

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 237
SENATE BILL 1114

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
6 along an interstate, secondary or primary system within six hundred sixty
7 feet of the edge of the right-of-way:

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

11 2. Signs, displays and devices that are located on the premises of
12 the activity that they advertise. This paragraph applies to any sign that
13 is 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
15 federal aid highway monies pursuant to 23 United States Code section 131.
16 For the purposes of this paragraph, "activity" means the active use or
17 collective 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
21 in 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
28 April 1, 1970 and that are located in business areas and in zoned
29 commercial or 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
37 defined hardship areas, that provide specific directional information to
38 the traveling public and that are approved by the United States secretary
39 of transportation pursuant to 23 United States Code section 131(o).

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

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

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

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

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

25 E. Outdoor advertising that conforms to standards and bears a
26 permit pursuant to subsection B or C of this section may include
27 electronic outdoor advertising only if the electronic outdoor advertising
28 meets the following 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
34 following coordinates:

35 Beginning at STATE ROUTE 95 AT MILE MARKER TWO HUNDRED
36 FIFTY IN BULLHEAD CITY, TO ALL POINTS WITHIN THIS STATE THAT
37 ARE WITHIN A RADIUS OF FORTY MILES FROM THAT LOCATION, EXCEPT
38 EXCLUDING STATE ROUTE 95 SOUTH OF INTERSTATE 40 AND ANY AREA
39 EAST OF STATE ROUTE 93 FROM MILE MARKER FORTY-TWO TO THE
40 HOOVER DAM, AND ALSO INCLUDING latitude 33.9 north, longitude
41 114.5 west, hence due east to latitude 33.9 north, longitude
42 112.25 west, hence following the circumference of a circle
43 with a radius of seventy-five miles from the coordinates of
44 the discovery channel telescope to latitude 33.66 north,
45 longitude 111.23 west, hence due south to latitude 33.46
46 north, longitude 111.23 west, hence following the

circumference of a circle with a radius of seventy-five miles from the coordinates of the Mount Lemmon observatory to latitude 33.02 north, longitude 111.91 west, hence following the circumference of a circle with a radius of seventy-five miles from the coordinates of Kitt Peak observatory to latitude 32.6 north, longitude 112.65 west, hence due west to latitude 32.6 north, longitude 114.802 west, and hence north along the Colorado river to the point of beginning.

3. EXCEPT AS PROVIDED IN PARAGRAPH 4 OF THIS SUBSECTION, from sunset until 11:00 P.M., the dimmer for electronic outdoor advertising signs, displays and devices shall not be set to exceed three hundred forty-two NITS in full white mode for signs that are smaller than six hundred seventy-two square feet in area and three hundred NITS in full white mode for signs that are equal to or larger than six hundred seventy-two square feet in area.

4. FOR COORDINATES BEGINNING AT STATE ROUTE 95 AT MILE MARKER TWO HUNDRED FIFTY IN BULLHEAD CITY, TO ALL POINTS WITHIN THIS STATE THAT ARE WITHIN A RADIUS OF FORTY MILES FROM THAT LOCATION FROM SUNSET UNTIL 11:00 P.M., THE DIMMER FOR ELECTRONIC OUTDOOR ADVERTISING SIGNS, DISPLAYS AND DEVICES SHALL NOT BE SET TO EXCEED TWO HUNDRED NITS IN FULL WHITE MODE FOR ALL SIGNS.

~~4.~~ 5. From 11:00 P.M. until sunrise, illumination shall be extinguished and electronic outdoor advertising signs, displays and devices shall be equipped with an automatic device to ensure compliance with this paragraph, except for amber alerts and other governmental emergencies. The automatic device shall have the ability to dim the display through a photoelectric sensor that detects ambient light levels and adjusts the display intensity automatically to ensure the maximum NIT levels are enforced.

~~5.~~ 6. The electronic outdoor advertising shall comply with the size and spacing limitations prescribed in section 28-7905, AND FOR COORDINATES BEGINNING AT STATE ROUTE 95 AT MILE MARKER TWO HUNDRED FIFTY IN BULLHEAD CITY, TO ALL POINTS WITHIN THIS STATE THAT ARE WITHIN A RADIUS OF FORTY MILES FROM THAT LOCATION, THE NUMBER OF ELECTRONIC OUTDOOR ADVERTISING SIGNS, DISPLAYS AND DEVICES SHALL NOT EXCEED THIRTY-FIVE.

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

G. The owner of any outdoor advertising that is within the area described in subsection E, paragraph 2 of this section, that bears a permit pursuant to subsection B or C of this section and that is converted to electronic outdoor advertising shall notify the department of the face-type status change. The notice shall include a certification that the sign remains in compliance with this section. The department shall maintain the face-type status change documents in its records. After ~~the~~

1 ~~effective date of this amendment to this section~~ MAY 9, 2012, the
2 conversion of outdoor advertising to electronic outdoor advertising is
3 only allowed in the area described in subsection E, paragraph 2 of this
4 section.

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

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

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

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

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

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

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

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

31 L. This section does not prevent a city, town or county from
32 enforcing or enacting an ordinance regulating outdoor advertising that is
33 authorized by subsection E of this section, including the lighting of the
34 outdoor advertising. The city, town or county may enact an ordinance that
35 is more restrictive than this section but not less restrictive than this
36 section.

37 Sec. 2. Legislative intent

38 It is the legislature's intent to encourage the advertising industry
39 to do both of the following:

40 1. Minimize the impact of artificial sky glow that results from
41 outdoor advertising and that affects the observatories in this state.

42 2. Implement state-of-the-art technology to further mitigate the
43 impact of artificial sky glow.

S.B. 1114

APPROVED BY THE GOVERNOR MAY 1, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2017.