

AMENDED IN ASSEMBLY APRIL 24, 2000
AMENDED IN ASSEMBLY MARCH 27, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2075

Introduced by Assembly Member Granlund

February 22, 2000

An act to amend Sections 5498.1 and 5498.2 of, *and to add Section 5498.15 to*, the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2075, as amended, Granlund. On-premises advertising.

(1) Existing law regulates on-premises advertising displays and does not allow a city or county to deny, refuse to issue, or condition the issuance of a business license or a permit to construct a new legal on-premises advertising display upon the removal, conformance, repair, modification, or abatement of any other on-premises advertising display on the same real property where the business is to be or has been maintained if 2 conditions apply.

This bill would, ~~instead, prohibit~~ *also make those provisions applicable to* a city and county, *and a redevelopment agency; or local government development project, in addition to a city or county.* ~~The bill would prohibit these entities from denying, refusing to issue, or withholding or conditioning the issuance of those licenses or permits to construct, direct, or use~~

~~a new or existing on-premises advertising display upon the change, face change, replacement, conformance, repair, modification, or abatement of any other on-premises advertising display located, at, in, or upon, or used in conjunction with, other on-premises advertising display located, at, in, or upon the same industrial or commercial complex if either of the 2~~ *if certain* conditions apply, ~~as revised~~. To the extent that these restrictions would add new duties or increase the level of services required of local government entities in the issuance of permits, this bill would impose a state-mandated local program.

(2) Under existing law, during the amortization period for a nonconforming legally in-place on-premises advertising display's continued use, a city or county is prohibited from denying, refusing to issue, or conditioning the issuance of a permit for modification or alteration to the display upon change of ownership of any existing business if the modification of alteration does not include a structural change in the display. This prohibition does not apply to certain ordinances.

This bill would recast this provision to prohibit a city, city and county, ~~or county; and redevelopment agency,~~ from requiring ~~conformance to its existing law~~ *compliance with an existing ordinance or regulation* or denying, refusing to issue, or conditioning the issuance of a permit for modification, alteration, change, or repair to any nonconforming display upon change of ownership *or tenancy, business activity,* name, logo, trademark; *if the modification, alteration, change, or repair includes only a change in color, logo, design, size, height,* sign face, facing material, address, or telephone number, if that modification or alteration does not include a structural change, as defined.

The bill would delete the current exemption and would instead prohibit local governments from denying, refusing to issue, or conditioning the issuance of a permit for repair, modification, replacement, change, alteration, installation or reinstallation of, or to, an existing, legally in-place on-premise advertising display, upon change of the same subjects described above, if that modification or alteration does not include a structural change, as defined. To the extent that



these restrictions would increase the level of service required of local government in the issuance of permits, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 5498.1 of the Business and
2 Professions Code is amended to read:
3 5498.1. No city, city and county, county, *or*
4 redevelopment agency, ~~or local government commission~~
5 ~~or development project~~ shall deny, refuse to issue, or
6 ~~withhold or~~ condition the issuance of a business license or
7 a permit to construct, erect, ~~or use a new or existing a new~~
8 *legal* on-premises advertising display upon the ~~change,~~
9 ~~face change, replacement, removal~~ conformance, repair,
10 modification, or abatement of any other on-premises
11 advertising display located at, in, or upon, ~~or used in~~
12 ~~conjunction with, other on-premises advertising displays~~
13 located at, in, or upon the same industrial or commercial
14 complex if either of the following apply:
15 (a) ~~The other display is located within, upon, or at the~~
16 ~~same general industrial or commercial area or complex~~
17 ~~that is zoned or classified for any industrial or commercial~~
18 ~~occupancy.~~ *display is located on the same real property*
19 *where the business is to be or has been maintained, if both*
20 *subdivisions (a) and (b) apply:*



1 (a) *The other display is located within the same*
2 *commercial complex that is zoned for commercial*
3 *occupancy or use, but at a different business location from*
4 *that for which the permit or license is sought.*

5 (b) *The other display is not owned or controlled by the*
6 *permit ~~or license applicant, and the owner applicant, and~~*
7 *the permit applicant is not the agent of the person who*
8 *owns or controls the other display.*

9 SEC. 2. *Section 5498.15 is added to the Business and*
10 *Professions Code, to read:*

11 *5498.15. No city, city and county, county, or*
12 *redevelopment agency shall deny, refuse to issue, or*
13 *condition the issuance of a business license or permit for*
14 *a face change to an existing display upon the removal,*
15 *conformance, repair, modification, change, replacement,*
16 *or abatement of an existing display or any other*
17 *on-premises advertising display located on the same*
18 *commercial complex where the business will be or has*
19 *been maintained. For the purposes of this section, “face*
20 *change” means a change in color, logo, design, sign face,*
21 *facing material, address, or telephone number and does*
22 *not include a structural change in the display.*

23 SEC. 3. *Section 5498.2 of the Business and Professions*
24 *Code is amended to read:*

25 5498.2. (a) *During any ~~valid~~ amortization period for*
26 *a nonconforming, legally in-place on-premises*
27 *advertising display’s continued use, a city, city and*
28 *county, ~~or county may~~ county, or redevelopment agency*
29 *shall not require ~~conformance to its existing law~~*
30 *compliance with an existing ordinance or regulation or*
31 *deny, refuse to issue, or condition the issuance of a permit*
32 *for modification, alteration, change, or repair to any*
33 *nonconforming display upon a change of ~~ownership,~~*
34 *~~business activity, name, logo, trademark, color, design,~~*
35 *~~size, height, sign face, facing material, address, or~~*
36 *~~telephone number if the modification or alteration does~~*
37 *not include a structural change in the display.*

38 (b) *Notwithstanding any other provision of law, no*
39 *city, city and county, or county shall deny, refuse to issue,*
40 *or condition, the issuance of a permit for repair,*



1 ~~modification, replacement, change, alteration,~~
 2 ~~installation, or reinstallation of or to an existing, legally~~
 3 ~~in-place on-premises advertising display, upon change of~~
 4 ~~ownership, business activity, name, logo, trademark,~~
 5 ~~color, design, size, height, sign face, facing material,~~
 6 ~~address, or telephone number, if the modification or~~
 7 ~~alteration does not include a structural change to the~~
 8 ~~display.~~ *ownership or tenancy, name, logo, or trademark*
 9 *if the modification, alteration, change, or repair includes*
 10 *only a change in color, logo, design, sign face, facing*
 11 *material, address, or telephone number and does not*
 12 *include a structural change in the display.*

13 *(b) Subdivision (a) does not apply to any ordinance*
 14 *introduced or adopted prior to March 12, 1983, or adopted*
 15 *pursuant to subdivision (j) of Section 5497, if the*
 16 *ordinance contains no specific amortization schedule, but*
 17 *instead requires conformity upon change of ownership.*

18 (c) "Structural change" as used in this section is any
 19 material change or alteration, color excluded, to the
 20 pylon, monument, other body or ~~thing~~ *apparatus*
 21 physically holding the display or upon which the
 22 on-premises advertising display is anchored or affixed.

23 ~~SEC. 3.—~~

24 *SEC. 4.* Notwithstanding Section 17610 of the
 25 Government Code, if the Commission on State Mandates
 26 determines that this act contains costs mandated by the
 27 state, reimbursement to local agencies and school
 28 districts for those costs shall be made pursuant to Part 7
 29 (commencing with Section 17500) of Division 4 of Title
 30 2 of the Government Code. If the statewide cost of the
 31 claim for reimbursement does not exceed one million
 32 dollars (\$1,000,000), reimbursement shall be made from
 33 the State Mandates Claims Fund.

