

EHB 1564

THE STATE SENATE
Monday, April 6, 2009

ENGROSSED

House Bill No. 1564

ENGROSSED HOUSE BILL NO. 1564 - By: Schwartz of the House and Branam of the Senate.

An Act relating to roads, bridges and ferries; amending 69 O.S. 2001, Section 1273, which relates to definitions; modifying certain definition; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 69 O.S. 2001, Section 1273, is amended to read as follows:

Section 1273. As used in this act:

(a) "Sign", "outdoor advertising" or "outdoor advertising device" means any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, but shall not include surface markers showing the location or route of underground utility facilities or pipelines or public telephone coin stations installed for emergency use.

(b) "Main traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include

1 such facilities as frontage roads, turning roadways or parking
2 areas.

3 (c) "To erect" and its variants means to construct, build,
4 raise, assemble, place, affix, attach, create, paint, draw or in any
5 other way bring into being or establish. But these shall not
6 include any of the foregoing activities when performed as incident
7 to the change of advertising message or customary maintenance of the
8 sign structure.

9 (d) "Unzoned commercial or industrial areas" means those areas
10 which are not zoned by state or local law, regulation or ordinance,
11 and on which there is located one or more permanent structures
12 devoted to a commercial or industrial activity or on which a
13 commercial or industrial activity is actually conducted, whether or
14 not a permanent structure is located thereon, and the area along the
15 highway extending outward six hundred (600) feet from and beyond the
16 edge of such activity on both sides of the highway. Provided
17 however, the unzoned area shall not include land on the opposite
18 side of an interstate or dual-laned limited access primary highway
19 from the commercial or industrial activity establishing the unzoned
20 commercial or industrial area or land on the opposite side of other
21 federal-aid primary highways, which land is deemed scenic by an
22 appropriate agency of the state.

1 All measurements shall be from the outer edges of the regularly
2 used buildings, parking lots, storage or processing areas of the
3 commercial or industrial activities, not from the property lines of
4 the activities, and shall be along or parallel to the edge of
5 pavement of the highway. Such an area shall not include any area
6 which is:

7 (1) Within three hundred (300) feet of any building used
8 primarily as a residence, unless the owner of the building consents
9 in writing to the particular commercial use or uses to be made of
10 such lands;

11 (2) Within five hundred (500) feet of any of the following:
12 public park, garden, recreation area or forest preserve, church,
13 school and officially designated historical battlefield; or

14 (3) Beyond six hundred sixty (660) feet from the nearest edge
15 of the right-of-way.

16 (e) "Commercial and industrial activities" means those
17 activities, clearly visible from the main traveled way, generally
18 recognized as commercial or industrial by zoning authorities in this
19 state, except that none of the following shall be considered
20 commercial or industrial:

21 (1) Agricultural, forestry, ranching, grazing, farming and
22 related activities, including, but not limited to, wayside fresh
23 produce stands;

- 1 (2) Outdoor advertising structures;
- 2 (3) Transient or temporary activities;
- 3 (4) Activities more than six hundred sixty (660) feet from the
4 nearest edge of the right-of-way;
- 5 (5) Activities conducted in a building principally used as a
6 residence; and
- 7 (6) Railroad tracks and minor sidings.
- 8 (f) "Official signs" means signs and notices erected and
9 maintained by public officers or public agencies within their
10 territorial jurisdiction and pursuant to and in accordance with
11 direction or authorization contained in federal or state law for the
12 purposes of carrying out an official duty or responsibility.
- 13 (g) "Informational signs" means signs containing directions or
14 information about public places owned or operated by federal, state
15 or local governments or their agencies, publicly or privately owned
16 natural phenomena, historic, cultural, educational and religious
17 sites, and areas of natural scenic beauty or naturally suited for
18 outdoor recreation, deemed to be in the interest of the traveling
19 public.
- 20 (h) "On-premise activities signs" means signs advertising
21 activities conducted upon the property on which the signs are
22 located.

1 (i) "On-premise-sale or lease signs" means signs advertising
2 the sale or lease of property on which they are located.

3 (j) "Interstate highway" means any highway at any time
4 officially designated a part of the National System of Interstate
5 and Defense Highways by the Department and approved by the
6 appropriate authority of the federal government.

7 (k) "Primary highway" means ~~any highway at any time officially~~
8 ~~designated a part of the Federal-aid Primary System by the~~
9 ~~Department and approved by the appropriate authority of the federal~~
10 ~~government~~ in existence on June 1, 1991, and any highway which is
11 not on that system but is on the National Highway System.

12 (l) "Centerline of the highway" means a line equidistant from
13 the edges of the median separating the main traveled ways of a
14 divided highway, or the centerline of the main traveled way of a
15 nondivided highway.

16 (m) "Adjacent area" or "control area" means the area which is
17 adjacent to and within six hundred sixty (660) feet of the nearest
18 edge of the right-of-way on any interstate or primary highway within
19 urban areas, which six hundred sixty-foot distance shall be measured
20 horizontally along a line perpendicular to, or ninety (90) degrees
21 to, the centerline of the highway. Outside of urban areas, adjacent
22 area or control area means the area which is visible from the main
23 traveled way on any interstate or primary highway.

1 (n) "Business area" means any part of a control area which is:

2 (1) Within six hundred sixty (660) feet of the nearest edge of
3 the right-of-way and zoned for business, industrial or commercial
4 activities under the authority of any state zoning law, or city or
5 county zoning ordinance of this state; or

6 (2) Not so zoned, but which constitutes an unzoned commercial
7 or industrial area as herein defined.

8 (o) "Department" means the Department of Transportation of the
9 State of Oklahoma.

10 (p) "Maintain" means to hold or keep in a state of efficiency
11 or validity, to support or sustain, by cleaning or repairing the
12 sign or changing the message on its face.

13 (q) "Visible" means capable of being seen without visual aid by
14 a person of normal visual acuity.

15 (r) "License" means the privilege to do business in the State
16 of Oklahoma having been granted by an official agency.

17 (s) "Permit" means the privilege to erect a sign or signs in an
18 individual location within the State of Oklahoma having been granted
19 by an official agency.

20 (t) "License fee" means the monetary consideration paid for the
21 privilege of doing business in the State of Oklahoma.

1 (u) "Permit fee" means the monetary consideration paid for the
2 privilege of erecting a sign or signs in a specific location within
3 the State of Oklahoma.

4 (v) "Urban area" means an urbanized area or, in the case of an
5 urbanized area encompassing more than one state, that part of the
6 urbanized area in each such state, or an urban place as designated
7 by the Bureau of the Census having a population of five thousand
8 (5,000) or more and not within any urbanized area, within boundaries
9 to be fixed by responsible state and local officials in cooperation
10 with each other, subject to approval by the Secretary of
11 Transportation. Such boundaries shall, as a minimum, encompass the
12 entire urban place designated by the Bureau of the Census.

13 SECTION 2. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 3-31-09 - DO
18 PASS.