CITY OF VICTORVILLE
COUNCIL POLICY

SUBJECT: City of Victorville Property Advertising	POLICY NO: CP-13-01 5·28·13

POLICY

CITY OF VICTORVILLE PROPERTY ADVERTISING POLICY

I. Public Purpose

In adopting this policy, it is the City of Victorville's declared intent and purpose to maximize revenues through commercial advertising, provided that all of the following interests are preserved and furthered:

A. Providing a safe, convenient, and pleasant environment for City of Victorville patrons; and

B. Protecting minors who use right-of-way facilities; and

C. Avoiding any potential identification of the City of Victorville, with the point of view or message of the advertisement placed by a third party;

D. Providing revenues to City Departments to reduce or alleviate the cost of various programs to the City.

II. No Intent to Create a Public Forum or Political Positions or Views

In adopting this policy, it is the City of Victorville's declared intent and purpose to allow third parties to place commercial advertisements on City of Victorville property. It is not the City of Victorville's intent or purpose to permit advertising that individually or in combination would cause any real or personal property owned or controlled by the City of Victorville (hereinafter "City Property") to become a public forum for the dissemination, debate, political positions or views, and/or discussion of public issues.

III. Advertising on City of Victorville Properties by Permission

Advertising placed by a third party on City Property is not authorized unless permitted in accordance with the provisions of a license agreement approved by the City of Victorville. Any license agreement approved by the City for the placement of advertising on City Property must be consistent with the provisions of this policy. Pre-existing licensing agreements for advertising on City Property shall be amended, if necessary, in order to be consistent with this policy and to make any other changes that may equitably be required thereby.

IV. Authorized Advertisements and Announcements

This policy applies to advertising placed by a third party on any City Property and does not prohibit the City from placing advertisements and announcements related to City services, programs, or events, as long as the advertisements and announcements are not otherwise prohibited under Section 5. Only commercial advertisements will be allowed to be placed by a third party on any City Property. For the purpose of this policy, a commercial advertisement is an advertisement that (1) has as its primary purpose the promotion of a commercial transaction, such as the sale of real or personal property, services, entertainment and/or dining, which is offered to the public generally and (2) is not otherwise prohibited under Section 5.

V. Neutral Viewpoint Limitations

The following neutral viewpoint content-based limitations are established. No advertisement or announcement is permitted on or may be maintained on any City Property if it or information contained in it falls within one or more of the following categories:

A. <u>False, misleading, or deceptive commercial speech.</u> The advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, is false, misleading, or deceptive.

B. <u>Unlawful goods or services.</u> The advertisement, or any material contained in it that promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.

C. <u>Unlawful conduct.</u> The advertisement, or any material contained in it, promotes, depicts or encourages, or appears to promote, depict or encourage, unlawful, anti-social or illegal behavior or activities.

D. <u>Endorsement.</u> The advertisement, or any material contained in it, implies or declares an endorsement by the City of any service, product or point of view, without prior written authorization of the City's authorized representative.

E. Obscenity. The advertisement, or any material contained in it, contains obscene matter or any other matter that is prohibited under the provisions of Chapter 7.5 (beginning with Section 311) of Title 9 of Part 1 of the California Penal Code, and as such, laws may be amended or supplemented.

F. Prurient interests. The advertisement, or any material contained in it, contains harmful matter or any other matter that is prohibited under the provisions of Chapter 7.6 (beginning with Section 313) of the Title 9 or Part 1 of the California Penal Code, and as such laws may be amended or supplemented.

G. Profanity, vulgarity, riot. The advertisement, or any material contained in it, is profane or vulgar, or presents a clear and present danger of causing a riot, disorder, or other imminent threat to public safety, peace or order.

H. Community standards. A material that is objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.

I. Libelous speech, Copyright infringement. The advertisement, or any material contained in it, holds up an individual or groups of people to public ridicule, derision or embarrassment, or is libelous, or is an infringement of a copyright, trademark or registered mark.

J. Tobacco. The advertisement, or any material contained in it, promotes or depicts the sale of use of tobacco or tobacco-related products, except products that counteract symptoms of tobacco habituation.

K. Alcohol. The advertisement, or any material contained in it, promotes or depicts the sale or consumption of wine, liquor, beer, or distilled spirits.

L. Firearms/Ammunitions. The advertisement, or any material contained in it, directly or indirectly promotes the sale of use of a firearm or contains an image or depiction of firearms/ammunitions.

M. Political Campaign Speech. The advertisement, or any material contained in it, contains political campaign speech. For purposes of these guidelines, the term "political campaign speech" is speech that (1) supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum, or (2) refers to any candidate for public office.

N. Religion. The advertisement, or any material contained in it, advocates or opposes a religion or religious belief.

O. Traffic interference. The advertisement, or any material contained in it, displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device.

P. Distraction. The advertisement, or any material contained in it, incorporates any rotating, revolving, or flashing devices, or any other moving parts.

Q. Violence. The advertisement, or any material contained in it, contains an image or description of graphic violence, including, but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices associated in the advertisement with an act or acts of violence or harm on a person or animal.

R. "Adult"-oriented goods or services. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated "X" or "NC-17", video games rated "A" or "M," adult book stores, adult video stores, nude and/or topless clubs and other adult entertainment establishments, adult telephone services, adult Internet sites, and escort services.

S. Special provisions regarding web addresses and telephone numbers. The advertisement, or any material contained in it, directs viewers to a website or telephone number that contains material that violates this Policy.

T. Denigration. The advertisement, or any material contained in it, denigrates any public agency's organization, or its operations, or its officers, agents or employees. This prohibition includes advertising copy and illustrations that state or imply or could reasonably be expected to cause interference to their service or operations.

U. Public forum. The advertisement or any material contained in it, if posted individually or in combination with other advertisements, causes City Property to become a public forum for the dissemination, debate, political positions or views, and/or discussion of public issues.

V. Disclaimer or attribution. The advertisement fails to contain any disclaimer or attribution as required under Section 6 and 7 of this policy.

VI. Disclaimer of Endorsement

All advertisements on City Property or as authorized under any City contract shall include the following language: "The views expressed in this advertisement do not necessarily reflect the views of the City of Victorville. The City's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products, services, information, or viewpoints contained therein, or of the advertisement sponsor itself. This endorsement disclaimer extends to and includes content that may be found via Internet addresses, quick response (QR) codes, and telephone numbers that may appear in posted advertisements and that direct viewers to external sources of information.

VII. Attribution

All advertisements or announcements on City Property must clearly and unambiguously identify the person or entity that has sponsored, paid for, or caused the advertisement or announcement to be placed on City Property. Website addresses or phone numbers without more information are insufficient to satisfy this section.

VIII. Unilateral Amendment

The City reserves the right to unilaterally amend this policy at any time upon providing written notice to any affiliated advertising contractor.

IX. Moratorium

At the discretion of the City Manager or designee, the City may at any time, subject to any contractual obligations, declare a complete ban or moratorium on all advertising on any real or personal property under the City's control and direct that no advertisements or announcements of any kind, other than City advertisements or announcements, be accepted for display and posting.

X. Disputes

In the event of any dispute or disagreement between the City and the contracted advertising agency, the dispute will be handled in the manner outline in the contract.