

CITY OF VACAVILLE
RECYCLING / SOLID WASTE MANAGEMENT PROGRAM
ADVERTISING POLICY



CITY OF VACAVILLE
PUBLIC WORKS DEPARTMENT
650 MERCHANT STREET
VACAVILLE, CA 95688

Adopted: October 22, 2019

RECYCLING / SOLID WASTE MANAGEMENT PROGRAM ADVERTISING POLICY

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Resolution No. 2019-108; Resolution of the City Council of the City of Vacaville Approving the Vacaville Recycling / Solid Waste Management Program Advertising Policy and Authorizing the Director of Public Works to Enter Into an Agreement with Creative Outdoor Advertising Of America, Inc. for Revenue Generating Outdoor Public Space Recycling Stations

Amendments:

**CITY OF VACAVILLE
PUBLIC WORKS DEPARTMENT
RECYCLING / SOLID WASTE MANAGEMENT
ADVERTISING POLICY**

The City of Vacaville (“City”) manages recycling and solid waste program activities (“Recycling Program”) within the City of Vacaville, Public Works Department.

This Recycling / Solid Waste Management Advertising Policy (“Policy”) shall apply to all forms of advertising located on outdoor solid waste disposal and/or recycling containers located on City owned and/or managed property/facilities including those which are designated as locations for the placement of individual or modular units for the collection of recycled materials (“Recycling Amenities”).

I. PURPOSE

The City, in its sole discretion, will make space on its property/facilities available for limited types of advertising (“Permitted Advertising”). In adopting this Policy which allows limited types of advertising on or at its property/facilities, the City does not intend to create a public forum for public discourse or expressive activity or a forum for all types of advertising. In adopting the advertising standards in this Policy, the City intends to clearly state the property/facilities designated for the location of Recycling Amenities are nonpublic forums. The City’s acceptance of advertising does not provide or create a general public forum for expressive activities. In keeping with its function as a municipal government, the City does not intend its acceptance of advertising to convert its City owned and/or managed property/facilities into open public forums for public expression, discourse, and debate. Rather, as noted below, the City’s sole purpose and intent in accepting advertising is to subsidize costs for the placement of outdoor recycling containers to promote recycling, landfill diversion of recyclables, and increase the capture of trash in industrial, commercial, mixed urban, and public transit facilities (“Priority Land Use Areas”) consistent with the California State Water Resources Control Board Trash Amendments of 2015. In furtherance of that discreet and limited objective, the City retains strict control over the nature of the advertisements accepted for posting on or at its City owned and/or managed property/facilities and maintains its advertising space as a limited public forum.

This Policy advances the City’s Recycling Program’s income generation needed to further landfill diversion of recyclable materials and capture of trash in priority land use areas by prohibiting advertisements that could detract from that fundraising goal by creating disruption, substantial controversy, interfering with, and diverting resources from Recycling Program activities and/or posing significant risks of harm, inconvenience, or annoyance to the general public. Such advertisements create an environment that detracts from the City’s ability to generate income for the placement of the Recycling Amenities and is not conducive to achieving landfill diversion of recyclable materials and increased capture of trash within the City. The viewpoint neutral restrictions in this Policy thus foster the maintenance of a professional advertising environment that maximizes advertising revenue.

This policy is intended to provide clear guidance as to the types of advertisements that will enable the City to deploy Recycling Amenities that promote the use of recycling conservation best practice activities that result in the proper separation of recycling materials so as to divert these recyclable materials from entering the landfill and to increase trash capture in priority land use areas. Further, by not allowing the types of advertising specified in Section III below, the City will: (a) maintain a

professional advertising environment that maximizes advertising revenues and minimizes interference with or disruption of the Recycling Program; and (b) continue to build public awareness and use of public space recycling containers to further landfill diversion of recyclable materials and trash capture in priority land use areas.

II. PERMITTED ADVERTISING

The display of Permitted Advertising on City owned and/or managed property/facilities, including those which are designated as locations for the placement of Recycling Amenities, (“Outdoor Advertising”) is intended to promote recycling with the placement of Recycling Amenities in public spaces, subsidized by the revenue generated by Outdoor Advertising. In order to realize the maximum benefit of public space recycling, the City’s Outdoor Advertising program must be managed in a manner that will generate the required revenue level to subsidize the placement and maintenance of Recycling Amenities, while ensuring that the advertising does not diminish the City’s reputations in the community or the good will of their patrons, and is consistent with the principal purpose of providing outdoor recycling collection containers thereby enhancing public adoptions of recycling as a resource conservation and best practice activity supporting landfill diversion of recyclable materials and trash capture in priority land use areas. To attain these objectives, the City establishes the following regulations, which govern Outdoor Advertising. Outdoor Advertising permitted under this Section shall not contain displays or messages that are not permitted under Section III, below.

Outdoor Advertising includes the following categories of advertisements:

1. Commercial Advertising. “Commercial Advertising” is advertising for which the sole purpose is to sell products, goods or services for a profit, and does no more than propose a commercial transaction. Commercial advertising does not include advertising that combines a commercial message with a message that is not permitted under this Policy, e.g. an advertisement that offers a product for sale and promotes the election of a candidate for public office.
2. Public Service Advertising. “Public Service Advertising” is advertising by governmental entities, academic institutions or tax-exempt nonprofit organizations that relates to community, art, cultural, educational, health, or safety events, programs and/or messages. Public Service Advertising does not include advertisements that include/combines Public Service Advertising, Commercial Advertising, or contains any direct or indirect message that is not permitted under this Policy. Upon the City’s request, nonprofit entities must document their tax-exempt status. Unless the source of the Public Service Advertising is obvious from the content or copy, the advertisement must specifically identify the advertisement’s sponsor.

III. EXCLUDED ADVERTISING

Outdoor Advertising cannot be displayed or maintained on City owned and/or managed property/facilities if information contained in the advertisement includes one or more of the following:

1. False, misleading, or deceptive statements or information.
2. Statements or information that are defamatory or likely to hold up to scorn or ridicule a person or group of persons.
3. Obscene or pornographic materials, depictions, or statements.

4. Statements or information that advocate imminent lawlessness or violent action.
5. Statements or information that promote alcohol, tobacco, or cannabis products or their use.
6. Religious Advertisements, as defined below.
7. Political Advertisements, as defined below.
8. Intellectual property infringement, including piracy or infringement of copyright, trade dress, service mark, title or slogan.
9. Unauthorized Endorsements, as defined below.

For purposes of this Policy:

“Religious Advertisements” means advertisements that contain any direct or indirect reference to religion, or to any religion, or to any deity or deities, or which includes the existence, nonexistence or other characteristics of any deity or deities, or to any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion. This prohibition on Religious Advertisements includes, but is not limited to, the depiction of text, symbols, or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion.

“Political Advertisements” means advertisements that refer to a particular ballot question, initiative, petition, referendum, candidate for office, political party, or viewpoint or that expresses or advocates opinions or positions upon any of the foregoing.

“Unauthorized Endorsements” means advertising that implies or declares that the City or its entities, officials, or employees endorses a product, service, viewpoint, event, person, or program. This prohibition on Unauthorized Endorsements does not include or apply to advertising for a service, event or program for which the City is an official sponsor, co-sponsor or participant.

IV. ADMINISTRATION AND ENFORCEMENT OF POLICY

A. Review by Contractor

The City may incorporate this Policy into any of its advertising management contracts. The contracting party to such contract (“Contractor”) shall not submit for display on or at City owned and/or managed property/facilities any advertisement that does not comply with the standards or provisions of this Policy. If the Contractor is in doubt whether an advertisement complies with the standards or provisions of this Policy, the Contractor shall notify the City’s Public Works Superintendent, or his/her designee of the uncertainty before submitting the advertisement for display and the specific provision or standard of this Policy of which the Contractor is uncertain.

B. Review by Public Works Superintendent, or Designee

If the Contractor determines that an advertisement may not comply with the standards or provisions of this Policy, the Contractor shall promptly send the advertisement and supporting information (including the name of the advertiser, the size and number of the proposed advertisements, the

dates and locations of the proposed advertisements, and a notation of the standard or provision of concern) to the Public Works Superintendent, or his/her designee, for review. The Public Works Superintendent, or his/her designee, shall review the advertisement and supporting information to determine whether the advertisement complies with this Policy. If the Public Works Superintendent, or his/her designee determines that the advertisement does not comply with this Policy, he/she shall specify in writing the standard or provision with which the advertisement does not comply, and shall so notify the Contractor.

C. Notification to Advertiser

The Contractor will promptly notify the advertiser in writing of the Public Works Superintendent, or his/her designee's decision to reject the advertisement, together with a copy of this Policy, and will specify the standard or provision with which the advertisement fails to comply.

D. Appeal to Director of Public Works

The Public Works Superintendent or his/her designee's decision to reject an advertisement may be appealed by the advertiser to the City's Public Works Director, or his/her designee, by providing written notification of the appeal within fifteen (15) calendar days of the date of Contractor's notice to the advertiser. The Director of Public Works shall allow the advertiser and the Public Works Superintendent, or his/her designee, to present any relevant argument or evidence related to the subject appeal and will notify the advertiser of the time and manner in which to subject such information for consideration. The Director of Public Works' decision of the appeal shall be final.