



30 17-27a-512, as last amended by Laws of Utah 2007, Chapter 171



31  
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section 10-9a-513 is amended to read:

34 **10-9a-513. Municipality's acquisition of billboard by eminent domain --**  
35 **Removal without providing compensation -- Limit on allowing nonconforming**  
36 **billboards to be rebuilt.**

37 (1) (a) A municipality is considered to have initiated the acquisition of a billboard  
38 structure by eminent domain if the municipality prevents a billboard owner from:

39 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged  
40 by casualty, an act of God, or vandalism;

41 (ii) except as provided in Subsection (1)(c), relocating or rebuilding a billboard  
42 structure, or taking other measures, to correct a mistake in the placement or erection of a  
43 billboard for which the municipality has issued a permit, if the proposed relocation,  
44 rebuilding, or other measure is consistent with the intent of that permit;

45 (iii) structurally modifying or upgrading a billboard; ~~[or]~~

46 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone  
47 within the municipality's boundaries, if:

48 ~~(A)~~ the relocated billboard is:

49 ~~[(A)]~~ (I) within 2,640 feet of its previous location; and

50 ~~[(B)]~~ (II) no closer than 500 feet from an off-premise sign existing on the same side of  
51 the street or highway; and

52 ~~[(C)]~~ (B) (I) the billboard owner has submitted a written request under Subsection  
53 10-9a-511(3)(c); and

54 (II) the municipality and billboard owner are unable to agree, within the time provided  
55 in Subsection 10-9a-511(3)(c), to a mutually acceptable location~~[-]; or~~

56 ~~[(b) A]~~ (v) making the following modifications, as the billboard owner determines, to  
57 a billboard that is structurally ~~[modifying or upgrading a billboard]~~ modified or upgraded

58 under Subsection (1)(a)(iii) or ~~[relocating the billboard]~~ relocated under Subsection (1)(a)(iv):

59 ~~[(i) may, as the owner determines:]~~

60 (A) ~~[erect]~~ erecting the billboard:

61 (I) to a height that is at least the same as, but no higher than, the previous use or  
62 structure, unless the municipality's ordinances allow or the municipality consents to a higher  
63 structure; and

64 (II) to a height and angle to make it clearly visible to traffic on the main traveled way  
65 of the street or highway on which the billboard is located; and

66 (B) ~~[install]~~ installing a sign face on the billboard that is at least the same size as, but  
67 no larger than, the sign face on the billboard before its relocation~~[-and]~~.

68 ~~[(ii)]~~ (b) A modification under Subsection (1)(a)(v) shall comply with Title 72,  
69 Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.

70 (c) A municipality's denial of a billboard owner's request to relocate or rebuild a  
71 billboard structure, or to take other measures, in order to correct a mistake in the placement or  
72 erection of a billboard does not constitute the initiation of acquisition by eminent domain  
73 under Subsection (1)(a) if the mistake in placement or erection of the billboard is determined  
74 by clear and convincing evidence to have resulted from an intentionally false or misleading  
75 statement:

76 (i) by the billboard applicant in the application; and

77 (ii) regarding the placement or erection of the billboard.

78 (d) If a municipality is considered to have initiated the acquisition of a billboard  
79 structure by eminent domain under Subsection (1)(a) or any other provision of applicable law,  
80 the municipality shall pay just compensation to the billboard owner in an amount that is:

81 (i) the value of the existing billboard at a fair market capitalization rate, based on  
82 actual annual revenue, less any annual rent expense;

83 (ii) the value of any other right associated with the billboard structure that is acquired;

84 (iii) the cost of the sign structure; and

85 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which

86 the billboard owner's interest is a part.

87 (2) Notwithstanding Subsection (1) and Section 10-9a-512, a municipality may  
88 remove a billboard without providing compensation if:

89 (a) the municipality determines:

90 (i) by clear and convincing evidence that the applicant for a permit intentionally made  
91 a false or misleading statement in the applicant's application regarding the placement or  
92 erection of the billboard; or

93 (ii) by substantial evidence that the billboard:

94 (A) is structurally unsafe;

95 (B) is in an unreasonable state of repair; or

96 (C) has been abandoned for at least 12 months;

97 (b) the municipality notifies the owner in writing that the owner's billboard meets one  
98 or more of the conditions listed in Subsections (2)(a)(i) and (ii);

99 (c) the owner fails to remedy the condition or conditions within:

100 (i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's  
101 receipt of written notice under Subsection (2)(b); or

102 (ii) if the condition forming the basis of the municipality's intention to remove the  
103 billboard is that it is structurally unsafe, ten business days, or a longer period if necessary  
104 because of a natural disaster, following the billboard owner's receipt of written notice under  
105 Subsection (2)(b); and

106 (d) following the expiration of the applicable period under Subsection (2)(c) and after  
107 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
108 the municipality finds:

109 (i) by clear and convincing evidence, that the applicant for a permit intentionally made  
110 a false or misleading statement in the application regarding the placement or erection of the  
111 billboard; or

112 (ii) by substantial evidence that the billboard is structurally unsafe, is in an  
113 unreasonable state of repair, or has been abandoned for at least 12 months.

114 (3) A municipality may not allow a nonconforming billboard to be rebuilt or replaced  
115 by anyone other than its owner or the owner acting through its contractors.

116 (4) A permit issued, extended, or renewed by a municipality for a billboard remains  
117 valid from the time the municipality issues, extends, or renews the permit until 180 days after  
118 a required state permit is issued for the billboard if:

119 (a) the billboard requires a state permit; and

120 (b) an application for the state permit is filed within 30 days after the municipality  
121 issues, extends, or renews a permit for the billboard.

122 Section 2. Section **17-27a-512** is amended to read:

123 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**  
124 **without providing compensation -- Limit on allowing nonconforming billboard to be**  
125 **rebuilt.**

126 (1) (a) A county is considered to have initiated the acquisition of a billboard structure  
127 by eminent domain if the county prevents a billboard owner from:

128 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged  
129 by casualty, an act of God, or vandalism;

130 (ii) except as provided in Subsection (1)(c), relocating or rebuilding a billboard  
131 structure, or taking other measures, to correct a mistake in the placement or erection of a  
132 billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or  
133 other measure is consistent with the intent of that permit;

134 (iii) structurally modifying or upgrading a billboard; [~~or~~]

135 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone  
136 within the unincorporated area of the county, if:

137 (A) the relocated billboard is:

138 [~~(A)~~] (I) within 2,640 feet of its previous location; and

139 [~~(B)~~] (II) no closer than 500 feet from an off-premise sign existing on the same side of  
140 the street or highway; and

141 [~~(C)~~] (B) (I) the billboard owner has submitted a written request under Subsection

142 17-27a-510(3)(c); and

143 (II) the county and billboard owner are unable to agree, within the time provided in  
144 Subsection 17-27a-510(3)(c), to a mutually acceptable location~~[-]; or~~

145 ~~[(b) A] (v) making the following modifications, as the billboard owner determines, to~~  
146 ~~a billboard that is structurally [modifying or upgrading a billboard] modified or upgraded~~  
147 under Subsection (1)(a)(iii) or ~~[relocating the billboard] relocated~~ under Subsection (1)(a)(iv):

148 ~~[(i) may, as the owner determines:]~~

149 (A) ~~[erect] erecting~~ the billboard:

150 (I) to a height that is at least the same as, but no higher than, the previous use or  
151 structure, unless the county's ordinances allow or the county consents to a higher structure;  
152 and

153 (II) to a height and angle to make it clearly visible to traffic on the main traveled way  
154 of the street or highway on which the billboard is located; and

155 (B) ~~[install] installing~~ a sign face on the billboard that is at least the same size as, but  
156 no larger than, the sign face on the billboard before its relocation~~[-; and]~~.

157 ~~[(i)] (b) A modification under Subsection (1)(a)(v) shall comply with Title 72,~~  
158 Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.

159 (c) A county's denial of a billboard owner's request to relocate or rebuild a billboard  
160 structure, or to take other measures, in order to correct a mistake in the placement or erection  
161 of a billboard does not constitute the initiation of acquisition by eminent domain under  
162 Subsection (1)(a) if the mistake in placement or erection of the billboard is determined by  
163 clear and convincing evidence to have resulted from an intentionally false or misleading  
164 statement:

165 (i) by the billboard applicant in the application; and

166 (ii) regarding the placement or erection of the billboard.

167 (d) If a county is considered to have initiated the acquisition of a billboard structure by  
168 eminent domain under Subsection (1)(a) or any other provision of applicable law, the county  
169 shall pay just compensation to the billboard owner in an amount that is:

170            (i) the value of the existing billboard at a fair market capitalization rate, based on  
171 actual annual revenue, less any annual rent expense;

172            (ii) the value of any other right associated with the billboard structure that is acquired;

173            (iii) the cost of the sign structure; and

174            (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which  
175 the billboard owner's interest is a part.

176            (2) Notwithstanding Subsection (1) and Section 17-27a-511, a county may remove a  
177 billboard without providing compensation if:

178            (a) the county determines:

179            (i) by clear and convincing evidence that the applicant for a permit intentionally made  
180 a false or misleading statement in the applicant's application regarding the placement or  
181 erection of the billboard; or

182            (ii) by substantial evidence that the billboard:

183            (A) is structurally unsafe;

184            (B) is in an unreasonable state of repair; or

185            (C) has been abandoned for at least 12 months;

186            (b) the county notifies the owner in writing that the owner's billboard meets one or  
187 more of the conditions listed in Subsections (2)(a)(i) and (ii);

188            (c) the owner fails to remedy the condition or conditions within:

189            (i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's  
190 receipt of written notice under Subsection (2)(b); or

191            (ii) if the condition forming the basis of the county's intention to remove the billboard  
192 is that it is structurally unsafe, ten business days, or a longer period if necessary because of a  
193 natural disaster, following the billboard owner's receipt of written notice under Subsection  
194 (2)(b); and

195            (d) following the expiration of the applicable period under Subsection (2)(c) and after  
196 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
197 the county finds:

198 (i) by clear and convincing evidence, that the applicant for a permit intentionally made  
199 a false or misleading statement in the application regarding the placement or erection of the  
200 billboard; or

201 (ii) by substantial evidence that the billboard is structurally unsafe, is in an  
202 unreasonable state of repair, or has been abandoned for at least 12 months.

203 (3) A county may not allow a nonconforming billboard to be rebuilt or replaced by  
204 anyone other than its owner or the owner acting through its contractors.

205 (4) A permit issued, extended, or renewed by a county for a billboard remains valid  
206 from the time the county issues, extends, or renews the permit until 180 days after a required  
207 state permit is issued for the billboard if:

208 (a) the billboard requires a state permit; and

209 (b) an application for the state permit is filed within 30 days after the county issues,  
210 extends, or renews a permit for the billboard.