forum which can be used to announce community events, as defined below, at such locations, consistent with the provisions of Moraga Municipal Code (MMC) Section 8.88.040 – Signs on Town Property; and Section 8.88.100.B.2: Temporary Wall and Banner Signs.

As of August 22, 2018, the following locations, which are mapped in Exhibit 1, are considered to be “pre-approved locations”:

- Light poles owned and maintained by the Town of Moraga, at various locations along Moraga Road, Moraga Way, Rheem Boulevard, and Canyon Road as shown in Exhibit 1.
- Moraga Commons Park, along the fence at the property boundary on either side of the Moraga Road / Saint Mary’s Road park pedestrian entrance.
- Hacienda de las Flores, along the fence at the property boundary adjacent to Moraga Road, within 50 feet of the vehicle gate.
- Within the public right-of-way at the northeast corner of Moraga Road and Rheem Boulevard.

Preapproved locations may be added to or removed from the above list at any time, subject to authorization by the Town Council.

2. GENERAL GUIDELINES:

The installation of Banners at preapproved locations shall be administered at the Town’s discretion and restricted to the uses identified below. The Town may also use or authorize the use of Banners for other purposes deemed appropriate to benefit Moraga pursuant to MMC Chapter 8.88. In the event of any inconsistency between MMC Chapter 8.88 and this policy, MMC Chapter 8.88 shall prevail. Banners authorized by this policy may be used to promote events that are:

1. Arranged by the Town or co-sponsored by the Town;
2. Arranged or sponsored by a Local Non-profit or Local Governmental or Educational Entity;
3. Sponsored by a Moraga-Based Business, provided that the event benefits Moraga or its residents and meets the requirements of this policy; and
4. Taking place within the limits of Lamorinda.

(these four criteria are hereafter collectively and individually referred to as “Town Programming”)

Examples of Banner content allowed include: Moraga Fourth of July Celebration, Hacienda Nights, Community Festival sponsored by “Moraga XYZ Business”; School or College fundraiser or social event announcements; Community Garage Sale; Service Club or Community Organization Fundraisers.

Banners authorized by this policy may not:

1. Make any social or political commentary;
2. Reference any specific political, partisan, or activist movement or goal; or
3. Contain any religious, obscene, or commercial (except as provided in Section 4.4.6) references.

Examples of postings not allowed include: Shop at XYZ Store, Vote for John Doe – Moraga Town Council, Live Nativity at ABC Church, and 50% Off Sale at Jane Doe’s Boutique.

3. DEFINITIONS:

- 3.1 *Applicant*: Representative or agent representing a Local Non-profit, Moraga-Based Business, or any Local Governmental or Educational Entity seeking to publicize an event or promotional activity on Banner signs on Town-owned property consistent with the provisions of this policy.
- 3.2 *Temporary Wall and Banner Signs (Banners)*: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges or corners for a limited duration of time, excluding awning signs.
- 3.3 *Event*: A community event, promotional activity or temporary activity, open or otherwise accessible to the public, located within Lamorinda and benefitting the Town of Moraga or its residents. To be eligible the event must occur within 120 calendar days of the first day the applicant seeks to install the Banners.
- 3.4 *Local Governmental or Educational Entity*: Any local government or educational agency or entity, including but not limited to public or private schools, school districts, and Saint Mary’s College that directly serves Moraga residents.
- 3.5 *Local Non-profit*: Organizations located in Moraga or that serve Moraga residents that are registered with the State of California as a “non-profit” community organization and/or are exempt under section 501(c)(3) of the Internal Revenue Code.
- 3.6 *Moraga-Based Business*: Business located in Moraga (i.e., having a business address and/or operating location in Moraga) and serving Moraga residents
- 3.7 *Preapproved Locations*: Shall be as defined in the Purpose section above.
- 3.8 *Promotional Activity*: An activity intended to raise awareness, promote, or support fund-raising efforts for the programs and activities of the Town, a Local Non-profit, or Local Governmental or Educational Entity.
- 3.9 *Town of Moraga Co-sponsored*: An event coordinated and conducted through a partnership between the Town of Moraga and another organization.
- 3.10 *Town of Moraga Sponsored*: An event coordinated and conducted entirely by the Town of Moraga.

4. REGULATIONS:

- 4.1 The Town of Moraga shall, for the benefit of the community at large, allow for temporary display of Banners to promote events as defined in this policy.
- 4.2 The display of information on any approved Banner is limited to Town Programming that meets the General Guidelines described above.
- 4.3 A business name and/or logo may be included on a Banner only where it would be associated with sponsorship of an event that would benefit the Moraga community, and where display of such name or logo would be incidental to the event information.
- 4.4 The Town of Moraga Parks and Recreation Director, in coordination with the Planning Department, shall consider requests to install Banners at the Pre-approved Locations in the following priority:
 1. Installation of Banners for events, where such installation is subject to an existing Town Council approval as of August 22, 2018;
 2. Town of Moraga sponsored events;
 3. Town of Moraga co-sponsored events;
 4. Local Non-profit events that benefit the Moraga community or Town;
 5. Local governmental or educational entity events that benefit the Moraga community or Town;
 6. Events that benefit the Moraga community or Town and are sponsored by a Moraga based business; and
 7. Other promotional activities as deemed appropriate by the Parks and Recreation Director.
- 4.5 Banner(s) for a specific event may be displayed at more than one preapproved location (when so approved by the Town) for up to a 30-day continuous period; or on multiple dates, not totaling more than thirty (30) days (via separate time periods) within a calendar year, or such longer period as may be allowed pursuant to MMC Chapter 8.88, as may be amended from time to time. This provision shall not be interpreted or applied in such a way as to allow for the same event to be publicized for more than 30 consecutive days, whether by Banners placed at single or multiple locations. The 30-day maximum display period shall be exclusive of an "installation period" of up to 72 hours before the start of the 30-day display period; and a "take-down" period of up to 72 hours following the last day of the 30-day display period, except when the Banner is displayed for less than 14 consecutive days, in which case a 24-hour installation and take-down period shall apply, unless a longer period is authorized by the Town.
- 4.6 Banners shall comply with all of the applicable standards for sign area, number, location, placement and removal as set forth in MMC §8.88.100.B.2. For the purposes of this policy,

and in conformance with MMC §8.88.100.B.2, each light pole upon which a Banner is installed shall be considered a “separate location.”

5. PROCEDURES:

- 5.1 Applications for Banners considered for display at any Preapproved Location or Locations must be submitted to the Parks and Recreation Department Office, in writing, not less than a minimum of four weeks prior to the event, but no more than 365 days prior to the event. The Parks and Recreation Director or her/his designee may allow a shorter time period.
- 5.2 The application shall include:
 - Applicant name and contact information, and, if different from the applicant, name and contact information of the principal organization(s) or entity(ies) sponsoring or co-sponsoring the event.
 - Colored rendering of each visible face of the proposed Banner, including dimensions, proposed text, logos and other graphics. Where Banners of varied designs would be proposed (e.g. alternating Banner designs on a successive series of light poles) all proposed designs must be included in the application materials.
 - Banner locations (for light pole Banners, to be identified by light pole number[s]).
 - Description of Banner materials and the method by which Banners will be affixed to their location(s).
 - Name, date, and location of the event (if applicable).
 - Description of the event with which the Banners would be associated.
 - Proposed dates for installation, display (including duration of the display in calendar days), and removal of the Banners.
- 5.3 Local Non-profit organizations shall submit proof of their non-profit status as defined herein by Section 3.4 concurrently with their application.
- 5.5 The Parks and Recreation Director and/or her/his designee, in consultation with the Planning Department, shall review all information submitted and make a final determination as to whether the application is approved, approved subject to conditions or modifications, or rejected based on the provisions of this policy. The Parks and Recreation Director's decision may be appealed to the Town Manager at no cost. The decision of the Town Manager is appealable to the Town Council upon payment of the Temporary Sign Permit Appeal fee included in the Town's Master Fee Schedule. A person desiring to appeal the decision of the Town Manager shall file notice of appeal in writing to the Town Clerk within

ten (10) working days after the date of the decision being appealed. The notice shall briefly state the facts and the grounds of appeal.

6. INSTALLATION, MAINTENANCE AND REMOVAL:

- 6.1 Banners approved for a single display period of between 15 and 30 days may be installed no sooner than 72 hours before the start of the approved display period, and must be removed within 72 hours of the end of the display period. Banners approved for single display period of 14 days or less shall be installed no sooner than 24 hours before the start of the approved display period, and must be removed within 24 hours of the end of the display period, unless a longer installation or take-down period (not to exceed 72 hours) is authorized by the Town. If the Banners are not removed within the required period, the Town of Moraga may remove the Banners, with all of its costs and expenses to be reimbursed by the applicant.
- 6.2 Applicant shall be responsible for all costs to manufacture, install, repair, maintain and remove Banners installed on light poles. All installation, removal, repair and maintenance of Banners on light poles shall be conducted by a professional who is fully licensed, bonded and insured for such work.
- 6.3 Banners in locations other than on light poles shall be installed, maintained, and removed by the Town of Moraga or its designee with all of its costs and expenses, if any, to be paid by the applicant at time of application approval, using Banners supplied by the applicant, unless the Town, in its discretion, allows the applicant to install and/or remove Banners.
- 6.4 Installation and removal of Banners shall be subject to issuance of an encroachment permit by the Town of Moraga Public Works Department, which includes indemnification of the Town, from the Town of Moraga for any work within the public right-of-way.
- 6.5 All Banners shall be securely affixed and maintained in good condition for the duration of their display.

7. MISCELLANEOUS:

- 7.1 All policies and regulations are subject to change at any time. No rights are obtained or enforceable as regards to any request or submittal and all costs related to a submittal shall be solely borne by the applicant.
- 7.2 Fees are adopted by Moraga Town Council and subject to yearly review.

Cynthia Battenberg, Town Manager

Date