

Advertising Policy

POLICY PURPOSE

The City may authorize advertising in locations designated by the City for the purpose of generating revenue. Advertising with the City must be consistent with the mission and values of the City and will not compromise or contradict any ordinance or policy of the City or reflect negatively on the City's public image. The City reserves the right to terminate an existing advertising agreement if it is in the best interests of the City. The locations designated by the City or City's assignee or lessee for advertisement represent a limited public forum.

OBJECTIVE AND NON-PUBLIC FORUM

The City's acceptance of advertising revenue or rent from the leasing of advertising space does not provide or create a public forum for expressive activities. The discrete and limited purpose of the Advertising Policy is to generate revenue to support City programs and community events and to support local businesses, entrepreneurs, community organizations and other advertising parties through the advertisement space. The achievement of those purposes can be undermined if advertising creates harm to residents or users of the City's facilities, including the municipal theater ("Property"). By accepting paid advertising for display in and on the Property, the City is acting in a proprietary capacity to maximize advertising revenue for support of its local programs and for repair or maintenance of Property infrastructure and facilities. In furtherance of this, the City has adopted a policy regarding advertisements on the Property. This policy applies to all paid advertisements on City Property and in locations designated by the City. The City retains final approvals for the advertising installed in and on the Property and is guided by this Advertising Policy.

STANDARDS

- I. All advertising must be consistent with the City's mission and values, including promoting community, and will not contradict any state law, ordinance or policy of the City.
- II. A written agreement must be made between the City and the advertiser that identifies the terms of an advertisement agreement.
- III. All advertising must comply with this Policy. To avoid identification of the City with messages or images contained within advertisements displayed in and on the Property and to avoid the appearance of City endorsement of goods, products, services, advertisements shall readily and unambiguously identify the person, corporation, or entity paying for the advertisement. An advertiser may, at the City's discretion, be required to include in the advertisement a statement explicitly identifying the person, corporation, or

entity paying for the advertisement. An advertiser may also, at the City's discretion, be required to incorporate additional language to avoid the appearance of City endorsement.

- IV. The suitability and location of all advertising is subject to the approval of the City Administrator or their designee in collaboration with the City Attorney. If advertising is initially approved, the City retains the right at any time to terminate such approval and, with prior notice, remove the advertising. In the event of an annual advertisement fee or rent that has been paid, the City will refund a pro-rated portion of the annual fee or rent.

V. Generally Permitted Advertising.

- a. Commercial and Promotional Advertising: Advertisements that promote or solicit the sale, rental, distribution, or availability of goods, services, food, events, programs, transactions, donations, products, or property. Noncommercial speech that meets the same criteria in this subdivision V(a) may be substituted in lieu of any allowed commercial speech.
- b. Governmental Advertising: Notices or messages from a governmental entity authorized by its governing body that advance governmental purposes.
- c. Public Service Announcements: Public Service Announcements must be sponsored by a governmental entity or a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. These announcements must be directed to the general public or a segment of the public and related to:
 - i. Prevention or treatment of illness;
 - ii. Promotion of safety or personal well-being;
 - iii. Education or vocational training;
 - iv. Art and other culture;
 - v. Provision of family services;
 - vi. Solicitation of funds to charitable organizations; or
 - vii. Provision of services and programs that provide support to low-income residents, senior citizens, and people with disabilities.

VI. Prohibited Sponsorship/Advertising

The City will not approve proposed advertising if, in the City's sole discretion, in consultation with the City Attorney, the advertising includes any content that comes within one or more of the following categories:

- a. Political and Public Issues: Any material that promotes or opposes a political party, promotes or opposes any state or local ballot measure or the election of any candidate or group of candidates for federal, state, judicial, or local government offices or expresses or advocates an opinion, position, or viewpoint on a matter of public debate about economic, political, religious, or social issues.
- b. False, misleading or untruthful statements or depictions, including exaggerated or illegal copy and or illustrations.
- c. Unlawful infringement of copyright, trademark, or other rights of another party.

- d. Obscenity or promotion of sexually oriented products or stores. This includes, but is not limited to, language, pictures, or graphic representations which, if displayed, would give rise to a violation of Minnesota Statutes Section 617.291 and its prohibition of the public display of offensive sexual material.
- e. Promotes the violation of law.
- f. Promotes alcohol, firearms, tobacco, tobacco related products, electronic cigarettes, Tetrahydrocannabinol (THC) or Cannabis products.
- g. Promotes any unlawful or illegal goods, services, or activities, or involves other unlawful conduct.
- h. Promotes violence.
- i. Defamatory, insulting, degrading, disparaging, demeaning, or offensive statements or depictions to any identifiable group which has the intent or effect of inflaming public unrest or inciting violence.
- j. Unauthorized use of the City of Wells logo, slogan, or graphic representation which appears to endorse or imply endorsement of a product or service.

NON-DISCRIMINATION

The prohibition of discrimination on the basis of race, color, national origin, religious belief, age, gender, pregnancy, citizenship, familial status, disability status, veteran status and genetic information further guides consideration of advertising on or in publicly owned advertising space.