

# CITY OF CLAREMONT

## BROAD STREET PARK HOLIDAY DISPLAY POLICY

### Section 1 – Purpose:

The City has an extensive and rich tradition of providing a holiday display on and around the Broad Street Park in an effort to encourage celebration of the season as well as to provide an aesthetically pleasing display for all residents and visitors to the City. This policy is intended to provide parameters and criteria in an effort to maintain this long-standing tradition as well as to establish a process of development for this display that shall respect the constitutional rights of all who experience this holiday event.

### Section 2 – Objective:

From approximately the day after Thanksgiving until January 1<sup>st</sup> of every calendar year, the City will undertake the implementation of a holiday display at Broad Street Park which shall serve as the focal point of the City's efforts in adorning City-owned property during this season. The decoration of the park shall be in a fashion which overwhelmingly promotes and displays secular symbols that have traditionally become synonymous with the holiday season (for example, fir trees, lights, wreaths, presents, toy soldiers, Santa Claus, reindeer, etc.). The City Manager shall supervise and coordinate this display (or assign City staff to perform this function at the Manager's discretion) within the standards provided herein.

### Section 3 – City Owned Display Items:

The City shall be authorized, in accordance with any approved appropriation for same, to procure any holiday display items that fall within the secular categories as described above in Section 2. Upon receipt of any such material, the City will undertake all due diligence to store, maintain and repair these assets during the course of each calendar year.

The City may also accept permanent donations of display items from the public. The City reserves the right to accept or reject any such donations. In addition, these types of donations shall only be for symbols or imagery that qualify as secular in nature and preserve the objective of the City as referenced in Section 2. Any permanent donation must comply with the applicable criteria for all donations of holiday display items as set forth below in Section 4. Upon acceptance by the City of this type of donation and becoming City property, these display items shall be preserved in the same fashion as described above concerning City purchased property.

During the holiday season, the City reserves the right to select and display as many symbols or imagery as it deems appropriate and no donor is entitled to an expectation that a permanent donation to the City guarantees that the City will exhibit same on a continual basis. In fact, the City shall maintain the ability to withhold the display of any item or dispose of any such donation at its discretion.

## Section 4 – Temporary Donations for Holiday Display:

The City may pursue and accept holiday display items from individuals, businesses, non-profit groups or any other entity, on a temporary basis, in an effort to supplement and augment the overall display. Again, the City reserves the right to accept or reject any such donations. If the City does allow the display of such an item, the following standards shall apply to all such items:

### 4:1 – Submission:

The City shall only display those items which it chooses to accept as a temporary donation, for a particular holiday season, if that item is physically received by the City on or by November 25<sup>th</sup>.

### 4:2 – Temporary Bailment:

The City acknowledges that receipt of any such material, even on a temporary basis, imposes upon the City an affirmative duty to undertake reasonable efforts to preserve and maintain this asset while under the City's control. As a result, the City avers to implement due diligence in handling, installing, displaying and removing any such temporary donation as part of the City's holiday display. With that said, all donors are hereby placed on notice that these items are to be shown and exhibited in a public park, on a 24-hour basis, without any on-site security. As such, the City takes no responsibility for the actions of members of the public in terms of the treatment of same. If any damage or disfigurement occurs to a temporarily donated display item, the City shall promptly remove this symbol/imagery and immediately notify the donor of such an event.

### 4:3 – Identification of Donor:

The City recognizes that some donors may wish to make the public aware of such donation by displaying the name or logo of the donor as part of the symbol or image provided. While the City will permit such acknowledgment to a certain degree, the City will reject any such donation if the donor's information detracts from the exhibit as an item intended to celebrate the holiday season. In order to provide criteria for both the City and potential donors concerning this matter, this policy hereby establishes standards that all temporary donations must abide by:

- a. The donor's name or business logo shall only be placed at the bottom right-hand or left-hand corner of any display item. If the item has no discernable corners, the name or logo shall still be allowed on the item, but not in a prominent fashion, as determined at the City Manager's discretion.
- b. The donor's name or business logo shall not comprise more than five percent (5%) of the face of the overall display item.

- c. No donation shall contain any political, religious, or commercial statement, message or advertisement that conveys a sentiment beyond any holiday season theme.

#### 4:4 – Return of Item:

Upon the dismantling and removal of the Broad Street Park holiday display (which occurs approximately at the beginning of January), the City shall notify donors of the need to retrieve temporarily donated items for the holiday display. The City will take all reasonable efforts to properly secure and store these items on a temporary basis. The City shall provide the donors with thirty (30) days, from the date of this notice, to make arrangements for the return of any display item. If any donor fails to collect this donation within this 30-day timeframe, the City shall be entitled to declare this item as abandoned property and may dispose of it at the City's discretion.

#### Section 5 – Temporary Donations of Religious Symbols and/or Imagery for Holiday Display:

The City shall not purchase, accept as a permanent donation, or in any fashion own any religious symbols or imagery for the purpose of exhibiting same at the City's annual holiday display at Broad Street Park. The City does recognize that the holiday season maintains a historical connection to certain religious events, stories or parables. These religious beliefs and practices have become intertwined and universally recognized as a part of this nation's holiday celebration during this part of the year. As such, the City will allow temporary donations of and display religious symbols and imagery that have a direct historical and traditional nexus to the holiday season subject to any and all provisions contained within Section 4 of this policy.

The City shall not promote, endorse, solicit, or emphasize a particular religious belief, symbol or imagery within the Broad Street Park holiday display. Rather, the City shall include any temporary donation of a religious nature, if it complies with the criteria set forth above, by blending in the symbol/imagery with the predominantly secular symbols in a manner that allows this donation to simply support the intent of a celebratory theme and providing some historical context to the source of the nation's holiday season. Any such symbol or imagery will receive the same treatment and placement as any other display item. No special accommodations will be allowed in exhibiting these types of items.

All donations of any religious symbols or imagery for the Broad Street Park holiday display shall be proportionately consistent with the rest of the display items. If any submission appears to be of significantly larger dimensions than the secular items in the display, the City will reject this temporary donation.