

# Advertising in Parks

Reference Number PAR 01.00.05

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## Purpose

This policy provides regulations for advertising in City park facilities..

## Scope

This policy applies to a variety of advertising in City park facilities. This policy applies to all individuals or groups, commercial or non-commercial, that propose to advertise in City park facilities. This policy does not apply to print advertising such as newspaper, magazines, television, or t-shirts; to temporary advertising associated with special events; to City informational signs, construction signs, traffic signs, or signs made by City employees for City services or City events; or to standard donation and memorial plaques that are governed by other park policies.

## Definitions

"Advertising" includes any solicitation, sign, banner, or other display presented in or on a City park facility that is used to promote a product, service or cause.

"Advertiser" includes commercial and non-commercial individuals, groups or businesses and also includes public and private corporations.

"Agreement" refers to a written agreement between the City and the advertiser setting forth the terms and conditions for advertising in City park facilities.

"City" refers to the City of Bellingham Parks & Recreation Department

"Commercial" refers to all individuals, groups or businesses who charge admissions, class fees, sell tickets, food or other items, solicit funds or donations, offer other for-profit activities or promote a commercial business.

"Facilities" includes all City of Bellingham Parks and Recreation Department buildings, shelters, gazebos, amphitheater, open space areas, trails, game fields, stadiums and courts.

"Non-Commercial" refers to all other individuals, groups, or businesses that do not charge admissions, do not charge class fees, do not sell tickets, food or other items, do not solicit funds or donations, do not offer other for-profit activities or do not promote a commercial business. 501(c) organizations are considered non-commercial if they are not conducting commercial activities as described above. If 501(c) organizations conduct activities fitting the definition of "commercial" then these organizations will be considered "commercial".

"Special Events" refers to one-time activities scheduled in park facilities approved by the City through a special events reservation request form and agreement.

"Temporary" refers to advertising posted for a limited time and associated with a special event and that is not permanently posted or attached to any fixture within a City park facility.

## Policy/Conditions

### 1. City Reviews and Approves All Advertising in Parks

All advertising within City park facilities must be approved by the Park Director or designee.

Approval for advertising may be based on terms that are in the best interest of the City. Selection of advertiser, content, location and terms of agreement may also be based on what is in the best interest of the City and may not necessarily be on a first-come, first-served basis. The City may also issue a Request for Proposals to determine offers that are in the best interest of the City.

Temporary advertising may be reviewed and approved by the City through a special events reservation request form or other agreement.

## **2. City Requires Written Agreements**

Written agreements are required for advertising and may include the following:

- Name and contact information of advertiser
- Size, type, location, and content of advertising
- Other approvals required
- Maintenance requirements
- Duration for the advertising
- Revenue amount and City fund into which the revenue will be deposited and used
- Provisions for termination

Agreements for advertising will not result in any loss of the City's administrative rights, jurisdiction or authority.

Agreements shall grant non-exclusive rights to post advertising.

## **3. City Requires Compliance with Other Laws and Codes**

Advertising, including signs, in any park facility is subject to compliance with all city, state and federal codes and laws.

All advertising must comply with City of Bellingham land use regulations.

Where required by BMC, signs must be approved by the City of Bellingham Planning Department, Bellingham Arts Commission, and/or Bellingham Parks and Recreation Advisory Board.

When requested, advertisers must provide written documentation of all approvals to the City.

## **4. City Approves Location and Design**

The placement and design of all advertisements must be approved by the Park Director or designee.

In general, advertising signs shall face inward and not be visible from the park property line or public rights-of-way.

## **5. City Requires Plans and Specifications**

All advertising proposals must include plans and specifications detailing the size, design, content, materials, attachment details, design life, etc. for the advertisement.

When requested by the Park Director, the plans and specifications must be stamped by a design professional registered in the State of Washington and include design calculations showing design loading and strength requirements for the sign and all components.

## **6. City Prohibits Certain Kinds of Advertising**

In general, the following industries and products may not advertise in City park facilities:

- Religious Organizations
- Political Organizations or Campaigns
- Businesses regarded as "adult" businesses
- Businesses that do not portray a "PG" or "G" rated image as defined by the movie industry
- Companies whose business is substantially derived from the sale of any of the following:
  - Alcohol
  - Tobacco
  - Firearms
  - Pornography
  - Gambling

## **7. City Requires Maintenance**

The advertiser, at their sole expense, shall maintain advertising and shall be responsible for all repairs or replacement as a result of vandalism, theft, wear and tear or weathering.

Graffiti removal shall also be included in maintenance. Graffiti removal and remedy shall be as set forth in the Agreement.

## **8. City Reserves the Right to Deny Approval**

Any advertising may be denied approval for any reason as determined by the Park Director.

The operating and maintenance cost may also result in a denial of advertising.

Any advertisement depiction which gives the appearance or impression that a product or business is endorsed or recommended by the city or its officers, agents, or employees may also be denied approval.

Advertising that will create a conflict of interest or policy with the city may also be denied.

## **9. City Reserves the Right to Remove**

Any advertising may be removed for any reason as determined by the Park Director or designee. Notice requirements for removal shall be as set forth in the Agreement.

Any of the following circumstances may result in immediate removal without notice:

- Failure to comply with city ordinances or land use regulations
- Failure to maintain or if the sign is damaged or poses a hazard
- Community opposition

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<b>Status</b>	Active
<b>Level</b>	Departmental
<b>Chapter</b>	Parks, Recreation and Cemetery
<b>Section</b>	
<b>Developed By</b>	James King, Parks & Recreation Director
<b>Issued</b>	5/13/2014
<b>Revised By</b>	

**Revised**

**Approved By** James King, Parks & Recreation Director

**Reviewed**

**Archived**

**Create Copy** No