

1 **OUTDOOR ADVERTISING AMENDMENTS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Brent H. Goodfellow**

5 **This act modifies the Transportation Code by amending outdoor advertising provisions.**

6 **This act defines a public assembly facility. This act provides that a sign located on a**
7 **public assembly facility is subject to the federal outdoor advertising provisions. This act**
8 **provides advertising limitations for a sign located on a public assembly facility and allows**
9 **the advertisement of the name of the facility, venues, stores, and certain other activities,**
10 **products, services, and events provided at the facility. This act takes effect on July 1,**
11 **2003.**

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **72-7-502**, as last amended by Chapter 21, Laws of Utah 1999

15 **72-7-504**, as renumbered and amended by Chapter 270, Laws of Utah 1998

16 ENACTS:

17 **72-7-504.5**, Utah Code Annotated 1953

18 *Be it enacted by the Legislature of the state of Utah:*

19 Section 1. Section **72-7-502** is amended to read:

20 **72-7-502. Definitions.**

21 As used in this part:

22 (1) "Commercial or industrial activities" means those activities generally recognized as
23 commercial or industrial by zoning authorities in this state, except that none of the following
24 are commercial or industrial activities:

25 (a) agricultural, forestry, grazing, farming, and related activities, including wayside
26 fresh produce stands;

27 (b) transient or temporary activities;



- 28 (c) activities not visible from the main-traveled way;
- 29 (d) activities conducted in a building principally used as a residence; and
- 30 (e) railroad tracks and minor sidings.
- 31 (2) "Commercial or industrial zone" means only:
- 32 (a) those areas within the boundaries of cities or towns that are used or reserved for
- 33 business, commerce, or trade, or zoned as a highway service zone, under enabling state
- 34 legislation or comprehensive local zoning ordinances or regulations;
- 35 (b) those areas within the boundaries of urbanized counties that are used or reserved for
- 36 business, commerce, or trade, or zoned as a highway service zone, under enabling state
- 37 legislation or comprehensive local zoning ordinances or regulations;
- 38 (c) those areas outside the boundaries of urbanized counties and outside the boundaries
- 39 of cities and towns that:
- 40 (i) are used or reserved for business, commerce, or trade, or zoned as a highway service
- 41 zone, under comprehensive local zoning ordinances or regulations or enabling state legislation;
- 42 and
- 43 (ii) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured
- 44 from the nearest point of the beginning or ending of the pavement widening at the exit from or
- 45 entrance to the main-traveled way; or
- 46 (d) those areas outside the boundaries of urbanized counties and outside the boundaries
- 47 of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff
- 48 as measured from the nearest point of the beginning or ending of the pavement widening at the
- 49 exit from or entrance to the main-traveled way that are reserved for business, commerce, or
- 50 trade under enabling state legislation or comprehensive local zoning ordinances or regulations,
- 51 and are actually used for commercial or industrial purposes.
- 52 (3) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of
- 53 allowing outdoor advertising.
- 54 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's
- 55 comprehensive plan required by Section 10-9-301, the municipal zoning plan authorized by
- 56 Section 10-9-401, and the county master plan authorized by Sections 17-27-301 and
- 57 17-27-401. Property that is rezoned by comprehensive local zoning ordinances or regulations
- 58 is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor

59 advertising.

60 (5) "Directional signs" means signs containing information about public places owned
61 or operated by federal, state, or local governments or their agencies, publicly or privately
62 owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas
63 of natural scenic beauty or naturally suited for outdoor recreation, that the department considers
64 to be in the interest of the traveling public.

65 (6) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create,
66 paint, draw, or in any other way bring into being.

67 (b) "Erect" does not include any activities defined in Subsection (6)(a) if they are
68 performed incident to the change of an advertising message or customary maintenance of a
69 sign.

70 (7) "Highway service zone" means a highway service area where the primary use of the
71 land is used or reserved for commercial and roadside services other than outdoor advertising to
72 serve the traveling public.

73 (8) "Information center" means an area or site established and maintained at rest areas
74 for the purpose of informing the public of:

75 (a) places of interest within the state; or

76 (b) any other information that the department considers desirable.

77 (9) "Interchange or intersection" means those areas and their approaches where traffic
78 is channeled off or onto an interstate route, excluding the [~~deacceleration~~] deceleration lanes,
79 acceleration lanes, or feeder systems, from or to another federal, state, county, city, or other
80 route.

81 (10) "Maintain" means to allow to exist, subject to the provisions of this chapter.

82 (11) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing
83 sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an
84 act of God.

85 (12) "Main-traveled way" means the through traffic lanes, including auxiliary lanes,
86 acceleration lanes, [~~deacceleration~~] deceleration lanes, and feeder systems, exclusive of
87 frontage roads and ramps. For a divided highway, there is a separate main-traveled way for the
88 traffic in each direction.

89 (13) "Official signs and notices" means signs and notices erected and maintained by

90 public agencies within their territorial or zoning jurisdictions for the purpose of carrying out
91 official duties or responsibilities in accordance with direction or authorization contained in
92 federal, state, or local law.

93 (14) "Off-premise signs" means signs located in areas zoned industrial, commercial, or
94 H-1 and in areas determined by the department to be unzoned industrial or commercial.

95 (15) "On-premise signs" means signs used to advertise the major activities conducted
96 on the property where the sign is located.

97 (16) "Outdoor advertising" means any outdoor advertising structure or outdoor
98 structure used in combination with an outdoor advertising sign or outdoor sign.

99 (17) "Outdoor advertising corridor" means a strip of land 350 feet wide, measured
100 perpendicular from the edge of a controlled highway right-of-way.

101 (18) "Outdoor advertising structure" or "outdoor structure" means any sign structure,
102 including any necessary devices, supports, appurtenances, and lighting that is part of or
103 supports an outdoor sign.

104 (19) "Point of widening" means the point of the gore or the point where the intersecting
105 lane begins to parallel the other lanes of traffic, but the point of widening may never be greater
106 than 2,640 feet from the center line of the intersecting highway of the interchange or
107 intersection at grade.

108 (20) "Public assembly facility" means ~~h [an arena or convention facility]~~ **A CONVENTION**
108a **FACILITY AS DEFINED UNDER SECTION 59-12-602 AND h** that:

109 (a) is wholly or partially funded by public moneys; and

110 (b) requires a person attending an event at the public assembly facility to purchase a
111 ticket or that otherwise charges for the use of the public assembly facility as part of its regular
112 operation.

113 ~~[(20)]~~ (21) "Relocation" includes the removal of a sign from one situs together with the
114 erection of a new sign upon another situs in a commercial or industrial zoned area as a
115 substitute.

116 ~~[(21)]~~ (22) "Relocation and replacement" means allowing all outdoor advertising signs
117 or permits the right to maintain outdoor advertising along the interstate, federal aid primary
118 highway existing as of June 1, 1991, and national highway system highways to be maintained
119 in a commercial or industrial zoned area to accommodate the displacement, remodeling, or
120 widening of the highway systems.

121 [~~(22)~~] (23) "Remodel" means the upgrading, changing, alteration, refurbishment,
122 modification, or complete substitution of a new outdoor advertising structure for one permitted
123 pursuant to this part and that is located in a commercial or industrial area.

124 [~~(23)~~] (24) "Rest area" means an area or site established and maintained within or
125 adjacent to the right-of-way by or under public supervision or control for the convenience of
126 the traveling public.

127 [~~(24)~~] (25) "Scenic or natural area" means an area determined by the department to
128 have aesthetic value.

129 [~~(25)~~] (26) "Traveled way" means that portion of the roadway used for the movement
130 of vehicles, exclusive of shoulders and auxiliary lanes.

131 [~~(26)~~] (27) (a) "Unzoned commercial or industrial area" means:

132 (i) those areas not zoned by state law or local law, regulation, or ordinance that are
133 occupied by one or more industrial or commercial activities other than outdoor advertising
134 signs;

135 (ii) the lands along the highway for a distance of 600 feet immediately adjacent to
136 those activities; and

137 (iii) lands covering the same dimensions that are directly opposite those activities on
138 the other side of the highway, if the department determines that those lands on the opposite side
139 of the highway do not have scenic or aesthetic value.

140 (b) In measuring the scope of the unzoned commercial or industrial area, all
141 measurements shall be made from the outer edge of the regularly used buildings, parking lots,
142 storage, or processing areas of the activities and shall be along or parallel to the edge of
143 pavement of the highway.

144 (c) All signs located within an unzoned commercial or industrial area become
145 nonconforming if the commercial or industrial activity used in defining the area ceases for a
146 continuous period of 12 months.

147 [~~(27)~~] (28) "Urbanized county" means a county with a population of at least 125,000
148 persons.

149 Section 2. Section **72-7-504** is amended to read:

150 **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions**
151 **-- Logo advertising -- Department rules.**

152 (1) Outdoor advertising that is capable of being read or comprehended from any place
153 on the main-traveled way of an interstate or primary system may not be erected or maintained,
154 except:

155 (a) directional and other official signs and notices authorized or required by law,
156 including signs and notices pertaining to natural wonders and scenic and historic attractions,
157 informational or directional signs regarding utility service, emergency telephone signs, buried
158 or underground utility markers, and above ground utility closure signs;

159 (b) signs advertising the sale or lease of property upon which they are located;

160 (c) signs advertising activities conducted on the property where they are located,
161 including signs on the premises of a public assembly facility as provided in Section 72-7-504.5;

162 (d) signs located in a commercial or industrial zone;

163 (e) signs located in unzoned industrial or commercial areas as determined from actual
164 land uses; and

165 (f) logo advertising under Subsection (2).

166 (2) (a) The department may itself or by contract erect, administer, and maintain
167 informational signs on the main-traveled way of an interstate or primary system for the display
168 of logo advertising and information of interest to the traveling public if:

169 (i) the department complies with Title 63, Chapter 56, Utah Procurement Code, in the
170 lease or other contract agreement with a private party for the sign or sign space; and

171 (ii) the private party for the lease of the sign or sign space pays an amount set by the
172 department to be paid to the department or the party under contract with the department under
173 this Subsection (2).

174 (b) The amount shall be sufficient to cover the costs of erecting, administering, and
175 maintaining the signs or sign spaces.

176 (c) The department may consult the Division of Travel Development in carrying out
177 this Subsection (2).

178 (3) (a) Revenue generated under Subsection (2) shall be:

179 (i) applied first to cover department costs under Subsection (2); and

180 (ii) deposited in the Transportation Fund.

181 (b) Revenue in excess of costs under Subsection (2)(a) shall be deposited in the

182 General Fund as a dedicated credit for use by the Division of Travel Development no later than

183 the following fiscal year.

184 (4) Outdoor advertising under Subsections (1)(a), (d), (e), and (f) shall conform to the
185 rules made by the department under Sections 72-7-506 and 72-7-507.

186 Section 3. Section **72-7-504.5** is enacted to read:

187 **72-7-504.5. Public assembly facility signs -- Restrictions.**

188 Signs on the premises of a public assembly facility that do not bring rental income to
189 the owner of the public assembly facility may advertise:

190 (1) the name of the facility, including identifiable venues or stores within the facility;

191 and

192 (2) principal or accessory ~~h [activities, products, or services occurring or provided at the~~
193 ~~facility]~~ **PRODUCTS OR SERVICES OFFERED ON THE PROPERTY AND ACTIVITIES CONDUCTED ON**
193a **THE PROPERTY** ~~h~~ as permitted by 23 CFR Section 750.709, including:

194 (a) events being conducted in the facility or upon the premises, including the sponsor
195 of the current event; and

196 (b) ~~h [activities, products, or services sold at the facility]~~ **PRODUCTS OR SERVICES SOLD AT**
196a **THE FACILITY AND ACTIVITIES CONDUCTED ON THE PROPERTY** ~~h~~ that produce significant income
197 to the operation of the facility.

198 Section 4. **Effective date.**

199 This act takes effect on July 1, 2003.

Legislative Review Note
as of 2-18-03 4:32 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel