

COUNCIL POLICY

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ADVERTISING POLICY AND GUIDELINES	000-70	_____, 2018	Page 1 of 4

1. Purpose

- 1.1. The purpose of these Advertising Policies and Guidelines is to establish a set of standards for advertising on City of Santa Rosa (City) facilities.
- 1.2. "Facilities" is defined as buses, shelters, stops, park and rides payment machines, websites, mobile applications, computer applications and social media sites operated by the City's Transportation and Public Works Department, Transit Division.
- 1.3. The City intends that its Facilities constitute non-public forums that are subject to the viewpoint-neutral restrictions set forth in this policy.
- 1.4. By permitting limited types of advertising on or within Facilities, the City does not intend to create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements.

2. Policy

- 2.1. All advertising on or within Facilities is subject to this uniform, viewpoint-neutral policy.
- 2.2. Certain forms of paid advertising will not be permitted for placement or display on or within Facilities.
- 2.3. The City will not allow advertising of activities prohibited by federal, state, local law or City ordinance.
- 2.4. The City will not display or permit to be displayed any advertisement that falls within one or more of the following categories:
 - 2.4.1. **Demeaning or Disparaging:** The advertisement contains material that demeans or disparages an individual, group of individuals or an entity. For purposes of determining whether an advertisement contains such material, the City will determine whether a reasonably prudent person, knowledgeable of the City of Santa Rosa customer profile and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of an individual, group of individuals or an entity;

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- 2.4.2. **Tobacco.** The advertisement promotes the sale or use of vapor, tobacco or tobacco related products or depicts such products;
- 2.4.3. **Cannabis.** The advertisement promotes the sale or use of cannabis or cannabis related products, depicts the use of such products;
- 2.4.4. **Alcoholic Beverages.** The advertisement promotes the sale or consumption of alcoholic beverages or depicts the use of such products.;
- 2.4.5. **Firearms.** The advertisement promotes the sale or use of firearms or ammunition, or the depiction thereof;
- 2.4.6. **Profanity.** The advertisement contains words recognized by the community as vulgar, indecent or profane for display in a public setting;
- 2.4.7. **Graffiti.** The advertisement contains graphics or language that promotes, resembles or otherwise encourages graffiti or vandalism;
- 2.4.8. **Human or Animal Graphics.** The advertisement contains graphics that include, but are not limited to, the depiction of a human or animal body or body parts, or fetuses, in states of mutilation, dismemberment, decomposition or disfigurement;
- 2.4.9. **Violence.** The advertisement either (1) contains an image or description of graphic violence, including, but not limited to the depiction of weapons or other implements or devices used in the advertisement to depict an act or acts of violence or harm to a person or animal; or (2) the advertisement or any material contained therein, incites or encourages, or appears to incite or encourage, violence or violent behavior;
- 2.4.10. **Unlawful Goods or Services.** The advertisement, or any material contained in it, promotes or encourages the use or possession of unlawful or illegal goods or services;
- 2.4.11. **Unlawful or Detrimental Conduct.** The advertisement, or any material contained in it, promotes or encourages unlawful or illegal behavior or activities, or behavior that promotes activities that are detrimental to the maintenance or safe operation of any Facility;
- 2.4.12. **False or Deceptive Commercial Speech.** The advertisement proposes a commercial transaction and the advertisement, or any material contained in it, is false or deceptive;

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- 2.4.13. **Libelous, Copyright or Patent Infringement.** The advertisement, or any material contained in it, is libelous, or an infringement of a copyright or a patent, or is otherwise unlawful or likely to subject the City to litigation;
- 2.4.14. **Obscenity or Nudity.** The advertisement contains obscene matter or images of nudity. For purposes of this policy, the term “obscene matter” has the meaning as set forth in California Penal Code Section 311;
- 2.4.15. **Prurient Interest.** The advertisement contains material that describes, depicts, or represents sexual activities or aspects of human activity in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults. For purposes of this policy, the term “minor” has the meaning as set forth in California Penal Code Section 313;
- 2.4.16. **“Adult” Oriented Goods or Services.** The advisement 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,” adult book stores, adult video stores, nude dance clubs or other adult entertainment establishments, adult telephone services, adult internet sites or escort services;
- 2.4.17. **Endorsement.** The advertisement, or any material contained in it, implies or declares an endorsement by the City of Santa Rosa, or its directors, managers, or employees, of any service, product or point of view, without the express prior written authorization of the City;
- 2.4.18. **Injurious to the City or its Mission.** The advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, denigrates the City, or promotes alternatives to City services in a manner that impairs patronage or revenue.
- 2.4.19. **Religious Advertising.** The advertisement primarily promotes or opposes religion, particular religions, religious issues, or religious doctrines;

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2.4.20. **Political and Social Issue Advertising.** The advertisement promotes or opposes a particular view on political or social issues and/or promotes, advocates or opposes a political party, the election of any candidate or group of candidates for federal, State or local government offices, or initiatives, referendums or other ballot measures.

Adopted by Resolution No. _____ Dated _____