

AMENDED IN ASSEMBLY APRIL 30, 2002

AMENDED IN ASSEMBLY APRIL 17, 2002

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 5403.1 and 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, would extend the exemption period from 10 to 20 years, and would allow advertising of any business conducted, services rendered, or goods produced or sold within the boundaries of a redevelopment agency area or areas. The bill would require a certification by the redevelopment agency in that regard. The bill would prohibit placement of a redevelopment agency advertising display within 500 feet of another advertising display on the same side of a freeway, and would allow the displays to be placed only in business areas.

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 that meets certain conditions.

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 any business conducted, services rendered, or goods
9 produced or sold within the boundary limits of, and as a part of, any
10 redevelopment agency project area or areas may, with the consent
11 of the governing redevelopment agency, be considered to be on the
12 premises anywhere within the boundary limits of that
13 redevelopment agency’s project area or areas for a period not to
14 exceed 20 years or the completion of the project, whichever first
15 occurs, after which Sections 5272 and 5405 apply, unless an
16 arrangement has been made for extension of the period between



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

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

6 5273.5. (a) The governing body of a redevelopment agency;
7 *shall give the department notice of the date, time, and place of*
8 *public hearing, and* upon approving the purchase, lease, or other
9 authorization for the erection of an advertising display pursuant to
10 Section 5273, shall prepare, adopt, and submit to the department
11 an application for the issuance of a permit that, in the discretion of
12 the governing body of the redevelopment agency, would not result
13 in a concentration of displays that will have a negative impact on
14 the safety or aesthetic quality of the community. Upon erection of
15 the display, the governing body of the redevelopment agency shall
16 certify that the display advertises business conducted, services
17 rendered, or goods produced or sold within the boundary limits set
18 forth in Section 5273, and if the redevelopment agency at any time
19 determines that the advertising is not in compliance with Section
20 5273, the redevelopment agency shall immediately notify the
21 department in writing.

22 (b) Any advertising display approved or authorized by a
23 redevelopment agency pursuant to Section 5273 shall be placed
24 only in a business area and shall not be placed within 500 feet of
25 another advertising display on the same side of any portion of an
26 interstate highway or a primary highway that is a freeway. The
27 department shall only deny an agency's application if the proposed
28 structure violates Sections 5400 to 5404, inclusive, or subdivision
29 (d) of Section 5408, or if the display would cause a reduction in
30 federal-aid highway funds as provided in Section 131 of Title 23
31 of the United States Code.

32 SEC. 4. Section 5403.1 is added to the Business and
33 Professions Code, to read:

34 5403.1. Notwithstanding Section 5403, for the purposes of
35 this chapter, an advertising display may be placed, maintained, or
36 positioned within the right-of-way of any highway that is under the
37 sole jurisdiction of a city, county, city and county, or any other
38 local government entity, subject to the approval of that city,
39 county, city and county, or other local government entity.



1 SEC. 5. Section 5440 of the Business and Professions Code
2 is amended to read:

3 5440. Except as otherwise provided in this article, no
4 advertising display may be placed or maintained on property
5 adjacent to a section of a freeway that has been landscaped if the
6 advertising display is designed to be viewed primarily by persons
7 traveling on the main-traveled way of the landscaped freeway.

8 SEC. 6. Section 5441 of the Business and Professions Code
9 is repealed.

10 SEC. 7. Section 5442.9 of the Business and Professions Code
11 is repealed.

12 SEC. 8. Section 5442.12 is added to the Business and
13 Professions Code, to read:

14 5442.12. (a) Section 5440 does not apply to any advertising
15 display on publicly owned property that meets all of the following
16 conditions:

17 (1) The display would not result in a concentration of displays
18 that will have a negative impact on the safety or aesthetic quality
19 of the community, in the discretion of the local jurisdiction in
20 which the display is to be located.

21 (2) Placement or maintenance of the display does not require
22 the immediate trimming, pruning, ~~topping~~ *topping*, or removal of
23 existing trees to provide visibility for the display, unless done as
24 part of the normal landscape maintenance activities that would
25 have been undertaken without regard to the placement or
26 maintenance of the display. *However, any tree or foliage removed*
27 *at any time to provide visibility to a display shall be replaced with*
28 *equivalent trees or foliage at the expense of the owner of the*
29 *display*

30 (3) The display does not cause a reduction in federal aid
31 highway funds, as provided in Section 131 of Title 23 of the United
32 States Code.

33 (b) Notwithstanding any other provision of this chapter, no
34 outdoor advertising display shall be placed or maintained adjacent
35 to any interstate or primary highway in violation of the national
36 standards promulgated pursuant to subsections (c) and (f) of
37 Section 131 of Title 23 of the United States Code, as those
38 standards existed on November 8, 1967.

39 (c) *No advertising display shall advertise products or services*
40 *that are directed solely to an adult population, including, but not*



1 *limited to, alcohol, tobacco, gambling, or sexually explicit*
2 *material. Nothing in this article shall be deemed to abrogate any*
3 *provision of the Stop Tobacco Access to Kids Enforcement Act,*
4 *Division 8.5 (commencing with Section 22950).*

O

