

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2507

AN ACT

AMENDING SECTION 28-7902, 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 that conforms to standards and bears a permit
26 pursuant to subsection B or C of this section may include electronic outdoor
27 advertising only if the electronic outdoor advertising meets the following
28 requirements:

29 1. The electronic outdoor advertising does not contain any form of
30 animation and remains static for at least eight seconds with a transition
31 time of no greater than two seconds.

32 2. Except as provided in subsection H or I of this section, the
33 electronic outdoor advertising is located within the area with the following
34 coordinates:

35 Beginning at LATITUDE 37 NORTH, LONGITUDE 113.33 WEST,
36 HENCE DUE SOUTH TO LONGITUDE 113.33 WEST, latitude 33.9 north,
37 ~~longitude 114.5 west,~~ hence due east to latitude 33.9 north,
38 longitude 112.25 west, hence following the circumference of a
39 circle with a radius of seventy-five miles from the coordinates
40 of the discovery channel telescope to latitude 33.66 north,
41 longitude 111.23 west, hence due south to latitude 33.46 north,
42 longitude 111.23 west, hence following the circumference of a
43 circle with a radius of seventy-five miles from the coordinates
44 of the Mount Lemmon observatory to latitude 33.02 north,
45 longitude 111.91 west, hence following the circumference of a

1 circle with a radius of seventy-five miles from the coordinates
2 of Kitt Peak observatory to latitude 32.6 north, longitude
3 112.65 west, hence due west to latitude 32.6 north, longitude
4 114.802 west, and hence north AND EAST along the Colorado river
5 TO LATITUDE 36.21 NORTH, LONGITUDE 114 WEST, HENCE DUE NORTH TO
6 LATITUDE 37 NORTH, LONGITUDE 114 WEST, HENCE DUE EAST to the
7 point of beginning.

8 3. From sunset until 11:00 P.M., the dimmer for electronic outdoor
9 advertising signs, displays and devices shall not be set to exceed three
10 hundred forty-two NITS in full white mode for signs that are smaller than six
11 hundred seventy-two square feet in area and three hundred NITS in full white
12 mode for signs that are equal to or larger than six hundred seventy-two
13 square feet in area.

14 4. From 11:00 P.M. until sunrise, illumination shall be extinguished
15 and electronic outdoor advertising signs, displays and devices shall be
16 equipped with an automatic device to ensure compliance with this paragraph,
17 except for amber alerts and other governmental emergencies. The automatic
18 device shall have the ability to dim the display through a photoelectric
19 sensor that detects ambient light levels and adjusts the display intensity
20 automatically to ensure the maximum NIT levels are enforced.

21 5. The electronic outdoor advertising shall comply with the size and
22 spacing limitations prescribed in section 28-7905.

23 F. The director shall prepare a pictorial representation of the
24 coordinates described in subsection E, paragraph 2 of this section. The
25 director shall post the pictorial representation on the department's website.

26 G. The owner of any outdoor advertising that is within the area
27 described in subsection E, paragraph 2 of this section, that bears a permit
28 pursuant to subsection B or C of this section and that is converted to
29 electronic outdoor advertising shall notify the department of the face-type
30 status change. The notice shall include a certification that the sign
31 remains in compliance with this section. The department shall maintain the
32 face-type status change documents in its records. After ~~the effective date~~
33 ~~of this amendment to this section~~ MAY 9, 2012, the conversion of outdoor
34 advertising to electronic outdoor advertising is only allowed in the area
35 described in subsection E, paragraph 2 of this section.

36 H. Electronic outdoor advertising is deemed to have legal
37 nonconforming status for the purposes of state law, including for the
38 purposes of any permits and approvals issued by the department, if both of
39 the following apply:

40 1. The electronic outdoor advertising is both operational and bears a
41 permit pursuant to subsection B or C of this section before ~~the effective~~
42 ~~date of this amendment to this section~~ MAY 9, 2012.

43 2. The electronic outdoor advertising is not located within the area
44 described in subsection E, paragraph 2 of this section.

1 I. Electronic outdoor advertising in existence and operational as of
2 ~~the effective date of this amendment to this section~~ MAY 9, 2012 is deemed to
3 have legal conforming status for the purposes of state law, including for the
4 purposes of any permits and approvals issued by the department if both of the
5 following apply:

6 1. The electronic outdoor advertising bears a permit pursuant to
7 subsection B or C of this section.

8 2. The electronic outdoor advertising is located within the area
9 described in subsection E, paragraph 2 of this section.

10 J. The electronic outdoor advertising that is described in subsection
11 H or I of this section is subject to the requirements prescribed by
12 subsection E, paragraphs 1, 3, 4 and 5.

13 K. A city, town or county shall not issue a permit for conversion of
14 an existing outdoor advertising use to an electronic outdoor advertising use
15 after ~~the effective date of this amendment to this section~~ MAY 9, 2012 if the
16 existing outdoor advertising is not located in the area described in
17 subsection E, paragraph 2 of this section.

18 L. This section does not prevent a city, town or county from enforcing
19 or enacting an ordinance regulating outdoor advertising that is authorized by
20 subsection E of this section, including the lighting of the outdoor
21 advertising. The city, town or county may enact an ordinance that is more
22 restrictive than this section but not less restrictive than this section.