SAMPLE PROPOSED ORDINANCE

Prohibiting Outdoor Alcohol Advertising

Whereas, it is illegal for any person under the age of twenty-one (21) years to obtain, possess or control alcoholic beverages in the State of Minnesota, and Section 340A.503 of the Minnesota Code prohibits the sale or furnishing of any alcoholic beverage to a person under twenty-one (21) years of age; and

Whereas, alcoholic beverages are the second most heavily advertised products in America (after cigarettes), and the alcoholic beverage industry spends more than $100 million annually for outdoor advertising of its products;

and

Whereas, outdoor advertisements are a unique and distinguishable medium of advertising which subjects the general public to involuntary and unavoidable forms of solicitation, as the Supreme Court recognized in Packer Corporation v. Utah, 285 U.S. 105 (1932); and

Whereas, the Supreme Court and other federal courts have recognized the positive relationship between advertising and consumption; and

Whereas, in addition to judicial recognition of the link between advertising and consumption, empirical studies have shown that alcohol advertising increases consumption of alcohol, including consumption of alcohol by minors; and

Whereas, an ordinance restricting the placement of advertisements for alcoholic beverages in publicly visible locations within the City of _______ is necessary for the promotion of the welfare and temperance of minors exposed to such advertisements; and

Whereas, the City Council of _______ has chosen to exercise its police power under the Minnesota Constitution, and enact the following ordinance:

Section 1. Sign Regulations.

- Alcoholic beverage advertisements. No person may place any sign, poster, placard, device, graphic display or any other form of advertising that advertises alcoholic beverages in publicly visible locations. In this section "publicly visible locations" includes outdoor billboards, sides of buildings and freestanding signboards. This section shall not apply to:
  - The placement of signs, including advertisements:
    - inside licensed establishments; or
    - on commercial vehicles used for transporting alcoholic beverages
  - Any sign that contains the name or slogan of the licensed establishment that has been placed for the purpose of identifying the licensed establishment.
  - Any sign that contains a generic description of fermented malt beverages, wine or liquor, or any other generic description of alcoholic beverages;
  - Any neon or electrically charged sign at a licensed establishment that is provided as part of a promotion of a particular brand of alcoholic beverage.
Section 2. Enforcement.

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction, shall be fined not less than fifty dollars ($50) nor more than one hundred ($100) dollars. It will constitute as a separate offense for each day these violations continue.

This ordinance shall take effect within ____ days.

Source: University of Minnesota, Alcohol Epidemiology Program, Local Ordinances.