

No to aerial ads in Oahu skies - Hawaii News - Honolulu Star-Advertiser

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The 9th U.S. Circuit Court of Appeals said it best, in upholding Honolulu's ban on aerial advertising in 2006: "Few things can damage the distinctive character of a scenic view faster than a large moving sign pulled through the center of the field of that vision."

The court ruled against an anti-abortion crusader that hired small planes to tow banners depicting aborted fetuses, a display intended to shock the senses and capture the attention of Japanese tourists, especially, on the Waikiki beaches below. In doing so, the court recognized that Oahu's strict regulations against outdoor signs and advertising in general, and aerial advertising in particular, protect the visual landscape, and therefore the economic well-being of a state dependent on tourists attracted to the islands' natural beauty.

That ruling was a relief to the City and County of Honolulu, which had enforced its law against such aerial messages, and to conservationists who have devoted great effort to protecting Hawaii from the type of visual blight rampant in other states, including free-standing billboards, mobile advertising on buses and other vehicles and aerial advertising such as banners towed by small planes.

The most adamant among these preservationists warn of continual attempts to erode Hawaii's tough standards, and of a creeping commercialization of the public space. Their predictions are aptly illustrated by the Fourth of July stunt by Aerial Banners North, which defied a city citation and kept flying large banners that stated "ABN Loves America" and "God Bless USA" over the recent holiday weekend.

DON'T BE FOOLED by these patriotic displays. The Florida company insists that a federal waiver allows it to fly commercial banners over Hawaii and says it already has advertisers, including local businesses, eager to reach customers via the skies.

Mayor Kirk Caldwell vows to put a stop to this scheme, and that's the right instinct. The city must vigorously enforce its aerial-advertising ordinance to ensure that this company does not continue to defy a law that the 9th Circuit correctly assessed as one "designed to protect what is perhaps the state's most valuable and fragile economic asset — the natural beauty upon which Hawaii's tourism economy relies."

INPUT FROM the Federal Aviation Administration is reassuring, and should help dissuade Aerial Banners North from future flights here. The FAA says the company's certificate authorizes the company to conduct banner towing operations nationwide, but does not waive any state or local ordinances.

"Should the proposed operations conflict with any state law or local ordinance, or require permission of local authorities or property owners, it is the operator's responsibility to resolve the matter," according to the FAA.

This activity clearly conflicts with state and county laws against aerial advertising and there is no question that the ABN flights should be grounded.

Taking a broader view, this case perfectly signifies the slippery slope that groups such as The Outdoor Circle and Scenic Hawaii warn about when they oppose government initiatives — such as Caldwell's shelved proposal to sell advertising on the exterior of city buses — that serve to weaken Oahu's long-standing and hard-won rules against visual blight.

The 2006 ruling hinged in part on the totality of Hawaii's ban on aerial advertising. Silencing the anti-abortion activists was not unconstitutional because no one in Hawaii had the right to express themselves in this way. That's why it's so dangerous to chip away at laws regulating outdoor advertising: A trolley ad here, a bus ad there, and pretty soon aerial advertisers consider Oahu's ban less than rock solid.

We applaud the city administration for taking a strong stance against this offender, and hope the case inspires the mayor to rethink his plan for bus advertising down the road.

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