



**CITY OF BELOIT
ADMINISTRATIVE POLICIES AND PROCEDURES**

**Beloit Transit System
Advertising Policy**

Newest Revision Date August 2, 2018	Original Issue Date August 2, 2018	Prior Revision Date(s)	Pages 4
Special Instructions/Attachments			

I. PURPOSE

- A. The primary purpose and mission of the Beloit Transit System (“BTS”) is to provide safe, comfortable, dependable and cost-effective public transportation services for individuals using its buses and facilities.
- B. BTS intends that its buses, facilities, shelters and benches constitute nonpublic forums which are subject to the viewpoint-neutral guidelines set forth in this Policy. BTS does not intend that its buses, facilities, shelters and benches become public forums for expressive activity, general discourse or opinion. These guidelines are designed to only permit certain forms of commercial and governmental advertising in or upon BTS buses, facilities, shelters and benches.
- C. BTS passengers typically have limited or no alternatives to their use of BTS for transportation within the City of Beloit, whether it’s to and from school, work, recreation, or other locations. They are a captive audience to any advertising that is permitted. In addition, a significant number of BTS passengers are minors, who may be affected adversely by certain advertising.
- D. BTS desires to avoid any endorsement, implied or otherwise, of any of the commercial products, services, or messages advertised.
- E. In establishing these guidelines for advertising in or upon BTS buses, facilities, shelters and benches, BTS seeks to fulfill its mission while maximizing revenue generated by advertising.

II. APPLICABILITY

- A. The guidelines herein apply to all advertising coordinated or sold by BTS or its advertising contractor, sub-contractor or third party partner. BTS reserves the right to suspend, modify, or revoke the application of any or all of this Policy as it deems necessary to comply with legal mandates, to accommodate its primary transportation function, and to fulfill the goals and objectives of BTS and the City of Beloit.
- B. Any advertisements which are prohibited by this Policy, but which were posted pursuant to the terms of an advertising contract prior to the effective date of this Policy, shall be allowed to remain posted for the duration of the contract.

III. PERMITTED ADVERTISEMENTS

Subject to the restrictions enumerated under Section III of this Policy, BTS may display or maintain any advertisements that fall within one or both of the following categories:

- A. Commercial Advertising. Paid advertisements that promote for sale, lease, or other form of financial benefit, a product, service, event, or other property interest in primarily a commercial manner for primarily a commercial purpose.
- B. Governmental Advertising. Notices or messages sponsored by the City of Beloit or BTS that promote specific functions, services or programs available through or provided by the City of Beloit or BTS.

IV. PROHIBITED ADVERTISEMENTS

A. BTS will not display or maintain any advertisement that falls within one or more of the following categories:

- 1. *Demeaning or disparaging*. The advertisement contains material that demeans or disparages an individual or group of individuals on the basis of race, color, religion, national origin, ancestry, gender, age, disability, ethnicity, marital or parental status, military discharge status, source of income, or sexual orientation.
- 2. *Alcohol, tobacco and firearms*. The advertisement promotes the sale or use of alcohol, tobacco or firearms, or alcohol-, tobacco-, or firearms-related products, including depicting such products.
- 3. *Profanity*. The advertisement contains profane language, i.e., language that under contemporary community standards would be offensive to members of the public who actually hear or read it.
- 4. *Violence*. The advertisement contains an image or description of violence, including, but not limited to, (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices used in the advertisement in an act of violence or harm on a person or animal.
- 5. *Unlawful goods, services or conduct*. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal goods, services, behavior or activity.
- 6. *Obscenity or nudity*. The advertisement contains legally obscene material or depicts nudity or sexual intercourse or other sexual acts. For purposes of these standards, the term "obscene" shall have the same meaning contained in Beloit City Ordinance 15.02(2).
- 7. *Prurient sexual suggestiveness*. The advertisement contains material that incites, describes, depicts, or represents sexual activities or images or descriptions of human sexuality or anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest. The advertisement promotes the sale of pornography, adult telephone or Internet

services, escort services, nude dance clubs, sensual massage, or any other form of adult-oriented entertainment.

8. *Endorsement.* The advertisement, or any material contained in it, implies or declares an endorsement by the City of Beloit or BTS of any service, product, or point of view, without prior written authorization of the BTS Director, and subject to Section II(B) of this Policy.
 9. *False, misleading, or deceptive speech.* The advertisement, or any material in it, is false, misleading, or deceptive.
 10. *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 is likely to subject the City of Beloit to litigation.
 11. *Disregard for transit safety.* Advertising cannot encourage persons to refrain from using safety precautions normally used in transit-related activities (such as awaiting, boarding, riding upon, or debarking from transit vehicles).
 12. *Political, religious or moral issue.* Advertising that promotes a political party, or promotes or opposes any ballot referendum or the election of any candidate or group of candidates for federal, state, judicial, or local government offices. Advertising that is directed or addressed to the action, inaction, prospective action or policies of a governmental entity, except as provided under Section II(B) of this Policy. Advertising that advocates or expresses a political message, opinion, position, or viewpoint regarding disputed economic, political, moral, religious or other social issues.
 13. *Unclear identification of the advertiser.* The advertisement is such that (1) the message or sponsorship of the advertisement cannot reasonably be determined without reference to a website or telephone number that is listed in the advertisement, and (2) that website prominently contains, or that telephone number directs callers to, material that violates these guidelines.
 14. *Non-paid advertising.* BTS requires all advertising to be contracted for according to the pricing set forth by BTS's current advertising contractor. No free advertising of any kind is accepted, except governmental advertising permitted under Section II(B) of this Policy.
 15. *Non-commercial.* The subject matter and intent of the advertisement is non-commercial in nature, and does not promote for sale, lease, or other form of financial benefit, a product, service, event, or other property interest in primarily a commercial manner for primarily a commercial purpose, except governmental advertising permitted under Section II(B) of this Policy.
- B. BTS will not permit personal distribution of advertisements, leaflets, or other literature, by individuals to BTS passengers in BTS buses, as it interferes with the passenger experience -- a captive audience -- and creates a hazard to safe and comfortable travel.

- C. Review. BTS's current advertising contractor shall review each advertisement submitted for display on or in BTS buses, facilities, shelters and benches to determine compliance with the advertisement guidelines set forth above. In the event that the advertisement falls within (or may fall within) one or more of the prohibited categories, BTS's advertising contractor shall send prompt, written notification to the advertiser, including a copy of this Policy, with identification of the prohibitive category(ies), and, at its discretion, suggestions for policy compliance.
- D. Appeal. Advertisers may appeal the rejection of advertising to the BTS Director, in writing, within 30 days of the rejection. Within 30 days of the receipt of the appeal, the BTS Director shall schedule a conference (in-person or by telephone) with the advertiser to discuss the rejected advertisement. Within 21 days of the said conference, the BTS Director shall notify the advertiser of a final decision. The decision of the BTS Director may be appealed pursuant to section 1.15 of the Code of General Ordinances for the City of Beloit.

V. SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this Policy is, for any reason, declared invalid in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such invalidity shall not affect the validity of the remaining portions of this Policy, which shall continue in full force and effect.


VI. POLICY VIOLATION

Failure to comply with this policy subjects an employee to disciplinary action up to and including termination of employment.

VII. APPROVAL

This policy is hereby approved and intended to supersede any and all prior policies or practices addressing advertising with BTS.

Approved and adopted on Aug 2, 2018.


Lori S Curtis Luther (Aug 2, 2018)

Lori S. Curtis Luther
City Manager