

House Engrossed

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2757

AN ACT

AMENDING SECTIONS 28-7902 AND 28-7903, ARIZONA REVISED STATUTES; RELATING TO
OUTDOOR ADVERTISING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7902, Arizona Revised Statutes, is amended to
3 read:

4 28-7902. Outdoor advertising authorized

5 A. The following outdoor advertising may be placed or maintained along
6 an interstate, secondary or primary system within six hundred sixty feet of
7 the edge of the right-of-way:

8 1. Directional or other official signs or notices that are required or
9 authorized by law, including signs pertaining to natural wonders and scenic
10 and historic attractions.

11 2. Signs, displays and devices that are located on the premises of the
12 activity that they advertise. This paragraph applies to any sign that is
13 located on the premises of a comprehensive development that the sign
14 advertises if the placement of the sign does not cause a reduction of federal
15 aid highway monies pursuant to 23 United States Code section 131. For the
16 purposes of this paragraph, "activity" means the active use or collective
17 uses of the premises.

18 3. Signs, displays and devices advertising the sale or lease of the
19 property on which they are located.

20 4. Signs, displays and devices lawfully placed after April 1, 1970 in
21 business areas.

22 5. Signs, displays and devices lawfully placed after either:

23 (a) July 1, 1974 in zoned or unzoned commercial or industrial areas
24 inside municipal limits.

25 (b) April 1, 1972 in unzoned commercial or industrial areas outside
26 municipal limits.

27 6. Signs, displays and devices that are lawfully existing on April 1,
28 1970 and that are located in business areas and in zoned commercial or
29 industrial areas outside municipal limits.

30 7. Signs, displays and devices lawfully existing on either:

31 (a) July 1, 1974 that are located in zoned or unzoned commercial or
32 industrial areas inside municipal limits.

33 (b) April 1, 1972 in unzoned commercial or industrial areas outside
34 municipal limits.

35 8. Nonconforming tourist related advertising displays that are
36 lawfully erected and in existence on May 5, 1976, that are located in defined
37 hardship areas, that provide specific directional information to the
38 traveling public and that are approved by the United States secretary of
39 transportation pursuant to 23 United States Code section 131(o).

40 9. A sign located in a charter city adjacent to an interstate highway
41 with a changing message for identification of businesses that are located on
42 separate contiguous parcels and that are part of a single development
43 approved by a city council as part of a development agreement entered into
44 before April 22, 1990. The changing message may not contain words or phrases
45 that continuously travel or scroll in a manner that presents a message longer

1 than may be displayed on the sign at one instant in time. The director may
2 adopt rules governing the interval within which a message may be displayed or
3 changed. This paragraph does not alter, change or affect any other statute,
4 rule, regulation, policy or interpretation concerning the use of signs with
5 changing messages or the ownership of property on which the signs are
6 located.

7 B. Outdoor advertising authorized under subsection A, paragraphs 1, 4
8 and 5 shall conform with standards contained and shall bear permits required
9 in rules adopted by the director under this article, except that the
10 authorized outdoor advertising along highways in the secondary system that
11 are not state highways need only bear permits required by the responsible
12 county or municipal authority.

13 C. Outdoor advertising authorized under subsection A, paragraphs 6 and
14 7 need not conform to standards contained but shall bear permits required in
15 rules adopted by the director under this article, except that the authorized
16 outdoor advertising along highways in the secondary system that are not state
17 highways need only bear permits required by the responsible county or
18 municipal authority.

19 D. If preservation would be consistent with this article, signs may be
20 preserved or maintained if they were lawfully in existence on October 22,
21 1965 and if the director determines, subject to the approval of the United
22 States secretary of transportation as provided for by 23 United States Code
23 section 131(c), that they are landmark signs, including signs on farm
24 structures or natural surfaces, of historic or artistic significance.

25 E. OUTDOOR ADVERTISING AUTHORIZED UNDER THIS SECTION MAY INCLUDE
26 BILLBOARDS THAT ARE CAPABLE OF CHANGING MESSAGES MECHANICALLY OR
27 ELECTRONICALLY BY REMOTE OR AUTOMATIC MEANS, IF THEY DO NOT CONTAIN ANY FORM
28 OF ANIMATION AND IF EACH MESSAGE DISPLAYED REMAINS STATIC FOR AT LEAST EIGHT
29 SECONDS WITH A TRANSITION TIME OF NOT GREATER THAN TWO SECONDS. NOTHING IN
30 THIS SUBSECTION SHALL PREVENT A CITY OR COUNTY FROM ENFORCING OR ENACTING AN
31 ORDINANCE REGULATING BILLBOARDS INCLUDING THE LIGHTING OF BILLBOARDS.

32 Sec. 2. Section 28-7903, Arizona Revised Statutes, is amended to read:

33 28-7903. Outdoor advertising prohibited

34 A. Outdoor advertising shall not be placed or maintained adjacent to
35 the interstate, secondary or primary systems at the following locations or
36 positions, under any of the following conditions or if the outdoor
37 advertising is of the following nature:

38 1. If it is within view of, directed at and intended to be read from
39 the main traveled way of the interstate, primary or secondary systems, except
40 outdoor advertising authorized under section 28-7902.

41 2. If it is visible from the main traveled way and simulates or
42 imitates a directional, warning, danger or information sign permitted under
43 this article, if it is likely to be mistaken for any such permitted sign or
44 if it is intended or likely to be construed as giving warning to traffic,
45 such as by the use of the words "stop" or "slow down".

1 3. If it is within any stream or drainage channel or below the flood
2 water level of any stream or drainage channel where the outdoor advertising
3 might be deluged by floodwaters and swept under any highway structure
4 crossing the stream or drainage channel or against the supports of the
5 highway structure.

6 4. If it is visible from the main traveled way and displays a red,
7 flashing, blinking, intermittent or moving light or lights likely to be
8 mistaken for a warning or danger signal, except ~~that~~ AS PROVIDED IN SECTION
9 28-7902, SUBSECTION E AND EXCEPT FOR ANY part necessary to give public
10 service information such as time, date, weather, temperature or similar
11 information.

12 5. If an illumination on the outdoor advertising is of such brilliance
13 and in such a position as to blind or dazzle the vision of travelers on the
14 main traveled way.

15 6. If it exists under a permit as required by this article and is not
16 maintained in safe condition.

17 7. If it is obviously abandoned.

18 8. If it is placed in a manner that either:

19 (a) Obstructs or otherwise physically interferes with an official
20 traffic sign, signal or device.

21 (b) Obstructs or physically interferes with the vision of drivers in
22 approaching, merging or intersecting traffic.

23 9. If it is placed on trees or painted or drawn on rocks or other
24 natural features, except signs permitted by section 28-7902, subsection A,
25 paragraph 2.

26 B. At interchanges on freeways or interstate highways outside
27 municipal limits, an outdoor advertising sign, display or device shall not be
28 erected in the area between the crossroad and a point five hundred feet
29 beyond the beginning or ending of pavement widening at the exit from or
30 entrance to the main traveled way.