

ORDINANCE NO. 80-818

AN ORDINANCE TO AMEND CHAPTER 2 OF THE WARREN CODE OF
ORDINANCES RELATING TO ADVERTISEMENTS AT PUBLIC EXPENSE

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 2, Article VI of the Code of Ordinances of the City of
Warren, Michigan, currently entitled "In General" is amended to add Section 2-4, as
follows:

Sec. 2-4. Advertisements at Public Expense

(a) Definitions. The following words and phrases, when used in this section, shall have
the meanings respectively ascribed to them:

Public expense shall include the expenditure of city money and the use of city
equipment and the services of city personnel and any other direct or indirect expenses
incurred by the city as a result of activities described in this section, and shall include
but not be limited to special revenue funds such as the Downtown Development
Authority (DDA) and enterprise funds.

Advertisements shall include any television, video, radio, or streaming audio
announcement, program, or commercial; or any writing, picture, document, graphic
representation or communication of any sort including email intended for distribution by
any means to the public at large, including the use of a newspaper or mailing, that is not
specifically required by constitution, statute, Charter or city ordinance. It shall not
include routine correspondence necessary in the normal course of city business, or
notices, agendas, minutes or other items required to be furnished or made available to
the public or portions thereof, by statute, Charter or ordinance.

(b) Disclaimer required. Any advertisement at public expense shall include a
disclaimer that the advertisement is paid for by the City of Warren with tax dollars as
follows:

(1) If the advertisement is printed material, there shall be a disclaimer in 10-point
font or larger that states "Paid for at public expense by the City of Warren."

(2) If the advertisement is on the radio or streaming audio then the advertisement
shall state at a minimum that it was "Paid for at public expense by the City of
Warren."

(3) If the advertisement is on television or a video that is disseminated, then there
shall be a printed disclaimer on the screen that is visible for at least five seconds
that states: "Paid for at public expense by the City of Warren." The disclaimer

shall be used with letters that are equal to or greater than 4% of the vertical picture height.

(4) Any advertisement that was created by and appears on the city's government channel is exempt from the disclaimer requirement in this section.

(c) **Limits on advertisements at public expense.** Advertisements at public expense shall comply with the following:

(1) The advertisement shall relate to a matter of public concern or interest which may properly be furthered at public expense.

(2) The advertisement shall be fair, objective and accurate, considering its purposes and subject matter.

(3) The advertisement shall not contain matters of a partisan political nature, and shall not be intended to further the political interests of a particular elected official.

(d) **Prohibition.** It shall be unlawful for any person to authorize an expenditure for an advertisement at public expense in violation of this section.

(e) **City officer's liability.** Any officer of the city having city employees under the officer's direction and control or having charge of city funds or equipment who causes such employees to participate in the preparation, reproduction or dissemination of any advertisement in violation of the terms of this section, or who causes funds or equipment in the officer's charge to be so used, shall be liable to the city for the full costs incurred by the city as the result of such violation. The costs shall include, but not limited to, any actual cash expended, the full cost to the city of any employee time spent on such unlawful activities, and the value of the use of any city equipment or materials employed in such unlawful activity.

SECTION 2. This Ordinance shall take effect on October 18, 2023
~~XXXXXXXXXXXX, 2022~~

I HEREBY CERTIFY that the foregoing Ordinance No. 80-818 was adopted by the Council of the City of Warren at its meeting held on April 26, 2022.

SONJA BUFFA
City Clerk

Published: October 18, ~~2022~~ ²⁰²³