



Kriss Worthington

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CONSENT CALENDAR

June 25, 2013

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington
 Subject: City Manager Referral: Allow Video Screen with Advertisements Inside Taxicabs

RECOMMENDATION

Refer to the City Manager a change in the Berkeley Municipal Code, to allow for video screen advertisements to be posted inside taxicabs.

BACKGROUND

The Berkeley Municipal Code currently dictates in section 9.52.080 that there is to be no advertising on any part of a taxicab—not on exteriors, the interior, windows, or mounted rooftop triangles.

Literature advertising local arts, theater, and cultural events can do quite a bit to encourage visitors to Berkeley to engage in the community's events. Visitors who find out about local flavor not only feel more involved in the community, but contribute to our city's economy. Visitors tend to be a high percentage of the riders of taxicabs in Berkeley—targeting local event advertisement at taxicab riders would be an effective way to involve them in the community. Music, arts, and cultural groups, businesses, Buy Local Berkeley, and the Berkeley Convention and Visitors Bureau would all have one more effective, simple way to promote Berkeley.

We propose altering the current municipal code to allow for Berkeley businesses and organizations to post video screen advertisements on the interior of taxicabs. We request riders have an option to disconnect especially for long rides to the airport to avoid oversaturation.

The advertisements would not be visible from outside the vehicle. The proposed ordinance changes would encourage economic development, support the local economy, and promote events in and around the city.

Additionally, we request that staff analyze the constitutionality of adding prohibitions on advertisements promoting the sale or use of tobacco products, alcoholic beverages, or firearms. If it is allowed, this could be similar to AC Transit's advertising policy, adopted in 1991, which states:

"Advertising that promotes, in any way, the sale or use of tobacco products (including cigarettes, cigars, chewing tobacco and snuff) or alcoholic beverages (including beer, wine and distilled spirits) is prohibited on all District property."

FISCAL IMPACTS OF RECOMMENDATION

None.

CONTACT PERSON

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Attachments:

1. Current ordinance with suggested revisions

We propose that the words '**or on a video screen on the interior of the taxicabs**' be added to the below section of the BMC. See the below current copy of the BMC code 9.52.080, section C, with this proposed amendment included (see line 8).

We propose that the words '**or interior**' be struck from the below section of the BMC. See the below current copy of the BMC code 9.52.080, section C, with this proposed amendment included (see line 9.)

We propose an additional two lines be added to the below section of the BMC, regarding passenger control of interior video screens and advertisement regulations (see lines **11 and 12**)

9.52.080 Vehicle maintenance--Markings, safety and inspections. Section C:

C. Vehicle Maintenance and Physical Condition.

1. There shall be no physical damage to the exterior.
2. All exterior components must be fitted and function properly, as designed without a secondary assistance device.
3. No exterior component of the vehicle shall be missing, damaged, cracked, torn, broken, dented or unpainted in the approved color scheme.
4. No interior component of the vehicle shall be missing, damaged, broken, cracked, torn, dented or unpainted in the approved color scheme.
5. Doors, windows, handles and locks must be attached and function properly.
6. The interior of the vehicle shall be free of noxious odors including tobacco odors, spoiled food odors, foul odors and any other odor that may be offensive to the patron.

7. No advertising, wording, or obstructions of any kind on the windows. No window tinting on vehicles purchased for taxi use after October 1, 2011.
8. All advertising must be on an approved fixed mounted roof top triangle shaped taxi ad carrier or taxi light box **or on a video screen on the interior of the taxicabs.**
9. There shall be no unapproved advertising, wording, language, colors or designs on the exterior ~~or interior~~ of the vehicle.
10. There shall be no items of any kind attached, hanging or suspended from the interior rear view mirror.
11. **If the interior includes a video screen, riders must have the option to disconnect from the video in order to avoid oversaturation.**
12. **Advertising that promotes, in any way, the sale or use of tobacco products (including cigarettes, cigars, chewing tobacco and snuff), of alcoholic beverages (including beer, wine and distilled spirits), or of firearms is prohibited.**