

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

CHAPTER 316
HOUSE BILL 2543

AN ACT

AMENDING SECTIONS 28-7901, 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 28-7901, Arizona Revised Statutes, is amended to
3 read:

4 28-7901. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Business area" means an area that is outside municipal limits,
7 that embraces all of the land on the same side of the highway on which one or
8 more commercial or industrial activities are conducted, including all land
9 within one thousand feet measured in any direction from the nearest edge of
10 the actual land used or occupied for such activity, its parking, storage and
11 service areas, its driveways and its established front, rear and side yards,
12 that constitutes an integral part of such activity and that is zoned, under
13 authority of law, primarily to permit industrial or commercial activity. If
14 one or more commercial or industrial activities are located within one
15 thousand feet of a freeway interchange, the business area shall extend three
16 thousand feet measured in each direction parallel to the freeway from the
17 center line of the crossroad but shall not extend beyond the limits of the
18 established commercial or industrial zone.

19 2. "Comprehensive development" means an activity if all of the
20 following apply:

21 (a) The activity is comprised primarily of individual commercial or
22 industrial activities.

23 (b) The activity is located on land that is only on one side of the
24 highway.

25 (c) The lots or parcels within the development are contiguous except
26 for roadways or driveways, whether public or private, that provide access to
27 the development.

28 (d) The relevant county, city or town has approved the boundaries of
29 the activity as a unified development with a common identity and an
30 interrelated plan for public and private improvements, either as originally
31 planned or as amended.

32 (e) The activity has common areas such as parking, amenities and
33 landscaping.

34 (f) The activity has a scheme of common ownership that actively
35 provides for the management and maintenance of common areas within the
36 development.

37 (g) The premises includes all land used or to be used or occupied for
38 the activity. Uses of land that serve no reasonable or integrated purpose
39 related to the activity, other than an attempt to qualify the land for
40 signing purposes, are not part of the comprehensive development. For the
41 purposes of this subdivision, "premises" includes:

42 (i) Buildings.

43 (ii) Parking.

44 (iii) Storage and service areas.

45 (iv) Streets.

46 (v) Driveways.

1 (vi) Land used and reasonably necessary for landscaped front, rear and
2 side yards.

3 3. "ELECTRONIC OUTDOOR ADVERTISING" MEANS SIGNS, DISPLAYS AND DEVICES
4 WITH SIGN FACES THAT ARE COMPRISED OF MATRICES OF LIGHT OR LIGHT-EMITTING
5 DEVICES THAT ARE STATIC OR CAPABLE OF CHANGING MESSAGES ELECTRONICALLY BY
6 REMOTE OR AUTOMATIC MEANS.

7 ~~3-~~ 4. "Freeway" means a divided arterial highway on the interstate or
8 primary system with full control of access and with grade separations at
9 intersections.

10 ~~4-~~ 5. "Information center" means a site that is established and
11 maintained at a safety rest area to inform the public of places of interest
12 in this state and that provides other information the board considers
13 desirable.

14 ~~5-~~ 6. "Interstate system" means the portion of the national system of
15 interstate and defense highways located in this state that are officially
16 designated by the board and approved by the United States secretary of
17 transportation pursuant to 23 United States Code.

18 ~~6-~~ 7. "Main traveled way":

19 (a) Means the portion of a roadway for the movement of vehicles,
20 excluding shoulders, on which through traffic is carried.

21 (b) In the case of a divided highway, means the traveled way of each
22 of the separated roadways for traffic in opposite directions.

23 (c) Does not include facilities such as frontage roads or parking
24 areas.

25 ~~7-~~ 8. "Outdoor advertising" means any outdoor sign, display, light,
26 device, figure, painting, drawing, message, plaque, poster, billboard or
27 other thing that is designed, intended or used to advertise or inform and the
28 message of which is visible from any place on the main traveled way of the
29 interstate, secondary or primary systems.

30 ~~8-~~ 9. "Primary system" means that portion of connected main highways
31 located in this state that are officially designated by the board and
32 approved by the United States secretary of transportation pursuant to 23
33 United States Code.

34 ~~9-~~ 10. "Safety rest area" means a site established and maintained by
35 or under public supervision or control for the convenience of the traveling
36 public within or adjacent to the right-of-way of the interstate or primary
37 systems.

38 ~~10-~~ 11. "Scheme of common ownership" means an ownership scheme in
39 which the owners have recorded irrevocable rights to use common areas.

40 ~~11-~~ 12. "Secondary system" means that portion of connected highways
41 located in this state that are officially designated by the board and
42 approved by the United States secretary of transportation pursuant to 23
43 United States Code.

44 ~~12-~~ 13. "Tourist related advertising display" means any outdoor
45 advertising that advertises a specific public or private facility,
46 accommodation, goods or service, at a particular location or site, including

1 an overnight lodging, campsite, food service, recreational facility, tourist
2 attraction, educational or historical site or feature and automotive service
3 facility or garage.

4 ~~13.~~ 14. "Unzoned commercial or industrial area" means an area that is
5 not zoned under authority of law and in which land use is characteristic of
6 that generally permitted only in areas that are actually zoned commercial or
7 industrial under authority of state law, that embraces all land on the same
8 side of the highway on which one or more commercial or industrial activities
9 are conducted, including all land within one thousand feet measured in any
10 direction from the nearest edge of the actual land used or occupied by this
11 activity, its parking, storage and service areas, its driveways and its
12 established front, rear and side yards, and that constitutes an integral part
13 of this activity. As used in this paragraph, commercial or industrial
14 activities do not include:

- 15 (a) Outdoor advertising structures.
- 16 (b) Agricultural, forestry, grazing, farming and related activities.
- 17 (c) Transient or temporary activities, including wayside fresh produce
18 stands.
- 19 (d) Activities not visible from the main traveled way.
- 20 (e) Activities conducted in a building principally used as a
21 residence.
- 22 (f) Railroad tracks and minor sidings and aboveground or underground
23 utility lines.

24 Sec. 2. Section 28-7902, Arizona Revised Statutes, is amended to read:
25 28-7902. Outdoor advertising authorized

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

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

32 2. Signs, displays and devices that are located on the premises of the
33 activity that they advertise. This paragraph applies to any sign that is
34 located on the premises of a comprehensive development that the sign
35 advertises if the placement of the sign does not cause a reduction of federal
36 aid highway monies pursuant to 23 United States Code section 131. For the
37 purposes of this paragraph, "activity" means the active use or collective
38 uses of the premises.

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

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

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

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

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

3 6. Signs, displays and devices that are lawfully existing on April 1,
4 1970 and that are located in business areas and in zoned commercial or
5 industrial areas outside municipal limits.

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

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

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

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

16 9. A sign located in a charter city adjacent to an interstate highway
17 with a changing message for identification of businesses that are located on
18 separate contiguous parcels and that are part of a single development
19 approved by a city council as part of a development agreement entered into
20 before April 22, 1990. The changing message may not contain words or phrases
21 that continuously travel or scroll in a manner that presents a message longer
22 than may be displayed on the sign at one instant in time. The director may
23 adopt rules governing the interval within which a message may be displayed or
24 changed. This paragraph does not alter, change or affect any other statute,
25 rule, regulation, policy or interpretation concerning the use of signs with
26 changing messages or the ownership of property on which the signs are
27 located.

28 B. Outdoor advertising authorized under subsection A, paragraphs 1, 4
29 and 5 shall conform with standards contained and shall bear permits required
30 in rules adopted by the director under this article, except that the
31 authorized outdoor advertising along highways in the secondary system that
32 are not state highways need only bear permits required by the responsible
33 county or municipal authority.

34 C. Outdoor advertising authorized under subsection A, paragraphs 6 and
35 7 need not conform to standards contained but shall bear permits required in
36 rules adopted by the director under this article, except that the authorized
37 outdoor advertising along highways in the secondary system that are not state
38 highways need only bear permits required by the responsible county or
39 municipal authority.

40 D. If preservation would be consistent with this article, signs may be
41 preserved or maintained if they were lawfully in existence on October 22,
42 1965 and if the director determines, subject to the approval of the United
43 States secretary of transportation as provided for by 23 United States Code
44 section 131(c), that they are landmark signs, including signs on farm
45 structures or natural surfaces, of historic or artistic significance.

1 E. OUTDOOR ADVERTISING THAT CONFORMS TO STANDARDS AND BEARS A PERMIT
2 PURSUANT TO SUBSECTION B OR C OF THIS SECTION MAY INCLUDE ELECTRONIC OUTDOOR
3 ADVERTISING ONLY IF THE ELECTRONIC OUTDOOR ADVERTISING MEETS THE FOLLOWING
4 REQUIREMENTS:

5 1. THE ELECTRONIC OUTDOOR ADVERTISING DOES NOT CONTAIN ANY FORM OF
6 ANIMATION AND REMAINS STATIC FOR AT LEAST EIGHT SECONDS WITH A TRANSITION
7 TIME OF NO GREATER THAN TWO SECONDS.

8 2. EXCEPT AS PROVIDED IN SUBSECTION H OR I OF THIS SECTION, THE
9 ELECTRONIC OUTDOOR ADVERTISING IS LOCATED WITHIN THE AREA WITH THE FOLLOWING
10 COORDINATES:

11 BEGINNING AT LATITUDE 33.9 NORTH, LONGITUDE 114.5 WEST,
12 HENCE DUE EAST TO LATITUDE 33.9 NORTH, LONGITUDE 112.25 WEST,
13 HENCE FOLLOWING THE CIRCUMFERENCE OF A CIRCLE WITH A RADIUS OF
14 SEVENTY-FIVE MILES FROM THE COORDINATES OF THE DISCOVERY CHANNEL
15 TELESCOPE TO LATITUDE 33.66 NORTH, LONGITUDE 111.23 WEST, HENCE
16 DUE SOUTH TO LATITUDE 33.46 NORTH, LONGITUDE 111.23 WEST, HENCE
17 FOLLOWING THE CIRCUMFERENCE OF A CIRCLE WITH A RADIUS OF
18 SEVENTY-FIVE MILES FROM THE COORDINATES OF THE MOUNT LEMMON
19 OBSERVATORY TO LATITUDE 33.02 NORTH, LONGITUDE 111.91 WEST,
20 HENCE FOLLOWING THE CIRCUMFERENCE OF A CIRCLE WITH A RADIUS OF
21 SEVENTY-FIVE MILES FROM THE COORDINATES OF KITT PEAK OBSERVATORY
22 TO LATITUDE 32.6 NORTH, LONGITUDE 112.65 WEST, HENCE DUE WEST TO
23 LATITUDE 32.6 NORTH, LONGITUDE 114.802 WEST, AND HENCE NORTH
24 ALONG THE COLORADO RIVER TO THE POINT OF BEGINNING.

25 3. FROM SUNSET UNTIL 11:00 P.M., THE DIMMER FOR ELECTRONIC OUTDOOR
26 ADVERTISING SIGNS, DISPLAYS AND DEVICES SHALL NOT BE SET TO EXCEED THREE
27 HUNDRED FORTY-TWO NITS IN FULL WHITE MODE FOR SIGNS THAT ARE SMALLER THAN SIX
28 HUNDRED SEVENTY-TWO SQUARE FEET IN AREA AND THREE HUNDRED NITS IN FULL WHITE
29 MODE FOR SIGNS THAT ARE EQUAL TO OR LARGER THAN SIX HUNDRED SEVENTY-TWO
30 SQUARE FEET IN AREA.

31 4. FROM 11:00 P.M. UNTIL SUNRISE, ILLUMINATION SHALL BE EXTINGUISHED
32 AND ELECTRONIC OUTDOOR ADVERTISING SIGNS, DISPLAYS AND DEVICES SHALL BE
33 EQUIPPED WITH AN AUTOMATIC DEVICE TO ENSURE COMPLIANCE WITH THIS PARAGRAPH,
34 EXCEPT FOR AMBER ALERTS AND OTHER GOVERNMENTAL EMERGENCIES. THE AUTOMATIC
35 DEVICE SHALL HAVE THE ABILITY TO DIM THE DISPLAY THROUGH A PHOTO ELECTRIC
36 SENSOR THAT DETECTS AMBIENT LIGHT LEVELS AND ADJUSTS THE DISPLAY INTENSITY
37 AUTOMATICALLY TO ENSURE THE MAXIMUM NIT LEVELS ARE ENFORCED.

38 5. THE ELECTRONIC OUTDOOR ADVERTISING SHALL COMPLY WITH THE SIZE AND
39 SPACING LIMITATIONS PRESCRIBED IN SECTION 28-7905.

40 F. THE DIRECTOR SHALL PREPARE A PICTORIAL REPRESENTATION OF THE
41 COORDINATES DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION. THE
42 DIRECTOR SHALL POST THE PICTORIAL REPRESENTATION ON THE DEPARTMENT'S WEBSITE.

43 G. THE OWNER OF ANY OUTDOOR ADVERTISING THAT IS WITHIN THE AREA
44 DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION, THAT BEARS A PERMIT
45 PURSUANT TO SUBSECTION B OR C OF THIS SECTION AND THAT IS CONVERTED TO
46 ELECTRONIC OUTDOOR ADVERTISING SHALL NOTIFY THE DEPARTMENT OF THE FACE-TYPE

1 STATUS CHANGE. THE NOTICE SHALL INCLUDE A CERTIFICATION THAT THE SIGN
2 REMAINS IN COMPLIANCE WITH THIS SECTION. THE DEPARTMENT SHALL MAINTAIN THE
3 FACE-TYPE STATUS CHANGE DOCUMENTS IN ITS RECORDS. AFTER THE EFFECTIVE DATE
4 OF THIS AMENDMENT TO THIS SECTION, THE CONVERSION OF OUTDOOR ADVERTISING TO
5 ELECTRONIC OUTDOOR ADVERTISING IS ONLY ALLOWED IN THE AREA DESCRIBED IN
6 SUBSECTION E, PARAGRAPH 2 OF THIS SECTION.

7 H. ELECTRONIC OUTDOOR ADVERTISING IS DEEMED TO HAVE LEGAL
8 NONCONFORMING STATUS FOR THE PURPOSES OF STATE LAW, INCLUDING FOR THE
9 PURPOSES OF ANY PERMITS AND APPROVALS ISSUED BY THE DEPARTMENT, IF BOTH OF
10 THE FOLLOWING APPLY:

11 1. THE ELECTRONIC OUTDOOR ADVERTISING IS BOTH OPERATIONAL AND BEARS A
12 PERMIT PURSUANT TO SUBSECTION B OR C OF THIS SECTION BEFORE THE EFFECTIVE
13 DATE OF THIS AMENDMENT TO THIS SECTION.

14 2. THE ELECTRONIC OUTDOOR ADVERTISING IS NOT LOCATED WITHIN THE AREA
15 DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION.

16 I. ELECTRONIC OUTDOOR ADVERTISING IN EXISTENCE AND OPERATIONAL AS OF
17 THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION IS DEEMED TO HAVE LEGAL
18 CONFORMING STATUS FOR THE PURPOSES OF STATE LAW, INCLUDING FOR THE PURPOSES
19 OF ANY PERMITS AND APPROVALS ISSUED BY THE DEPARTMENT IF BOTH OF THE
20 FOLLOWING APPLY:

21 1. THE ELECTRONIC OUTDOOR ADVERTISING BEARS A PERMIT PURSUANT TO
22 SUBSECTION B OR C OF THIS SECTION.

23 2. THE ELECTRONIC OUTDOOR ADVERTISING IS LOCATED WITHIN THE AREA
24 DESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS SECTION.

25 J. THE ELECTRONIC OUTDOOR ADVERTISING THAT IS DESCRIBED IN SUBSECTION
26 H OR I OF THIS SECTION IS SUBJECT TO THE REQUIREMENTS PRESCRIBED BY
27 SUBSECTION E, PARAGRAPHS 1, 3, 4 AND 5.

28 K. A CITY, TOWN OR COUNTY SHALL NOT ISSUE A PERMIT FOR CONVERSION OF
29 AN EXISTING OUTDOOR ADVERTISING USE TO AN ELECTRONIC OUTDOOR ADVERTISING USE
30 AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION IF THE EXISTING
31 OUTDOOR ADVERTISING IS NOT LOCATED IN THE AREA DESCRIBED IN SUBSECTION E,
32 PARAGRAPH 2 OF THIS SECTION.

33 L. THIS SECTION DOES NOT PREVENT A CITY, TOWN OR COUNTY FROM ENFORCING
34 OR ENACTING AN ORDINANCE REGULATING OUTDOOR ADVERTISING THAT IS AUTHORIZED BY
35 SUBSECTION E OF THIS SECTION, INCLUDING THE LIGHTING OF THE OUTDOOR
36 ADVERTISING. THE CITY, TOWN OR COUNTY MAY ENACT AN ORDINANCE THAT IS MORE
37 RESTRICTIVE THAN THIS SECTION BUT NOT LESS RESTRICTIVE THAN THIS SECTION.

38 Sec. 3. Section 28-7903, Arizona Revised Statutes, is amended to read:
39 28-7903. Outdoor advertising prohibited

40 A. Outdoor advertising shall not be placed or maintained adjacent to
41 the interstate, secondary or primary systems at the following locations or
42 positions, under any of the following conditions or if the outdoor
43 advertising is of the following nature:

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

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

6 3. If it is within any stream or drainage channel or below the flood
7 water level of any stream or drainage channel where the outdoor advertising
8 might be deluged by floodwaters and swept under any highway structure
9 crossing the stream or drainage channel or against the supports of the
10 highway structure.

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

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

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

21 7. If it is obviously abandoned.

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

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

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

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

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

35 Sec. 4. Temporary directional signage on state highways for
36 nonprofit museums; delayed repeal

37 A. The director of the department of transportation may approve,
38 install and maintain interim or temporary directional signage on a state
39 highway for a nonprofit museum if the museum satisfies all of the following:

40 1. Files an application with the department of transportation for a
41 permit for installation of the directional signage.

42 2. Is qualified under section 501(c)(3) of the United States internal
43 revenue code for federal income tax purposes.

44 3. Is located on a road on which vehicles exit the state highway or
45 that crosses the state highway.

1 B. An applicant for a permit pursuant to this section must agree that
2 the directional signage installed pursuant to this section is temporary and
3 that the department may remove the signage at any time without consultation
4 of the permittee. The granting of the permit pursuant to this section shall
5 not be construed to allow the directional signage to continue after the urban
6 logo sign program is established by the department of transportation.

7 C. No state monies shall be spent for installation, upkeep or
8 maintenance of directional signage installed pursuant to this section.

9 D. This section is repealed from and after September 30, 2014.

10 Sec. 5. Emergency

11 This act is an emergency measure that is necessary to preserve the
12 public peace, health or safety and is operative immediately as provided by
13 law.

APPROVED BY THE GOVERNOR MAY 9, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2012.