
A BILL FOR AN ACT

RELATING TO OUTDOOR ADVERTISING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the proliferation of
2 signs on residential property is unduly distracting to motorists
3 and pedestrians, creates traffic hazards, and reduces the
4 effectiveness of signs that are needed to direct and warn the
5 public. The legislature also finds that the proliferation of
6 signs restricts light and air, negatively affects property
7 values, and results in inappropriate uses of land.

8 The legislature further finds that the natural visual
9 beauty of Hawaii's islands is greatly diminished by the
10 proliferation of signs and that the visual clutter created by
11 signage reduces the enjoyment of residents and visitors alike.
12 This interference with the outstanding natural beauty of Hawaii
13 can have a negative effect on the State's economy because
14 visitors may decline to come to the islands if the legislature
15 fails to protect the scenic qualities of the State. In
16 addition, studies show that consumers are willing to pay more
17 for goods in areas that are visually attractive.



1 Furthermore, the legislature finds that the preservation of
2 the appearance, aesthetics, and scenic views of the State
3 provides citizens with increased and more consistent physical
4 and mental health, as demonstrated by numerous studies. These
5 studies have concluded that: workers who have a view of nature
6 experience less sickness and have a higher job satisfaction;
7 patients who have views of nature from their rooms recover
8 significantly faster than those who do not; appealing aesthetic
9 features contribute to reduced crime rates; and those who drive
10 in scenic areas not cluttered with buildings and signage have
11 lower frustration. In 1978, the people of Hawaii emphasized the
12 importance of protecting Hawaii's natural beauty by adding
13 article XI, section 1, to Hawaii's constitution, which states:
14 "For the benefit of present and future generations, the State
15 and its political subdivisions shall conserve and protect
16 Hawaii's natural beauty and all natural resources" This
17 Act to regulate outdoor advertising is designed to carry out the
18 mandate laid out in article XI, section 1, of Hawaii's
19 constitution.

20 The purpose of this Act is to permit certain outdoor signs
21 that will not, by their size, location, construction, or manner
22 of display, endanger the safety of individuals, confuse, mislead



1 or obstruct the vision necessary for traffic safety, or
2 otherwise endanger the public health, safety and welfare. In
3 addition to the public safety concerns, the legislature finds
4 that the following purposes will also be achieved by this Act:

- 5 (1) The preservation of the residential character of
6 residential neighborhoods;
- 7 (2) The preservation of order and cleanliness;
- 8 (3) The avoidance of the appearance of clutter;
- 9 (4) The protection of property values;
- 10 (5) The avoidance of litter and the growth of weeds around
11 signs;
- 12 (6) The reduction in traffic hazards caused by
13 distractions to motorists and impairment of sight
14 lines;
- 15 (7) The assurance that the State remains an attractive
16 place to live, work, and visit;
- 17 (8) The reduction of administrative burdens; and
- 18 (9) The protection of the health, safety, welfare, morals,
19 convenience, and comfort of the public.

20 SECTION 2. Section 445-112, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§445-112 Where and when permitted.** No person shall
2 erect, maintain, or use a billboard or display any outdoor
3 advertising device, except as provided in this section:

4 (1) The display of official notices and signs, posted by
5 order of any court or public office, or posted by any
6 public officer in the performance of a public duty, or
7 posted by any person required to do so by any law or
8 rule having the force of law;

9 (2) Any outdoor advertising device announcing a meeting or
10 series of meetings is not prohibited by this section
11 if displayed on the premises where the meeting or
12 series of meetings will be or is being held. Meeting,
13 as used in this section, includes all meetings
14 regardless of whether open to the public or conducted
15 for profit and includes but is not limited to sports
16 events, conventions, fairs, rallies, plays, lectures,
17 concerts, motion pictures, dances, and religious
18 services;

19 (3) Any outdoor advertising device indicating that the
20 building or premises on which it is displayed is the
21 residence, office, or place of business, commercial or
22 otherwise, of any individual, partnership, joint



- 1 venture, association, club, or corporation, and
2 stating the nature of the business;
- 3 (4) Any outdoor advertising device that advertises
4 property or services that may be bought, rented, sold,
5 or otherwise traded in on the premises or in the
6 building on which the outdoor advertising device is
7 displayed;
- 8 (5) The offering for sale of merchandise bearing
9 incidental advertising, including books, magazines,
10 and newspapers, in any store, newsstand, vending
11 machine, rack, or other place where such merchandise
12 is regularly sold;
- 13 (6) Any outdoor advertising device offering any land,
14 building, or part of a building for sale or rent, if
15 displayed on the property so offered or on the
16 building of which part is so offered;
- 17 (7) Any outdoor advertising device carried by persons or
18 placed upon vehicles used for the transportation of
19 persons or goods;
- 20 (8) Any outdoor advertising device warning the public of
21 dangerous conditions that they may encounter in nearby
22 sections of streets, roads, paths, public places,



1 power lines, gas and water mains, or other public
2 utilities;

3 (9) Signs serving no commercial purpose that indicate
4 places of natural beauty, or of historical or cultural
5 interest, and that are made according to designs
6 approved by the department of business, economic
7 development, and tourism;

8 (10) Any outdoor advertising device or billboard erected,
9 placed, or maintained upon a state office building, if
10 erected, placed, or maintained by authority of a state
11 agency, department, or officer for the sole purpose of
12 announcing cultural or educational events within the
13 State[7] and if the design and location thereof has
14 been approved by the department of business, economic
15 development, and tourism;

16 (11) ~~[Signs urging voters to vote for or against any person~~
17 ~~or issue, may be erected, maintained, and used, except~~
18 ~~where contrary to or prohibited by law;]~~ Signs
19 expressing a viewpoint on any issue or candidate may
20 be erected and maintained on residential property;
21 provided that the signs meet the following
22 requirements:



- 1 (A) Each sign displayed is no larger than four feet
2 by two feet and the total area of all signs for
3 each residential unit does not exceed sixteen
4 square feet;
- 5 (B) Each sign is set back at least fifteen feet from
6 the right of way or, if the location of the
7 residential structure does not allow for this
8 setback, is attached to the building itself or
9 placed in a window of the building; provided that
10 the signs are located in such a way that links
11 the signs to the particular residential unit
12 expressing the viewpoint;
- 13 (C) The signs do not offer for sale, promote, or
14 advertise any business enterprise or any
15 commercial product, service, or entertainment;
- 16 (D) No sign may be posted when a resident or owner of
17 the property has received any payment, fee, or
18 other economic benefit of any sort for the
19 display of the sign; and
- 20 (E) No billboard, sign, or outdoor advertising device
21 on residential property may be illuminated by any
22 form of artificial lighting. For purposes of



1 this subparagraph, the term "residential
2 property" shall refer to separate residential
3 properties that have separate tax map keys,
4 except that, in a multi-family dwelling structure
5 with separate residential units, each separate
6 unit shall be entitled to display signs meeting
7 the requirements listed in this paragraph;
8 provided that the signs are located in an outdoor
9 area or affixed to the building in a way that
10 links the signs to the particular residential
11 unit whose residents express the viewpoint;

12 (12) Signs stating that a residence that is offered for
13 sale, lease, or rent is open for inspection at the
14 actual time the sign is displayed and showing the
15 route to the residence; provided that the sign
16 contains no words or designs other than the words
17 "Open House", the address of the residence, the name
18 of the person or agency responsible for the sale, and
19 an arrow or other directional symbol and is removed
20 during such time as the residence is not open for
21 inspection;



- 1 (13) The erection, maintenance, and use of billboards if
2 the billboard is used solely for outdoor advertising
3 devices not prohibited by this section;
- 4 (14) The continued display and maintenance of outdoor
5 advertising devices actually displayed on July 8,
6 1965, in accordance with all laws and ordinances
7 immediately theretofore in effect;
- 8 (15) The continued maintenance of any billboard actually
9 maintained on July 8, 1965, and the display thereon of
10 the same or new advertising devices, all in accordance
11 with all laws and ordinances in effect immediately
12 prior to July 9, 1965;
- 13 (16) Any outdoor advertising device displayed with the
14 authorization of the University of Hawaii on any
15 scoreboard of any stadium owned by the university. An
16 outdoor advertising device displayed under this
17 paragraph shall be on the front of the scoreboard and
18 face the interior of the stadium;
- 19 (17) Any temporary outdoor advertising device attached to
20 or supported by the structure of any stadium owned by
21 the University of Hawaii, located within and facing
22 the interior of the stadium, and authorized to be



1 displayed by the university. For the purpose of this
 2 paragraph, "temporary" means displayed for a short
 3 period before the official start of organized athletic
 4 competition, during the organized athletic
 5 competition, and for a short period after the official
 6 end of the organized athletic competition; and

7 (18) Any outdoor advertising device displayed with the
 8 authorization of the stadium authority on any
 9 scoreboard of any stadium operated by the stadium
 10 authority. An outdoor advertising device displayed
 11 under this paragraph shall be on the front of the
 12 scoreboard and face the interior of the stadium."

13 SECTION 3. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY: Mark Caldwell

Tony Vata

JAN 22 2007



Report Title:

Outdoor Advertising; Political Signs

Description:

Establishes conditions under which political signs may be displayed on residential property.

