

SECTION: Advertising	Policy No. 14.5.2	
SUBJECT: <b>Advertising on City Property</b>		
EFFECTIVE: April 13, 2011	REPLACES: 14.5.1 (in part)	PAGE: 1 of 7
APPROVED BY: CW122-2011/C080-2011	PROCEDURAL UPDATES: n/a	

## **POLICY STATEMENT:**

The Corporation of the City of Brampton (hereinafter “City”) supports the placement of advertisement on City assets to assist in the provision of City services. All advertising shall be consistent with the City’s vision, mission and values and will not compromise or contradict any laws of Canada or Ontario, by-laws or policies of the City, or reflect negatively on the City’s public image. All advertising agreements shall be established in a manner that ensures access and fairness, and results in the optimal balance of benefits to the City and the community.

## **PURPOSE:**

The purpose of this policy is to ensure that all third party advertising on City property is consistent with the City’s corporate values, image and strategic goals.

Advertising shall be undertaken with a view to ensuring that advertising on City property, at City programs, and in City media is appropriate and meets specific criteria.

The City shall meet specific criteria, as outlined in this policy, without unreasonable interference with rights under the *Canadian Charter of Rights and Freedoms*.

## **SCOPE:**

This policy only applies to advertising from external advertisers:

- on City property;
- at City programs; and
- in City media.

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For information on the process and criteria for recognizing sponsorship contribution through naming or renaming of a facility, refer to the Corporate Naming and Wayfinding Policy and the Corporate Sponsorship Policy.

**DEFINITIONS:**

For the purposes of this policy:

“Advertising” means any paid or in-kind communications that are utilized to influence, educate or inform the public. This includes all forms of advertising and sponsorship.

“City” means the Corporation of The City of Brampton.

“City program” means any activity which is operated by the City, and includes any City events.

“City media” means any outlet used by the City to carry and deliver advertisements, and includes but is not limited to, direct mail; print (e.g. newspaper, brochure, flyer, magazine); digital media (e.g. web, e-mail, social media, mobile media); television; radio; billboard or message board.

“City property” means all City-owned and controlled properties and facilities, including but not limited to, indoor and outdoor recreation fields; parkland; gardens; open space and boulevards; buildings and rooms; furniture; equipment and fixtures; vehicles; buses; fleet vehicles; and bus shelters.

“Panel” means the Advertising Review Panel as established by this policy, that is charged with the responsibility to review advertisements pursuant to the related Standard Operating Procedure.

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## **APPLICATION:**

*Position Statement:* The placement of any advertising on City property, at City programs, and/or in City media does not represent or imply any partnership with the City; the City's endorsement of any product, service, person(s), company, organization, beliefs, views, or any contents contained in the advertisement; and does not constitute information or communication by or on behalf of the City.

*Criteria:* Advertising on City property must meet all of the following criteria, including criteria 1 and 2 from the *Canadian Code of Advertising Standards* deemed appropriate by the Supreme Court of Canada:

1. The advertising does not demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring it or them into public contempt or ridicule;
2. The advertising does not undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population;
3. The advertising adheres to the Canadian Code of Advertising Standards;
4. The advertising is not in conflict with any applicable laws, City by-laws or policies;
5. The advertising does not breach or conflict with any existing City advertising agreements and/or contracts;

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6. There are no adverse effects on public safety;
7. The advertising does not incite violence and hatred;
8. The advertising does not present demeaning or derogatory portrayals of individuals or groups;
9. Alcohol and Tobacco advertising will not be permitted at events geared to children or youth.

The proposed location of the advertising may have an impact when determining whether or not the criteria have been met.

**RESPONSIBILITIES:**

Council must approve any advertising agreements that grant naming rights to a City property.

The decision as to where advertising will be permitted (i.e. on which City property, at which City programs and in which City media) is the responsibility of the applicable department that manages the particular City property, City program and/or City media in question.

The applicable department is also responsible for administering such requests or offers of advertising in accordance with this policy.

Advertising agreements, which must be in a form satisfactory to the City Solicitor, are managed by the Department that enters into the agreement.

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Pursuant to the City's Purchasing Bylaw, staff are authorized to execute advertising agreements on behalf of the City.

In order for the City to ensure that all advertising complies with this policy, requests for placement of non-English language advertising must be accompanied by a Certified English translation of the ad content.

## GOVERNANCE

- Advertising Review: Requests for a review related to advertising on City property will be directed to the Panel. The Panel will review advertising when:
- City staff have declined an advertising submission and the advertiser requests a review of the decision;
  - questionable advertising submissions, which will include a staff recommendation on approval or disapproval of the advertising, are referred to the Panel by City staff;
  - a minimum of five Brampton residents disagree with the City's decision to approve an advertising submission and request a review by the Panel; or
  - the Mayor or a member of Council requests a review by the Panel of an advertising submission that has been approved by City staff.

At the conclusion of the review process the Panel will:

- approve the advertising submission or
- not approve the advertising submission

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The decisions of the Panel may be appealed to City Council through the Committee of Council.

The Panel's decision shall be communicated to the requestor in writing by the City Clerk or his designate.

The Panel shall reach a decision on a advertisements submitted for review within the timeframe prescribed in the related Standard Operating Procedure.

*Review Panel*

The Panel shall be comprised of three (3) members of the City of Brampton Senior Management Team as selected by the City Manager. The City Manager shall not serve as a member of the Panel. The Panel shall be supported by the following advisors:

1. External Review Advisor with expertise in issues of Freedom of Expression and Discrimination. The primary role of the External Advisor is to provide the Panel with information and opinion(s) related to a request (the selection of this Advisor is defined in the Standard Operating Procedure).
2. Legislated services for the Panel shall be provided by the City Clerk's Office.

*Fees*

Pursuant to the City of Brampton User Fee Bylaw, fees shall be applied to each request for a review related to an advertising submission. The description, administration and definition of applicable fees shall be defined in the related Standard Operating Procedure.

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*Standard Operating Procedure*      The procedures, definitions, roles and responsibilities of the Panel and Advisors are defined in a related Standard Operating Procedure.

**ADMINISTRATION OF POLICY:**

The administration of this Corporate Policy, including the Review Process and Panel, is the responsibility of Senior Management Team with legislated services provided by the City Clerks Office.

Departments are responsible for managing the implementation of this Policy in relation to the advertising services offered on municipal property that each manages. For information on advertising on City property contact the Community Services Department and the Works and Transportation Department.

The following legislation, policy, procedures and regulations relate to this policy.

1. The Constitution of Canada including the Charter of Rights and Freedoms
2. Ontario Human Rights Code
3. Statutory Powers and Procedures Act
4. City of Brampton Standard Operating Procedure Related to the ‘Advertising on City Property Policy’
5. City of Brampton Purchasing Bylaw
6. City of Brampton Corporate Sponsorship Policy
7. City of Brampton Corporate Naming and Wayfinding Signage Policy

The Administration of this policy, including the review process, can be found in the related Standard Operating Procedure.

**CONTACT:**

The SMT Designated Contact responsible for updating this Policy is the Commissioner of Economic Development and Communications (or his assigned designate), located at 2 Wellington Street West, Brampton, Ontario (905) 874-2145.