

FILE NO.

**LEGISLATIVE DIGEST**  
**(as amended July 23, 2013)**

[Police Code – Aerial Signs and Advertising]

**Ordinance amending the Police Code to prohibit the use of aircraft or other self-propelled or buoyant airborne objects to display any sign or advertising device in the airspace over the 34th America’s Cup course area; and making environmental findings.**

Existing Law

Existing City law does not address the use of aircraft or other airborne objects to display signs or advertising devices in the airspace over the 34th America’s Cup course area.

Amendments to Current Law

The proposed ordinance would add a new Article 49 to the Police Code that would prohibit the use of any type of aircraft or other self-propelled or buoyant airborne object to display in any manner or for any purpose any sign or advertising device in the airspace over the 34th America’s Cup and related regattas. (Sec. 4901). The prohibition would not apply to (1) the display of an identifying mark, trade name, trade insignia, or trademark on the exterior of an aircraft or airborne object if the displayed item is under the ownership or registration of the aircraft’s or airborne object’s owner, (2) the display of a sign or advertising device placed wholly and visible only within the interior of an aircraft or airborne object, or (3) any person who has a valid certificate of authorization or waiver from the Federal Aviation Administration authorizing the use of aircraft as prohibited by the ordinance. (Sec. 4902).

Persons who violate Article 49 would be subject to criminal and civil penalties. (Sec. 4903). The Executive Director of the Port would be authorized to issue administrative citations for violations of Article 49.

Article 49 would automatically expire on September 30, 2013 or upon written certification from the City Attorney to the Clerk of the Board of Supervisors that the Federal Aviation Administration has issued a temporary flight restriction for the Event Airspace that prohibits the use of this airspace by aircraft not authorized or accredited by the event, whichever occurs sooner. (Sec. 4905).

Background Information

By Resolution No. 585-10 (File No. 101259), the Board of Supervisors approved the terms of a host agreement for the 34th America’s Cup and related regattas with the America’s Cup Event Authority, which was executed by the parties on December 31, 2010. This legislation would establish restrictions on all aerial signs and advertising in the airspace over the 34th America’s Cup and related regattas in furtherance of the City’s goals of ensuring a successful

FILE NO.

event, promoting a pleasant spectator experience, and protecting public safety, as well as fulfilling the City's responsibilities under the terms of the America's Cup Host and Venue Agreement.

This ordinance reflects an amendment made on July 23, 2013 by the Board to create an exemption for any person who has a valid certificate of authorization or waiver from the Federal Aviation Administration authorizing the use of aircraft as prohibited by the ordinance. (See Sec. 4902(c)).