

Legal memo

Mexico City, July 27, 2022

New Mexico City Outdoor Advertising Law: key prohibitions

Today, a large percentage of companies established in Mexico City use advertising methods to present their brands; among these methods, outdoor advertising stands out. Therefore, Mexico City's New Outdoor Advertising Law's content is important.

On June 6, 2022, was published in the Official Gazette of Mexico City, the Decree abrogating the Federal District Outdoor Advertising Law and enacting the Mexico City Outdoor Advertising Law (the "**Law**"), which will be effective as of June 7, 2022. The Law's basic purpose is to **regulate the installation, distribution, maintenance, permanence, and removal of advertising media** in public space.

The main purposes of the Law are, among others:

- I. Protect, respect, procure, recover, and regenerate Mexico City's public space and urban landscape.
- II. Avoid advertising saturation in public space or any other property visible from the outside on public roads.
- III. Guarantee Mexico City people's right to a sustainable natural and urban environment, which fosters a better quality of life and free development of citizens. Guaranteeing their safety, the harmonic perception of urban image and the full enjoyment of the urban landscape, in its collective, community and participatory nature.
- IV. Preserve the urban landscape, buildings and cultural and ethnic elements that make possible the people's common life, and that make up the characteristic features of Mexico City.
- V. Avoid the non-architectural elements abuse that alter the public space or generate aggressive and/or invasive visual overstimulation.
- VI. Safeguard the physical and financial integrity of people, as well as the road and service infrastructure from those risks that outdoor advertising media may represent, in accordance with norms in matters of integral risk management and civil protection.

To whom is the Law addressed?

Thus, the reform is aimed at private companies that use any advertising media, installed in the public space or other property and visible from the outside to the public road that disseminate



propaganda, commercial advertising, or various information of general interest, as well as advertisers associated with the advertising media.

Prohibitions

The Law allows advertising media installation, subject to prior license, authorization, or permit, as long as these are not:

- Installed on rooftops.
- Advertising with sound.
- Installed or painted on hills, rocks, trees, riverbanks, slopes, hillsides, forests, lakes, or any other natural formation.
- Placed on canvases, blankets, or meshes that are fixed, nailed, tied, or glued directly to any architectural element property facade.
- Painted or attached to a facade, wall, fence, or railing.
- Installed, attached, or painted on architectural elements of the buildings, such as windows, large windows, non-adjointing blind walls, facades, and doors, which affect the architectural image or prevent, partially or totally, the free passage of people, lighting, visibility, or natural ventilation to the interior.
- Placed on road sign posts and traffic devices.
- Banners for promotions, purchase, sale, rental, or any other type of service installed on posts for road signs, electricity, telephony, data transmission, traffic devices and trees.
- Inflatables, wherever they are installed or suspended in the air.
- Modeled, figurative or abstract, with volume or in three dimensions, wherever they are installed.
- Attached to glass, shop, or commercial establishments windows if these obstruct accessibility, visibility, illumination, ventilation, or security.
- Placed on blind adjoining walls.
- Advertising containing any static or moving image that violates the dignity of persons or violates human values or human rights.
- Projected on public or private buildings from a moving vehicle.
- Installed in ecological conservation zones, areas of environmental value, protected natural areas, forests and wooded areas.
- Painted, adhered, or indicated on public space floor, directly or on a plaque or support.
- Installed on pedestrian bridges.

Penalties

In the event of failure to comply with the provisions of the Law, the Law's Chapter Three establishes a wide range of precautionary and security measures, as well as penalties for the commission of infractions ranging from USD\$27,662.67 to \$69,156.68, in addition to the possibility of an administrative arrest of 24 to 36 hours.

Time given to comply with the guidelines

The Law establishes that companies and individuals who are determined to be jointly liable for the installation of an advertising media placed on rooftops will have **1 year after the entry into force of the Law (June 7, 2022)**, to remove the advertisements, on a non-extendable basis, for representing a high risk to population safety and contributing to visual pollution.

On the other hand, those media that fall under the prohibited assumptions will have a term of **70 calendar days after the entry into force of the Law** to state their rights and submit to the Mexico



City Secretary of Urban Development and Housing (the "**Secretary**") the pertinent, suitable, and sufficient evidence to prove their legal installation and permanence. Otherwise, the advertising media will be removed, and the pertinent penalty will be established.

New standards for illuminated advertising

Illuminated advertising must comply with the following characteristics, among others:

- Operate using LEDs.
- Still images may only last between 18 and 30 seconds.
- Shall not contain videos or images with white backgrounds.

Creation of a new platform

The Law establishes the creation of the **Outdoor Advertising Digital Platform**, through which it will be possible for all interested parties to make consults on licenses, permits and authorizations. The platform will contain the official catalog of licenses, permits and authorizations, location data of advertising media, as well as technical opinions. The platform will contain electronic files to expedite any type of procedure and facilitate the work of the Institutions.

Advisory Council for Advertising Media

The Advisory Council for Advertising Media is created with the purpose of giving opinions and advising the Secretary on the necessary actions to comply with the Law and its Regulations.

Advertisers' Registry

The Advertisers' Registry is created, which will contain the list of outdoor advertising companies registered with the Secretary and which will be authorized to provide advertising services to advertisers.

The main purpose of the Law is to **bring order, protect and recover Mexico City's public space and urban landscape**. Likewise, the Law will seek to generate a regulated and orderly environment for all economic sectors and to reduce informality and the disorderly occupation of urban space.

Finally, it is important to highlight that advertising modalities will be gradually replaced by safer modalities that do not contribute to visual pollution and that strengthen access to the right to public space and to a friendly urban environment, seeking the protection and safety of the inhabitants of Mexico City.

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