



# Village of Downers Grove

## Official Village Policy Approved by Village Council

Description:	<b>Advertising Policy</b>		
Res. or Ord. #:	<b>Ord. 4623</b>	Effective Date:	<b>10/19/04</b>
Category:	<b>Legislative and General Management</b>		
	<input type="checkbox"/> New Council Policy		
	<input checked="" type="checkbox"/>	Amends Previous Policy Dated:	<b>9/16/03; 06/15/04</b>
	Description of Previous Policy (if different from above):		
	<u>An Ordinance Adopting Advertising Policies</u>		

**ORDINANCE NO. 4623**

### AN ORDINANCE AMENDING ADVERTISING POLICIES

WHEREAS, the Village adopted Ordinance No. 4532 establishing advertising policies on September 16, 2003, and adopted Ordinance No. 4595 amending advertising policies on June 15, 2004; and

WHEREAS, the Village has and continues to maintain certain buses, bus shelters, trash cans, and billboards within the municipality; and

WHEREAS, it is deemed appropriate from time to time for the Village to allow advertisements to appear on Village buses, bus shelters, trash cans and billboards; and

WHEREAS, the Council of the Village of Downers Grove has determined that it is in the best interests of the Village to establish a policy to be followed in determining what types of advertisements should appear within the municipality;

NOW THEREFORE, BE IT ORDAINED by the Village Council of the Villa ge of Downers Grove, in DuPage County, Illinois as follows:

#### SECTION 1:

A. It is the policy of the Village of Downers Grove that its buses, bus shelters, trash cans and billboards are not public forums and that all advertisements shall be commercial in nature. All advertising materials on the Village of Downers Grove buses, bus shelters, trash cans and billboards are subject to removal by the Village of Downers Grove. To the fullest extent possible, such advertising materials must be aesthetically pleasing and enhance the environment for the Village of Downers Grove riders and customers and the Village of Downers Grove's standing in the community.

Examples of advertising material that will be refused under this policy include, but are not limited to, the following:

1. Advertising that is unlawful, obscene or indecent or contains explicit messages or graphic representations pertaining to sexual contact or contains an offensive level of sexual overtone, innuendo or double entendre;

2. Advertising of contraception products or hygiene products of an intimate personal nature;
3. Advertising of products or services with sexual overtones such as massage parlors, escort services or establishments featuring X-rated or pornographic movies;
4. Advertising containing foul or offensive language;
5. Advertising that is harmful to children, either emotionally or physically;
  - a) The term “harmful to children” means language or pictures that: (i) describe or depict sexual contact or nudity; (ii) make use of foul language; (iii) describe or depict violent physical torture, destruction or death of a human being; (iv) describe or depict criminal activity in a way that tends to glorify or glamorize the activity and that, with respect to children under the age of 18, has a tendency to corrupt;
  - b) The term “of a nature to frighten children, either emotionally or physically” means language or pictures that describe or depict violent or brutal activities, whether such violence or brutality was intended or not, in a manner that causes children under the age of 18 physical or emotional distress or fear for his personal safety or for the safety of others;
6. Advertising of controversial public issues that may adversely affect the Village of Downers Grove’s ability to attract and maintain its citizenry and ridership on the bus system.
7. Advertising of commercial advertisements by political candidates for public office and advertisements concerning ballot issues.
8. Advertising of alcohol or tobacco products.

B. Anyone wishing to commercially advertise on the Village buses shall abide by this policy and complete the Bus Advertising Agreement in substantially the same form as the attached Exhibit A.

SECTION 2. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this ordinance be and are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.



Brian Krajewski, Mayor

Passed: October 19, 2004  
 Published: October 20, 2004  
 Attest: April Holden, Village Clerk

## DOWNERS GROVE BUS ADVERTISING AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by and between the Village of Downers Grove (“Village”), an Illinois Municipality, and \_\_\_\_\_ (“Advertiser”).

WHEREAS, the Village has and maintains municipal buses. These buses have frames and/or racks for advertising on the interior and exterior which is in fair condition and available for inspection.

WHEREAS, Advertiser wishes to commercially advertise on the Village’s buses in the following manner and according to the following provisions:

WHEREAS, the Parties wish to set forth the parameters for such advertising on the Village’s buses.

NOW, THEREFORE, the Parties agree as follows:

1. Preamble. The provisions of the preamble are hereby incorporated into and made a part of this Agreement.
2. Advertising Policy. The Village maintains a Village Council Policy for Advertising. Any and all advertisers agree to comply with the guidelines of the Village Council Advertising Policy as presently written and any subsequent amendments thereto.
3. Payment. The fee for advertising on the exterior of a municipal bus shall be paid in advance to the Village of Downers Grove, 801 Burlington Ave., Downers Grove, IL 60515. The rate for advertising on one (1) bus for one (1) month is \$300.00. This fee includes three (3) advertising spaces on the same bus. If an advertiser wishes to rent advertising space for longer than a one (1) month period, the rate is \$750.00 per quarter per bus for three (3) advertising spaces on the same bus. The fee for advertising on the interior of a municipal bus shall be paid in advance to the Village Downer Grove, 801 Burlington Ave., Downers Grove, IL 60515. The rate for one (1) interior sign for a one (1) month period is \$50.00.
4. Maintenance. The Village will maintain the condition of the advertisement in a safe and serviceable manner.
5. Insurance. To the fullest extent permitted by law, the Advertiser shall indemnify, keep and save harmless the Village and its agents, officers, and employees, against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, (including any attorneys fees), which may arise directly or indirectly from any negligence or from the reckless or willful misconduct of the Advertiser, its employees, or its subcontractors, and the Advertiser, its employees, or its subcontractors, and the Advertiser shall at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith, and, if any judgment shall be rendered against the Village in any such action, the Advertiser shall, at its own expense, satisfy and discharge the same. This Agreement shall not be construed as requiring the Advertiser to indemnify the Village for its own negligence. The Advertiser shall indemnify, keep and save harmless the Village only where a loss was caused by the acts or omissions of the Advertiser, its employees, or its subcontractors.
6. Term of Agreement. The term of the Agreement shall commence on \_\_\_\_\_, 20\_\_ and shall automatically terminate on \_\_\_\_\_, 20\_\_.

7. Placement of Ads. The Village shall have the right to determine which bus and bus route shall have what advertisement placed upon it. The Village will attempt to rotate advertisements onto differing routes in the event an advertiser pays for more than one month. In no case will an advertisement remain on the same bus route for more than three (3) months.

8. Public Service Advertising. The Village shall have the right to advertise community events or other public service notice if the advertising space is unsold.

9. Village Endorsement. No implied or declared endorsement of any product or service by the Village is permitted.

10. Truthful Advertising. All commercial advertising must be truthful. False, deceptive or misleading commercial advertising is not permitted. All advertising must comply with all applicable ordinances, laws and regulations.

11. Reservation of Rights. The Village reserves the right to reject or remove any advertising, which it deems not to be in full compliance with the Village guidelines and this Agreement. The Village Manager or his designee shall make the final determination as to whether such advertising meets the guidelines or this Agreement.

12. Applicable Laws. The laws of the State of Illinois shall govern the Agreement without regard for the conflict of laws provisions. The proper venue for any legal action shall be DuPage County, Illinois or any federal court in Chicago.

IN WITNESS THEREOF, the Parties have caused this Agreement to be executed and made as of the date first written above.

VILLAGE OF DOWNERS GROVE

\_\_\_\_\_  
Print Name of Company/Advertiser

\_\_\_\_\_  
Riccardo Ginex, Village Manager

\_\_\_\_\_  
Print Name

ATTEST \_\_\_\_\_  
April Holden, Village Clerk

\_\_\_\_\_  
Signature