

City of Hercules Banner Policy

The City of Hercules has 4 different public locations within the City where City-authorized advertising banners may be placed to assist with the promotion of businesses, programs, and events. The approved Master fee schedule has a range of \$50.00-\$600.00 per banner per month (30 days) depending on location and Business or Organization.

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| <u>Locations:</u> | <u>Prices: Hercules Based / Non Hercules</u> |
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| • Sycamore and Refugio Valley Road (3 spots) | \$250.00 each/\$300.00 each |
| • Sycamore Avenue and San Pablo Avenue (4 spots) | \$250.00 each/\$300.00 each |
| • Sycamore and Willow Avenue (3 spots) | \$200.00 each/\$250.00 each |
| • Willow Avenue and Park & Ride (3 spots) | \$250.00 each/\$300.00 each |

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| <u>Locations:</u> | <u>Prices: CLSC Group / State Non-Profit</u> |
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| • Sycamore and Refugio Valley Road (3 spots) | \$35.00 each/\$125.00 each |
| • Sycamore Avenue and San Pablo Avenue (4 spots) | \$35.00 each/\$125.00 each |
| • Sycamore and Willow Avenue (3 spots) | \$35.00 each/\$125.00 each |
| • Willow Avenue and Park & Ride (3 spots) | \$35.00 each/\$125.00 each |

Banner must be 4 feet-high x 8 feet-long. Staff recommends providing wind slits in banners to sustain high winds and tough weather conditions. Banners will be placed by City staff at reserved location if there is room at the requested location for the requested dates; all banners are to be put up and taken down by City of Hercules staff only. City staff is not responsible for broken, damaged, or stolen banners. The City of Hercules will reserve locations up to 1 year in advance for Community & Library Services Commission-approved City of Hercules non-profit organizations and 6 months in advance for businesses and state non-profit organizations. Business and State Non-Profit organizations may reserve a location for a time span of 6 months at a time at one given location. All reservations are first come first serve and payments are non-refundable and non-transferable. Banner locations will only be reserved with the banner application and payment for the dates and locations requested.

City programs and banners will take precedence over business and non-profit banners. At the end of the 30 days, City staff will remove any associated banners for retrieval to the Parks & Recreation Department. If no representative picks up the banner within a 2 week period, the banner will be discarded.

ADVERTISING CONTENT GUIDELINES

OBJECTIVE

Through this policy, the City of Hercules (CITY) intends to establish uniform, viewpoint-neutral standards for the display of advertising within all Banner locations. In setting its advertising standards, CITY seeks to meet the following goals and objectives:

- (a) Maintain a secure and orderly operating environment.
- (b) Maximize advertising and revenue.
- (c) Avoid identifying or associating CITY, its employees, board members, or its contractors with the advertisements or the viewpoints of advertisers.

CITY reserves the right, from time to time, to suspend, modify, or revoke the application of any or all of these Guidelines as it deems necessary to comply with legal mandates, or to facilitate its primary transportation function, or to fulfill the goals and objectives referred to herein. All provisions of these Guidelines shall be deemed severable.

CITY is committed to providing an environment free of discrimination. It is also the city's policy and practice to assure equal application of these guidelines without regard to race, color, marital status, sexual orientation, religion, national origin, ancestry, age, sex, gender identity, disability, medical condition, or Vietnam Era veterans' status.

ADVERTISING PROGRAM ADMINISTRATION

- (a) CITY shall designate an employee as its "Contract Administrator" to be the primary contact for the Advertising Contractors on issues related to advertising content. Questions regarding the terms, provisions, and requirements of these Guidelines shall be addressed initially to the Contract Administrator.
- (b) The Advertising Contractors shall comply with these Guidelines, and shall review all advertising with reference to them. If there is any question as to whether a proposed advertisement falls into a prohibited category--as outlined in these Guidelines--the Advertising Contractors shall refer that advertisement to the Contract Administrator for review and consideration. The Contract Administrator, together with the Department Director, shall determine whether the proposed advertising will be accepted. In the event that the advertising is rejected, the party or parties proposing the advertising may request in writing that the decision be reconsidered. Upon such request, the Department Director shall consult with City General Counsel and with the City Manager. The City Manager -- shall determine whether the proposed advertising will be accepted or rejected.

OPERATIONS and PROMOTIONS

CITY has the unqualified right to display, on or in its facilities, advertisements and notices that pertain to CITY operations and promotions, consistent with the provisions of its agreement with the Advertising Contractors. Promotional materials shall include, but not be limited to, internal marketing collateral, CITY branding campaigns, and co-promotional campaigns with third parties.

DISCLAIMERS

CITY reserves the right, in all circumstances, to require that an advertisement on the Banners include a disclaimer indicating that such advertising is paid for by the advertiser. CITY may require the Advertising Contractors to maintain a supply of decals imprinted with a disclaimer to

this effect to apply to ads that state a point of view. The Advertising Contractors will apply these decals in a viewpoint-neutral manner.

ADVERTISING STANDARDS

(a) CITY intends that its facilities constitute nonpublic forums that are subject to the viewpoint-neutral restrictions set forth below. Certain forms of paid advertising will not be permitted for placement or display on banner locations. Unpaid advertisements will not be permitted.

(b) CITY shall not display or maintain any advertisement that falls within one or more of the following categories:

(i) Demeaning or Disparaging. The advertisement contains material that demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, CITY will determine whether a reasonably prudent person, knowledgeable of CITY's 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 or group of individuals.

(ii) Tobacco. The advertisement promotes the sale or use of tobacco or tobacco-related products, or depicts such products.

(iii) Political Campaign. Political Campaign Signs are not allowed in any of the designated banner locations. Political Campaign Signs are only allowed in certain designated public areas within the City as specified in City of Hercules Resolution 12-038.

(iv) Alcoholic Beverages. The advertisement promotes or encourages the consumption of alcoholic beverages including, but not limited to beer, wine, and distilled spirits, or depicts such products.

(v) Profanity. The advertisement contains words recognized by the community as vulgar, indecent or profane for display in a public setting that includes minors.

(vi) Graffiti. The advertisement contains graphics or language that promotes, resembles or otherwise encourages graffiti or vandalism

(vii) Inappropriate Graphics. The advertisement contains graphics recognized by the community as inappropriate including, but not limited to, the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement.

(viii) Firearms. The advertisement either (a) contains an image of a firearm in the foreground of the main visual or (b) contains image(s) of firearms that occupy 15% or more of the overall advertisement.

(ix) Violence. The advertisement either (a) 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 in an act or acts of violence or harm on a person or animal or (b) the advertisement, or any material contained in it, incites or encourages, or appears to incite or encourage, violence or violent behavior.

(x) Unlawful Goods or Services. The 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.

(xi) Unlawful or Detrimental Conduct. The advertisement or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities, or behavior that promotes activities which are detrimental.

(xii) False, Misleading, or Deceptive Commercial Speech. The advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, is clearly false, misleading, or deceptive.

(xiii) Libelous Speech, Copyright Infringement, etc. The advertisement, or any material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or likely to subject CITY to litigation.

(xiv) Obscenity or Nudity. The advertisement contains obscene material or images of nudity. For purposes of these Guidelines, the term “obscene matter” shall have the meaning set forth in the California Penal Code Section 311.

(xv) Prurient Interest. 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 community standards, would find appeals to the prurient interest of minors or adults. For purposes of these Guidelines, the term “minor” shall have the meaning contained in California Penal Code Section 313.

(xvi) “Adult”-oriented Goods or Services. The advertisement 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 and other adult entertainment establishments, adult telephone services, adult internet sites, and escort services.

(xvii) Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by CITY, its directors, management, or employees, of any service, product, or point of view, without prior written authorization of the Contract Administrator.

(xviii) Injurious to CITY and its Mission. The advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, denigrates CITY or promotes alternatives to CITY in a manner that directly impairs the city and/or revenue.

(xix) Subleasing is not allowed

(xx) Banner reservations only allow one business/organization per banner.

Please contact Ashley Gomez, Recreation Leader III at (510) 799-8290 or via email at agomez@ci.hercules.ca.us for more information or available locations and dates.