

AMENDED IN ASSEMBLY APRIL 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2087

Introduced by Assembly Member Oropeza

February 19, 2002

An act to amend Sections 5273, 5273.5, and 5440 of, to add Sections 5273.6, 5403.1, and ~~5442.11~~ 5442.12 to, and to repeal Sections 5441 and 5442.9 of, the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2087, as amended, Oropeza. Outdoor advertising.

Existing provisions of the Outdoor Advertising Act regulate the placement of off-premise advertising displays along highways, which generally are displays advertising business conducted or services rendered or goods produced at a location other than the property upon which the display is located. The act provides exemptions from certain of its provisions applicable to any redevelopment agency for otherwise nonconforming advertising displays that advertise any business activity on land within the limits of an individual redevelopment project that is contiguous to the land on which the display is located. The act also provides exemptions from certain of its provisions applicable only in certain cities for otherwise nonconforming advertising displays that advertise any business activity anywhere within the boundaries of any redevelopment project area or areas in that city. The exemptions are for a 10-year period, unless extended through an agreement with the Department of Transportation. The act also generally prohibits

advertising displays along landscaped freeways, but provides specific exemptions from that prohibition for displays in certain communities.

This bill would combine the redevelopment area exemptions described above, thereby expanding the exemption that currently applies only in certain cities to apply to any redevelopment agency ~~and~~, would extend the exemption period from 10 to 20 years, *and would allow advertising of any business conducted, services rendered, or goods produced and sold within the boundaries of a redevelopment agency area or areas.* The bill would add similar provisions providing a 20-year exemption from certain provisions of the act relative to advertising displays located adjacent to a freeway on publicly owned land of a city, county, school district, or special district that advertise any business conducted, services rendered, or goods produced within the boundary limits of the affected local agency.

This bill would also expand the provisions providing an exemption from the prohibition against advertising displays along landscaped freeways to include any advertising display located on publicly owned property.

This bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of this act to enhance the business
 2 climate within the jurisdiction of cities, counties, school districts,
 3 and special districts and to create a new source of revenue for those
 4 local agencies.

5 SEC. 2. Section 5273 of the Business and Professions Code
 6 is amended to read:

7 5273. For the purpose of this chapter, advertising displays
 8 ~~advertising those businesses and activities developed~~ *any business*
 9 *conducted, services rendered, or goods produced or sold* within
 10 the boundary limits of, and as a part of, any redevelopment agency
 11 project area or areas may, with the consent of the governing
 12 redevelopment agency, be considered to be on the premises
 13 anywhere within the boundary limits of *that* redevelopment ~~area's~~
 14 *agency's* project area or areas for a period not to exceed 20 years
 15 or the completion of the project, whichever first occurs, after
 16 which Sections 5272 and 5405 apply, unless an arrangement has



1 been made for extension of the period between the redevelopment
2 agency and the department for good cause. The 20-year period for
3 existing displays shall commence on January 1, 2003.

4 SEC. 3. Section 5273.5 of the Business and Professions Code
5 is amended to read:

6 5273.5. The governing body of a redevelopment agency ,
7 upon approving the purchase, lease, or other authorization for the
8 erection of an advertising display pursuant to Section 5273, shall
9 prepare, adopt, and submit to the department an application for the
10 issuance of a permit ~~that, at a minimum, includes a finding that the~~
11 ~~advertising display~~ that would not result in a concentration of
12 displays that will have a negative impact on the safety or aesthetic
13 quality of the community. The department shall only deny the
14 application if the proposed structure violates Sections 5400 to
15 ~~5405~~ 5404, inclusive, or subdivision (d) of Section 5408, or if the
16 display would cause a reduction in federal-aid highway funds as
17 provided in Section 131 of Title 23 of the United States Code.

18 SEC. 4. Section 5273.6 is added to the Business and
19 Professions Code, to read:

20 5273.6. (a) Notwithstanding Section 5273, for the purposes
21 of this chapter, advertising displays located adjacent to a freeway
22 on publicly owned land of a city, county, city and county, school
23 district, or special district and which advertise any business
24 conducted, services rendered, or goods produced and sold within
25 the boundary limits of the city, county, city and county, school
26 district, or special district may, with the consent of the affected
27 public agency, be considered to be on the premises advertising
28 displays for a period not to exceed 20 years. ~~A public agency that~~
29 ~~consents to an advertising display pursuant to this section may~~
30 ~~assess fees or impose conditions requiring the removal of other off~~
31 ~~the premises advertising displays located adjacent to local streets.~~

32 (b) The governing body of a public agency set forth in
33 subdivision (a), upon approving the purchase, lease, or other
34 authorization for the erection of an advertising display pursuant to
35 this section, shall prepare, adopt, and submit to the department an
36 application for the issuance of a permit that, ~~at a minimum,~~
37 ~~includes a finding that the advertising display~~ would not result in
38 a concentration of displays that will have a negative impact on the
39 safety or aesthetic quality of the community. The department shall
40 only deny the application if the proposed structure violates



1 Sections 5400 to ~~5405~~ 5404, inclusive, or subdivision (d) of
2 Section 5408, or if the display would cause a reduction in
3 federal-aid highway funds as provided in Section 131 of Title 23
4 of the United States Code.

5 SEC. 5. Section 5403.1 is added to the Business and
6 Professions Code, to read:

7 5403.1. Notwithstanding Section 5403, for the purposes of
8 this chapter, an advertising display may be placed, maintained, or
9 positioned within the right-of-way of any highway that is under the
10 jurisdiction of a city, county, city and county, or any other local
11 government entity, subject to the approval of that city, county, city
12 and county, or other local government entity.

13 SEC. 6. Section 5440 of the Business and Professions Code is
14 amended to read:

15 ~~5440. Except as otherwise provided in this article, no~~
16 ~~advertising display may be placed or maintained on property~~
17 ~~adjacent to a section of a freeway that has been landscaped if the~~
18 ~~advertising display is designed to be viewed primarily by persons~~
19 ~~traveling on the main-traveled way of the landscaped freeway.~~

20 is amended to read:

21 5440. Except as otherwise provided in Sections 5441, 5442,
22 ~~5442.7, 5442.8, 5442.9, 5442.10, and 5442.11~~ this article, no
23 advertising display may be placed or maintained on property
24 adjacent to a section of a freeway that has been landscaped if the
25 advertising display is designed to be viewed primarily by persons
26 traveling on the main-traveled way of the landscaped freeway.

27 ~~SEC. 6.~~

28 SEC. 7. Section 5441 of the Business and Professions Code is
29 repealed.

30 ~~SEC. 7.~~

31 SEC. 8. Section 5442.9 of the Business and Professions Code
32 is repealed.

33 ~~SEC. 8.~~

34 SEC. 9. Section ~~5442.11~~ 5442.12 is added to the Business and
35 Professions Code, to read:

36 ~~5442.11.~~

37 5442.12. Section 5440 does not apply to any advertising
38 display on publicly owned property, provided that the display does



- 1 not cause a reduction in federal aid highway funds, as provided in
- 2 Section 131 of Title 23 of the United States Code.

O

