

1 **UNLAWFUL OUTDOOR ADVERTISING**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael G. Waddoups**

6 House Sponsor: James A. Dunnigan

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Utah Outdoor Advertising Act by amending provisions related to
11 unlawful outdoor advertising.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ increases the fine from \$10 to \$100 for each day an unlawful outdoor advertising
15 sign is maintained following the expiration of ten days after notice of agency action
16 was filed and served.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **72-7-508**, as renumbered and amended by Chapter 270, Laws of Utah 1998

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

26 Section 1. Section **72-7-508** is amended to read:

27 **72-7-508. Unlawful outdoor advertising -- Adjudicative proceedings -- Judicial**
28 **review -- Costs of removal -- Civil and criminal liability for damaging regulated signs --**
29 **Immunity for Department of Transportation.**

- 30 (1) Outdoor advertising is unlawful when:
- 31 (a) erected after May 9, 1967, contrary to the provisions of this chapter;
- 32 (b) a permit is not obtained as required by this part;
- 33 (c) a false or misleading statement has been made in the application for a permit that
- 34 was material to obtaining the permit; or
- 35 (d) the sign for which a permit was issued is not in a reasonable state of repair, is
- 36 unsafe, or is otherwise in violation of this part.
- 37 (2) The establishment, operation, repair, maintenance, or alteration of any sign contrary
- 38 to this chapter is also a public nuisance.
- 39 (3) Except as provided in Subsection (4), in its enforcement of this section, the
- 40 department shall comply with the procedures and requirements of Title 63, Chapter 46b,
- 41 Administrative Procedures Act.
- 42 (4) (a) The district courts shall have jurisdiction to review by trial de novo all final
- 43 orders of the department under this part resulting from formal and informal adjudicative
- 44 proceedings.
- 45 (b) Venue for judicial review of final orders of the department shall be in the county in
- 46 which the sign is located.
- 47 (5) If the department is granted a judgment, the department is entitled to have any
- 48 nuisance abated and recover from the responsible person, firm, or corporation, jointly and
- 49 severally:
- 50 (a) the costs and expenses incurred in removing the sign; and
- 51 (b) [~~\$10~~] \$100 for each day the sign was maintained following the expiration of ten
- 52 days after notice of agency action was filed and served under Section 63-46b-3.
- 53 (6) (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces,
- 54 destroys, or uses any sign controlled under this chapter without the owner's permission is liable
- 55 to the owner of the sign for treble the amount of damage sustained and all costs of court,
- 56 including a reasonable attorney's fee, and is guilty of a class C misdemeanor.
- 57 (b) This Subsection (6) does not apply to the department, its agents, or employees if

58 acting to enforce this part.