

Opinion No. 53-5798

August 10, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. T. L. Womack, Manager Box Canyon Indian Store Lupton, Arizona

{*207} We have your letter of August 3 with reference to the notice you have received from the District Engineer of the State Highway Commission relative to removal of signs.

You ask how many signs may you use to advertise your business. We know of no limitation on the number of signs you may use. You ask how close or how far from the business and what dimensions, etc., are to be used to stay within the law.

It is our understanding that the notice submitted to you by Mr. McCarty, District Engineer, contained a copy of the law on the back thereof. You will note under Sec. 2 there are 8 prohibitions against signs upon the right-of-way or upon any land adjacent thereto. Signs as of the type therein designated or at the location indicated by Sec. 2 (a) to (h) are prohibited, while under Sec. 3 signs must be licensed if located within 100 feet of the center line of the right-of-way unless they are "advertising a business carried on on the premises where the same are located". We presume this is the clause that gives you trouble and we are hesitant to rule that such excepted signs must be directly attached to the building where the business is carried on, but feel that a reasonable space from the building and within the vicinity thereof was contemplated by the Legislature. It would be an unusual case, however, if such space was beyond 100 feet from the building.

If your signs are not series signs as described in Sec. 2(h) and do not violate the other provisions of Sec. 2 and are located upon the building in which the business is carried on or within the immediate vicinity thereof, we are inclined to believe that they are lawful and need not be licensed. However, if they violate any provisions of Sec. 2 they are prohibited, while if they are within the right-of-way and not within a 100 feet of the center of the line of reasonable proximity to the building in which your business is carried on, even though on your own property, we feel that you should apply to the Commission for a license. Apparently Mr. McCarty feels that your signs violated a provision of Sec. 2. Otherwise {*208} he would have sent you an application for a license.

We trust this is the information you desire.

By: Special Assistant Attorney General