

**AN ORDINANCE TO PROHIBIT THE OUTDOOR ADVERTISING OF
ALCOHOL AND TOBACCO PRODUCTS**

#0065

Sponsor:

**Council
Member
Darby**

WHEREAS, Council has a substantial interest in promoting the health and welfare of its citizens, especially youth and young adults within the City; and

WHEREAS, outdoor advertising is a unique and distinct medium which subjects the public to involuntary and unavoidable solicitation, and that children, simply by walking to school or playing in their neighborhood, are exposed daily to this advertising; and

WHEREAS, studies published in the Journal of the American Academy of Pediatrics have found that exposure to advertising may contribute significantly to childhood and adolescent obesity, poor nutrition, and cigarette and alcohol use; and

WHEREAS, the Centers for Disease Control (CDC) reports that youth who drink alcohol are more likely to experience higher rates of absenteeism and lower grades in school, social problems including increased risk of suicide and homicide, developmental issues stemming from changes in brain development that may have life-long effects, and a myriad of other alcohol related health risks; and

WHEREAS, the CDC also reported that In 2019, 36.5% of US high school youth reported currently using any tobacco product, including e-cigarettes with 6.0% of high school youth reporting they currently smoke cigarettes; and

WHEREAS, Exposure to tobacco advertising may be a bigger risk factor than having family members and peers who smoke; and

WHEREAS, as of 2004 young people typically view 2000 beer and wine commercials annually and this exposure increases the probability of engaging in underage consumption of alcohol with minority children being particularly at risk; and

WHEREAS, council deems it appropriate to reduce the number of alcohol and tobacco advertisements that children and youth are exposed to in their daily lives.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 41 of the City Code is hereby amended by the addition of the new Section 41-XX containing the underlined language to read as follows:

17-402. Alcoholic beverage and cigarette advertising signs.

(a) General prohibition. No person may place any sign, poster, placard, device, graphic display, or other item that advertises alcoholic beverages or cigarettes in any publicly visible location, including any outdoor billboard, side of a building, or freestanding sign.

(b) Exceptions.

(1) “Licensed premises” defined.

In this subsection, “licensed premises” means:

- (i) as to alcoholic beverage signs, a premises that operates under an alcoholic beverages license or permit issued by the Office of the Delaware Alcoholic Beverage Control Commissioner; and
- (ii) as to the cigarette signs, any business that sells cigarettes at wholesale and/or retail.

(2) Permitted placements – General.

This section does not apply to the placement of signs:

- (i) inside a licensed premises;
- (ii) in conjunction with a temporary or 1-day alcoholic beverages license granted by the Office of the Delaware Alcoholic Beverage Control

Commissioner; or

- (iii) on property owned, leased, or operated by the Delaware Stadium Corporation.

(3) Permitted placements – Identification of licensed premises.

- (i) In general.

This section does not apply to any window or exterior wall sign of a licensed premises that meets all of the following criteria:

(A) the sign is intended to identify the licensed premises, by containing its name, slogan, or logo;

(B) the sign covers no more than 15% of the window or exterior wall area on which it is displayed; and

(C) the licensed premises has no other window or exterior wall sign along the same street frontage.

- (ii) Measurement methodology.

For purposes of this paragraph

(A) a “window” comprises all the glass panes within the main frame of the window area; and

(B) the maximum 15% coverage is calculated based on the total area within the external window frame.

(4) Permitted placements – Billboards.

Notwithstanding the foregoing, any billboard that advertises alcoholic beverages shall be located at least 500 linear feet from established and conspicuously identified elementary or secondary schools, places of worship, or public playgrounds.

SECTION 2. This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First ReadingJune 3, 2021
Second ReadingJune 3, 2021
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2021.

Mayor

SYNOPSIS: This ordinance prohibits the outdoor advertising of alcohol and tobacco products.