

**TOWN OF NORTH HEMPSTEAD
BUSINESS AND TOURISM DEVELOPMENT CORPORATION**

ADVERTISING AND SPONSORSHIP POLICY

Adopted: March 27, 2014

The following serves as the policy (“Policy”) of the Town of North Hempstead Business and Tourism Development Corporation (the “Corporation”) governing placement, acceptance, and other matters relating to Advertising and soliciting of Sponsorships.

1) Definitions.

- a) “Advertising” herein means a paid notice(s) or announcement(s) in a public medium promoting a product, service, or event. An entity placing Advertising is an “Advertiser.”
- b) “Sponsorship” herein means the display, in exchange for financial remuneration, of an individual’s, firms, corporation’s, partnership’s or other entity’s (each, an “Sponsor”) name, logo, design or other insignia on Corporation property, publications or advertisements so as to indicate and recognize such Sponsor’s support of the Corporation, a Corporation event, or event of another entity sponsored by the Corporation or for which sponsorship services are provided by the Corporation.
- c) “Property” herein means all property of the Corporation, including real and personal property, publications, signage, web services, the Corporation website or any other asset or property of the Corporation.

2) General Provisions.

- a) The Corporation has sole and absolute discretion with respect to interpretation and enforcement of this policy and all other Advertising and Sponsorship matters.
- b) The Corporation in its sole discretion may change this policy at any time.
- c) No Property of the Corporation shall be intended or considered as an open, limited, or designated public forum, and no person shall have a right to access or use any Corporation Property or publication for any purpose other than as authorized by the Corporation.
- d) Sponsors and Advertisers are solely responsible for obtaining necessary permission to use photographs, trademarks, trade names, copyrighted material or any other legally protected property and shall hold the Corporation harmless for any such use, including all consequences or damages resulting therefrom. All commercial messages or advertisements shall be accepted and published by the Corporation upon the representation that the agency or sponsor is authorized to publish the entire contents and subject matter thereof. Sponsors and Advertisers agrees to indemnify and hold harmless

the Corporation, its officers, agents and employees against all damages, costs and expenses including, without limitation, attorney's fees resulting from any claim, action or proceeding alleging that the commercial message, Advertisement or Sponsorship infringes on any copyright, violates any right of privacy, or other personal or property right, constitutes libelous matter, plagiarism, unfair competition, unfair trade practice, infringement of trademarks, or other matter contrary to law or contains any formula or instructions injurious to the user of a Sponsor's or Advertiser's product.

- e) Sponsors and Advertisers assume liability for all content (including text photographs, representations, illustrations, sketches, maps, labels, trademarks or other copyrighted matter) of Sponsorships or Advertisements printed or placed and also assume responsibility of any claims arising therefrom made against the Corporation.
- f) The Corporation is not liable for delays in publication or presentation of Advertisements or Sponsorship messages in any event or for any reason, including acts of God, action by any governmental or quasi-governmental entity, lack of funds, fire, flood, insurrection, riot, explosion, embargo, strikes whether legal or illegal, labor or material shortage, transportation interruption of any kind, work slowdown, or any condition beyond the control of the Corporation affecting publication or presentation of Advertisement or Sponsorship in any manner.
- g) If an error or omission occurs in the publication or placement of any Advertisement or Sponsorship message, the Corporation's liability shall be limited to the amount of the reduction in the value of the Advertisement or Sponsorship due to the error or omission, but in no event shall liability exceed the total cost payable for the Advertisement or Sponsorship space.

3) Advertising Provisions.

- a) Advertising may be sold by the Corporation subject to the approval of the Executive Director and the Chair of the Board of Directors. All advertisers must execute an advertising agreement that has been approved by counsel to the Corporation.
- b) The Corporation has sole discretion for determining the types of Advertising that will be accepted and displayed on its Property, and under no circumstances shall The Corporation's acceptance of any Advertising be considered an endorsement of the product(s) and/or service(s) advertised or for the company that manufactures, distributes, or promotes such product(s) or service(s).
- c) Advertising from an entity that is engaged in any of the following activities, that has a mission of supporting any of the following subject matters, or that, in the sole discretion and judgment of the Executive Director or the Chair of the Board of Directors, is deemed to be unsuitable for and contrary to community standards or appropriateness for government publications, shall be prohibited on any Corporation Property:

- i) Promotion of the sale or consumption of alcoholic or cereal malt beverages, in name, likeness or implication or promotion of establishments that are licensed for and primarily sell alcoholic or cereal malt beverages, including bars; provided, however, restaurants or other food services establishments and hotels or other places of lodging may be authorized when the commercial message or advertisement promotes only the food services or lodging;
 - ii) Promotion of the sale or consumption of tobacco products or depiction of the use of tobacco products;
 - iii) Commentary, advocacy or promotion of issues, candidates, campaigns or organizations of a social, political, religious, or rhetorical nature;
 - iv) Promotion of gambling, pari-mutual betting, or games of chance, in name, likeness or implication, or promotion of establishments providing such services or activities of a related or similar nature;
 - v) Depiction in any form of nudity or semi-nudity, profanity, obscenity, or lewdness, or characterizations which suggest, depict or promote any such element or sexually oriented products, activities or materials;
 - vi) Promotion in any form of illegal drugs, illegal drug use or illegal drug materials, or characterizations which suggest or depict the promotion or glorification of any such products, activities or materials;
 - vii) Promotion of the use or sale of firearms, explosives or other weapons, or the depiction, suggestion or glorification of violence or acts of a violent nature;
 - viii) Use of language or descriptive material which taken in form and context is deemed to be unsuitable for and contrary to community standards of appropriateness for governmental or family publications;
 - ix) Use of words, language, representations or descriptive material of any kind having more than one meaning or connotation, one of which would otherwise be prohibited under this Policy;
 - x) Inclusion of materials, depictions, promotions or offerings which are the type prohibited by, or by their nature would violate, any postal restrictions or regulations or any federal, State, or local law, rule, or regulation.
- d) Advertising must also clearly identify the advertiser. Any Advertising that could be misconstrued as editorial content must be clearly labeled as Advertising.
- e) The Corporation recognizes and maintains a distinct separation between Advertising content and editorial content. All Advertising content on Corporation Property shall be clearly and unambiguously identified as such.

- f) All content must be created by the Advertiser. The Corporation will not develop or create advertising content.
- g) The Corporation reserves the right to reject, cancel, or remove Advertising at any time for any reason. In such a case, it will provide prompt notice to the advertiser upon rejection, cancellation, or removal of any Advertising, together with an explanation following the rejection, cancellation, or removal. The Corporation also reserves the right to determine the appropriate placement of all Advertising on the Site.
- h) It is the responsibility of the Advertiser to comply with all applicable domestic and foreign laws, including applicable laws and regulations of regulatory bodies. The Corporation will not monitor compliance with applicable laws and regulations. However, The Corporation reserves the right to review all Advertising for compliance with applicable laws and regulations and, if The Corporation becomes aware of any breach or potential breach of any applicable law or regulation, The Corporation reserves the right to remove the Advertising.
- i) No Advertising shall be permitted that may harm the good name or reputation of The Corporation.
- j) Advertising shall be sold by the Corporation at the following rates, which are subject to increase by the Chair of the Board of Directors. No decrease in the following rates may be implemented without the approval of the Board of Directors:

4) Sponsorship Provisions.

- a) The Executive Director of the Corporation, subject to the approval of the Chair of the Board of Directors or the Board of Directors as specified in this Policy, is authorized to solicit Sponsorships of the Corporation, Corporation events and events of another entity sponsored by the Corporation or for which sponsorship services are provided by the Corporation.
- b) Sponsorships shall be solicited at the sole discretion of the Executive Director, and shall be solicited from such Sponsors as the Executive Director and the Chair of the Board of Directors deem appropriate based on the best interests of the Corporation, subject to this Policy.
- c) Sponsorships do not imply endorsement of products or services by the Corporation. A sponsorship does not imply any exclusive arrangement with the Corporation. A sponsorship does not imply any grant of control or influence to the donor over the content of any Corporation activity, publication, position or policy.
- d) Approval of Sponsorships:

- i) Sponsorship agreements projected to generate \$20,000 or more shall require the approval of the Board of Directors.
 - ii) Sponsorship agreements projected to generate more than \$10,000 but less than \$20,000 shall require the written approval of the Chair of the Board of Directors.
 - iii) Sponsorship agreements projected to generate \$10,000 or less shall require the written approval of the Executive Director of the Corporation.
- e) After approval of a Sponsorship by the Corporation, the Corporation and the Sponsor shall enter into a sponsorship agreement that will detail the following information, at a minimum:
- i) Activities, products, and services of the private entity, its parent, subsidiaries, affiliates and predecessor companies;
 - ii) Benefits to be given to the proposed sponsor by the Corporation;
 - iii) The amount to be paid by the Sponsor to the Corporation;
 - iv) Prominence of the proposed public recognition of support;
 - v) Content of the proposed public recognition of support;
 - vi) Duration of the proposed public recognition of support;
 - vii) Conditions under which the sponsorship agreement may be terminated.
- f) The Corporation intends to preserve its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship affiliations and messages. The Corporation may make distinctions on the appropriateness of sponsors on the basis of subject matter of a potential sponsorship recognition message. The Corporation will not deny sponsorship opportunities on the basis of the potential sponsor's viewpoint.
- g) Sponsorship from an organization that is engaged in any of the following activities, that has a mission of supporting any of the following subject matters, or that, in the sole discretion and judgment of the Executive Director or the Chair of the Board of Directors, is deemed to be unsuitable for and contrary to community standards or appropriateness for government publications, shall be prohibited on any Corporation Property:
- i) Promotion of the sale or consumption of alcoholic or cereal malt beverages, in name, likeness or implication or promotion of establishments that are licensed for and primarily sell alcoholic or cereal malt beverages, including bars; provided, however, restaurants or other food services establishments and hotels or other

places of lodging may be authorized when the commercial message or advertisement promotes only the food services or lodging;

- ii) Promotion of the sale or consumption of tobacco products or depiction of the use of tobacco products;
 - iii) Commentary, advocacy or promotion of issues, candidates, campaigns or organizations of a social, political, religious or rhetorical nature;
 - iv) Promotion of gambling, pari-mutual betting, or games of chance, in name, likeness or implication, or promotion of establishments providing such services or activities of a related or similar nature;
 - v) Depiction in any form of nudity or semi-nudity, profanity, obscenity, or lewdness, or characterizations which suggest, depict or promote any such element or sexually oriented products, activities or materials;
 - vi) Promotion in any form of illegal drugs, illegal drug use or illegal drug materials, or characterizations which suggest or depict the promotion or glorification of any such products, activities or materials;
 - vii) Promotion of the use or sale of firearms, explosives or other weapons, or the depiction, suggestion or glorification of violence or acts of a violent nature;
 - viii) Use of language or descriptive material which taken in form and context is deemed to be unsuitable for and contrary to community standards of appropriateness for governmental or family publications;
 - ix) Use of words, language, representations or descriptive material of any kind having more than one meaning or connotation, one of which would otherwise be prohibited under this Policy;
 - x) Inclusion of materials, depictions, promotions or offerings which are the type prohibited by, or by their nature would violate, any postal restrictions or regulations or any federal, State, or local law, rule, or regulation.
- h) The words "a paid sponsorship", or some like term, may be added to sponsorship messages that, in the sole opinion of the Corporation, might be confused with editorial matter.