

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH AMENDING THE  
HERMOSA BEACH MUNICIPAL CODE BY ADDING THERETO CHAPTER 9.28  
PROHIBITING AERIAL ADVERTISING**

The City Council of the City of Hermosa Beach does hereby ordain as follows:

**Section 1.**     Statement of Legislative Intent.

Aerial advertising, predominantly by single-engine planes flying at low altitudes towing banners along the coast, detracts from the enjoyment of the beach, creates a noise disturbance to beachgoers and residents in their homes and constitutes a visual blight in an area designated as open park space. These planes regularly, and particularly on weekends, fly at low altitudes over the City's beaches adjacent to the Pacific Ocean and occasionally over the more inland portions of the City generating significant noise and air pollution. The City Council acting pursuant to its constitutional police power enacts this ordinance into law in order to protect the safety, health and welfare of not only its residents, but also of all other persons who work in or visit the City from the blighting and nuisance effects of aerial advertising.

**Section 2.**     The Hermosa Beach Municipal Code is hereby amended by adding thereto a new Chapter 9.28 to read as follows:

Chapter 9.28

**AERIAL ADVERTISING PROHIBITED**

Sections:

9.28.010	Definitions
9.28.020	Aerial Advertising Prohibited
9.28.030	Violation—Penalty

9.28.010 Definitions

For purposes of this chapter:

A. The word “advertising” means the act of calling or attracting the public’s attention to an event, activity, message, person, persons, group, organization, cause, calling, service, product or business.

B. The term “sign or advertising device,” means and includes, but is not limited to, a poster, banner, writing, picture, painting, light, set of lights, display, emblem, notice, illustration, insignia, symbol or any other means of conveying an advertising message.

C. The word “person” means, but is not limited to, an individual, general partnership, limited partnership, limited liability company, unincorporated association, for-profit corporation or non-profit corporation.

#### 9.28.020 Aerial Advertising Prohibited

A. Except as allowed under subsection (B) of this section, no person shall, within or above the boundaries of the City of Hermosa Beach (extending three miles seaward of the mean high tide line), operate or use, or cause to be operated or used, any type of aircraft or other self-propelled or buoyant airborne object to display in any manner or for any purpose whatsoever any sign or advertising device.

B. Exceptions.

1. Subsection (A) shall not prohibit the display of an identifying mark, trade name, trade insignia, or trademark on the exterior of an aircraft or self-propelled or buoyant airborne object if the displayed item is under the ownership or registration of the aircraft's or airborne object's owner.
2. Subsection (A) shall not prohibit the display of a sign or advertising device placed wholly and visible only within the interior of an aircraft or self-propelled or buoyant airborne object.
3. Subsection (A) shall not apply to the display of a sign or advertising device when placed on or attached to any ground, building, or structure and subject to regulation under Chapter 17.50 of this code. Such a sign or advertising device shall be permitted, prohibited, or otherwise regulated as provided under the applicable chapter.

9.28.030 Violation—Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished according to the provisions of Chapter 1.12 of the Hermosa Beach Municipal Code.

**Section 3.** If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any

court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_,  
2002

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk