

**Subject: ADVERTISING ON CITY-OWNED BUS STOP SHELTERS**

Purpose/Applicability:

It is the intent of the City Council to establish a policy governing advertising on City-owned bus stop shelters in the public rights-of-way within the City in order to prohibit the display of material that may foreseeably result in harm to, disruption of, or interference with the City's public bus transportation system in areas where riders of the transportation system must necessarily be in order to utilize the system. This policy is adopted in view of the intended purposes of the transportation system and the advertising space, which are to provide safe and reliable public transportation and to provide revenue to the City, respectively.

This policy applies to material displayed in advertising panels on City-owned bus stop shelters, which space is made available by City Council-approved agreements with advertising contractor(s) (the "Ad Space"). The Ad Space is a nonpublic forum.

Policy:

1. In any City agreement(s) with advertising contractor(s) of City related to Ad Space, the advertising contractor(s) shall be required to (i) reject any material proposed to be displayed in the advertising space which does not meet the standards set forth in the policy, and (ii) remove any material actually displayed which does not meet the standards set forth in the policy, and City shall reserve the right, in such agreements, to require rejection and/or removal of material proposed for display and/or actually displayed in the advertising space which City, in its sole discretion, determines does not meet the standards set forth in the policy.
2. Material displayed in the Ad Space must conform to all of the following standards:
  - A. Only the following material may be displayed in Ad Space: (i) commercial publicity; and (ii) public service announcements of the City.
    - i. As used in this policy, "commercial publicity" means speech which proposes a commercial transaction.
  - B. No material will be permitted 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 transportation system. For purposes of determining whether an advertisement contains such material, the City will determine whether a reasonably prudent person, knowledgeable of the City's ridership and using prevailing community standards, would believe that the material is so objectionable that it is reasonably foreseeable that it will result in harm to, disruption of or interference with the transportation system.
  - C. No material will be permitted that is objectively, factually and demonstrably false, inaccurate, misleading, deceptive or fraudulent, or that would constitute a tort of defamation or invasion of privacy. Trivial inaccuracies are not included in the foregoing.
3. The City Manager or designee shall be responsible for administration and enforcement of this policy.