

AMENDMENT NO. 1  
TO  
ORDINANCE NO. BL2019-4

Mr. President –

I hereby move to amend Ordinance No. BL2019-4 as follows:

I. By amending the ordinance to add the following recitals:

WHEREAS, aerial advertising proves distracting for drivers on the ground, can cause unwanted noise from low-flying planes, and harms the aesthetics of the city by cluttering the skyline; and

WHEREAS, cities such as Honolulu, Hawaii have adopted ordinances to prohibit aerial advertising. The Honolulu ordinance has been upheld by the Ninth Circuit Court of Appeals in *Skysign International, Inc. v. City and County of Honolulu*, 276 F.3d 1109 (9th Cir. 2000) and again in *Center for Bio-Ethical Reform, Inc. v. City and County of Honolulu*, 455 F.3d 910 (9th 2006). In these cases, Ninth Circuit held that the Honolulu ordinance was not preempted by federal law and, in *Center for Bio-Ethical Reform*, that the ordinance does not run afoul of the First Amendment to the United State Constitution.

II. By amending Section 4 of the ordinance by amending proposed Section 6.04.035, Subsection A.1, to delete the phrase "or and" in the first sentence and substitute in lieu thereof the word "and".

INTRODUCED BY:



Colby Stedje  
Member of Council

ADOPTED: October 15, 2019