

# **City of Lodi Public Transportation**

## **Transit Advertising Policy**

The City of Lodi's public transportation system will accept limited advertising on and in its vehicles, at designated areas within its transit facilities and at other transit sites as it deems appropriate in accordance with the following guidelines:

### **I. Purpose and Intent**

The purpose and intent of this policy is to create definite, uniform standards for the display of advertising and announcements (collectively referred to herein as "advertising") on Lodi Transit buses, transit facilities, and any and all other forums owned, controlled or operated by the City of Lodi through Lodi Transit. It is the City's purpose and intent that any and all forums for advertising under this policy are not public forums for political discourse or expressive activity. These areas are not intended to provide a forum for all types of advertisements but only the limited advertisements accepted under this policy. All advertising shall be subject to this uniform, viewpoint-neutral policy.

The City's intent and purpose is to take into account interests which are of importance to the operation of the Lodi Transit system. These interests include the following:

- A. Maintain a professional advertising environment that maximizes advertising revenues and minimizes interference with or disruption of the City's transit system.
- B. Maintain an image of neutrality on political, religious or other issues that are not the subject of commercial advertising and are the subject of public debate and concern.
- C. Continue to build and retain transit ridership.

### **II. Advertising Standards and Restrictions**

#### **A. Permitted Advertising**

The City's intent is to permit commercial advertising for products and services. All commercial and promotional advertising must meet or exceed high quality standards of art and design as exemplified in the industry and as determined by the City of Lodi or its authorized Advertising Contractor as defined herein.

1. Commercial and Promotional Advertising. Commercial and promotional advertising solely promotes or solicits the sale, rental, distribution or availability of

goods, services, food, entertainment, events, programs, transactions, donations, products or property for commercial purposes or more generally promotes an entity that engages in such activity. Commercial and promotional advertising does not include advertising that both promotes a business or offers to sell products, goods or services, and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.

2. Disclaimer. The City of Lodi reserves the right, in all circumstances, to require an advertisement to include a disclaimer indicating that it is not sponsored by and does not necessarily reflect the views of the City of Lodi.
3. Additional Requirement. Any advertising in which the identity of the sponsor is not readily apparent or is ambiguous must include the following phrase to identify the sponsor in clearly visible letters: "Advertisement paid for by (Sponsor's Name)." Website addresses or phone numbers without more information are deemed ambiguous.
4. Government Use. The City reserves the right to utilize any areas it has deemed appropriate for advertising pursuant to this policy for its own promotional purposes, including, but not limited to, the promotion or announcement of City-sponsored events, or to permit use by other governmental agencies for the promotion or announcement of local governmental services.

#### B. Viewpoint Neutral Limitations on Advertising Content

The following viewpoint neutral content based on limitations permitted for placement or display on transit vehicles or facilities owned or operated by the City of Lodi are established. No advertising is permitted on Lodi Transit buses, transit facilities, and any and all other forums owned, controlled or operated by the City of Lodi through Lodi Transit, if it or the information contained therein falls into one or more of the following categories:

1. False, Misleading, or Deceptive Commercial Speech. This advertisement proposes a commercial transaction, and the advertisement, any material contained in it, is false, misleading, or deceptive.
2. Unlawful Goods or Services. This advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services under local, state, or federal laws.

3. Unlawful Conduct. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities under local, state or federal laws.
4. Unauthorized Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by the City of Lodi or Lodi Transit of any service, product or point of view, without prior written authorization of the City of Lodi through its Transportation Manager.
5. Obscenity or Nudity. The advertising contains any nudity, obscenity, sexual content, sexual excitement, or sadomasochistic abuse as those terms defined by California Penal Code section 311, et. seq., and as such laws may from time to time be amended or supplemented.
6. Community Standards. The advertisement contains material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a way that the average adult, applying contemporary or community standards, would find offensive or inappropriate for viewing by minors.
7. Prurient Interests. The advertising, or any material contained in it, contains harmful matter or any other matter that is prohibited under the provisions of California Penal Code section 313, et. seq., and as such laws may from time to time be amended or supplemented.
8. Tobacco. The advertisement promotes the sale or use of tobacco or tobacco-related products.
9. Alcohol, Marijuana, and Regulated Substances. Advertising that promotes the sale or use of beer, wine, distilled spirits, alcoholic beverages, marijuana, or any substance licensed and regulated under California law; however, this prohibition shall not prohibit advertising that includes the name of a restaurant that serves alcoholic beverages that is open to minors.
10. Firearms. Advertisement that promotes or solicits the sale, rental, distribution, availability, or use of firearms or firearms-related products.
11. Demeaning or Disparaging. Advertising that includes language, pictures, or other graphic representations that are derogatory or defamatory of any person or group because of race, color, national origin, ethnic background, age, disability, ancestry, marital or parental status, military discharge status, source of income, religion, gender or sexual orientation.

12. Profanity, Riot. The advertisement contains profane language or presents a clear and present danger of causing a riot, disorder, or other imminent threat to public peace, safety and order.
13. Violence. The advertisement contains an image or description of graphic violence or 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.
14. Adult – Oriented Goods or Services. The advertisement promotes or encourages, or appears to promote or encourage, adult book stores, nude dance clubs, and other adult entertainment establishments, adult telephone services, adult Internet sites, and escort services.
15. Political. Advertisement promoting or opposing (i) a political party; (ii) the election of any candidate or group of candidates for federal, state or local government offices; (iii) any legislation, initiative, referendum or ballot measure; or (iv) a political action committee, political campaign or political philosophy.
16. Religious. Advertisement that contains any direct or indirect reference to religion, deity or includes the existence or nonexistence of any deity, religious creed, denomination, belief, tenet, cause or issue relating to religion.
17. Public Issue. Advertising expressing or advocating an opinion, position, or viewpoint on matters of public debate about economic, political, religious or social issues, that causes City owned property to become a public forum.
18. Harmful or Disruptive to Transit System. Any material in the advertisement that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of or interference with the City's transportation system. The advertising, or any material contained in it, incorporates any rotating, revolving, or flashing devices, or other moveable parts.
19. Traffic Interference. The advertising, 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.

### **III. Advertising Program and Administration**

The City shall incorporate this Policy into its advertising contracts.

#### **A. Review by Advertising Contractor**

The City's Advertising Contractor shall review each advertisement submitted for display on or in Lodi Transit's property to determine whether the advertisement complies with this policy. If it appears the advertisement may be questionable, the Advertising Contractor shall notify the City's Transportation Manager, or designee, and obtain approval before the advertisement is installed.

#### **B. Review by City Staff**

The Transportation Manager or designee shall review the advertisement and supporting information to determine whether or not the advertisement complies with this policy. If City's Transportation Manager, or designee, determines the advertisement does not comply with this policy, a written document will be prepared and forward to the Advertising Contractor specifying the standard(s) with which the advertisement does not comply.

#### **C. Notification to Advertiser**

The Advertising Contractor will send the advertiser a prompt, written notification indicating advertisement rejection with specific standard(s) the advertisement failed to comply with and a copy of this policy. A copy of the rejection notification will be forwarded to the Transportation Manager for retention.

#### **D. Appeal to City Manager**

Rejection of an advertisement may be appealed to the City Manager, or designee, by written notification to the City's Transportation Manager. The City Manager will review all pertinent documents and issue a written decision. The City Manager's decision shall be final and is not subject to appeal.

#### **E. Unilateral Amendment**

The City of Lodi reserves the right to unilaterally amend this policy at any time upon providing written notice to any advertiser then under contract with the City.

#### **F. Moratorium**

The City of Lodi, through the City Manager, reserves the right to 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 advertising of any kind, other than City advertisements or announcements, be accepted for display and posting.

G. Advertising Contract

All advertisers shall be required to execute an agreement with the City of Lodi prior to installation of advertising on City owned or controlled property.