

**BILLBOARD AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to billboards.

**Highlighted Provisions:**

This bill:

- ▶ provides and amends definitions;
- ▶ repeals provisions relating to a municipality's or county's ability to terminate a billboard and associated property rights;
- ▶ repeals provisions relating to a municipality's or county's acquisition of a billboard by eminent domain;
- ▶ repeals provisions relating to relocating a billboard in certain circumstances;
- ▶ provides that certain outdoor advertising is permitted only if allowed by a town, city, or county ordinance;
- ▶ requires a permit to be obtained prior to installing or converting each outdoor sign;
- ▶ prohibits the department from issuing a permit to construct or convert an outdoor advertising sign if the construction or conversion is inconsistent with or prohibited by a town, city, or county ordinance;
- ▶ amends provisions relating to the relocation of nonconforming signs;
- ▶ repeals provisions relating to providing just compensation or allowing the relocation or remodel of a nonconforming sign; and
- ▶ makes technical changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **10-9a-511**, as last amended by Laws of Utah 2012, Chapter 289

35 **17-27a-510**, as last amended by Laws of Utah 2009, Chapter 170

36 **72-7-502**, as last amended by Laws of Utah 2011, Chapter 346

37 **72-7-505**, as last amended by Laws of Utah 2011, Chapter 346

38 **72-7-507**, as last amended by Laws of Utah 2009, Chapter 183

39 **72-7-509**, as renumbered and amended by Laws of Utah 1998, Chapter 270

40 **72-7-510**, as last amended by Laws of Utah 2008, Chapter 3

41 REPEALS:

42 **10-9a-512**, as renumbered and amended by Laws of Utah 2005, Chapter 254

43 **10-9a-513**, as last amended by Laws of Utah 2009, Chapters 170 and 233

44 **17-27a-511**, as renumbered and amended by Laws of Utah 2005, Chapter 254

45 **17-27a-512**, as last amended by Laws of Utah 2009, Chapters 170 and 233



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

48 Section 1. Section **10-9a-511** is amended to read:

49 **10-9a-511. Nonconforming uses and noncomplying structures.**

50 (1) (a) Except as provided in this section, a nonconforming use or noncomplying  
51 structure may be continued by the present or a future property owner.

52 (b) A nonconforming use may be extended through the same building, provided no  
53 structural alteration of the building is proposed or made for the purpose of the extension.

54 (c) For purposes of this Subsection (1), the addition of a solar energy device to a  
55 building is not a structural alteration.

56 (2) The legislative body may provide for:

57 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or  
58 substitution of nonconforming uses upon the terms and conditions set forth in the land use

59 ordinance;

60 (b) the termination of all nonconforming uses, except billboards, by providing a  
61 formula establishing a reasonable time period during which the owner can recover or amortize  
62 the amount of his investment in the nonconforming use, if any; and

63 (c) the termination of a nonconforming use due to its abandonment.

64 (3) (a) A municipality may not prohibit the reconstruction or restoration of a  
65 noncomplying structure or terminate the nonconforming use of a structure that is involuntarily  
66 destroyed in whole or in part due to fire or other calamity unless the structure or use has been  
67 abandoned.

68 (b) A municipality may prohibit the reconstruction or restoration of a noncomplying  
69 structure or terminate the nonconforming use of a structure if:

70 (i) the structure is allowed to deteriorate to a condition that the structure is rendered  
71 uninhabitable and is not repaired or restored within six months after written notice to the  
72 property owner that the structure is uninhabitable and that the noncomplying structure or  
73 nonconforming use will be lost if the structure is not repaired or restored within six months; or

74 (ii) the property owner has voluntarily demolished a majority of the noncomplying  
75 structure or the building that houses the nonconforming use.

76 (c) [(†)] Notwithstanding a prohibition in its zoning ordinance, a municipality may  
77 permit a billboard owner to relocate the billboard within the municipality's boundaries to a  
78 location that is mutually acceptable to the municipality and the billboard owner.

79 [~~(ii) If the municipality and billboard owner cannot agree to a mutually acceptable~~  
80 ~~location within 90 days after the owner submits a written request to relocate the billboard, the~~  
81 ~~provisions of Subsection 10-9a-513(2)(a)(iv) apply.]~~

82 (4) (a) Unless the municipality establishes, by ordinance, a uniform presumption of  
83 legal existence for nonconforming uses, the property owner shall have the burden of  
84 establishing the legal existence of a noncomplying structure or nonconforming use.

85 (b) Any party claiming that a nonconforming use has been abandoned shall have the  
86 burden of establishing the abandonment.

87 (c) Abandonment may be presumed to have occurred if:

88 (i) a majority of the primary structure associated with the nonconforming use has been  
89 voluntarily demolished without prior written agreement with the municipality regarding an

90 extension of the nonconforming use;

91 (ii) the use has been discontinued for a minimum of one year; or

92 (iii) the primary structure associated with the nonconforming use remains vacant for a  
93 period of one year.

94 (d) The property owner may rebut the presumption of abandonment under Subsection  
95 (4)(c), and shall have the burden of establishing that any claimed abandonment under  
96 Subsection (4)(b) has not in fact occurred.

97 (5) A municipality may terminate the nonconforming status of a school district or  
98 charter school use or structure when the property associated with the school district or charter  
99 school use or structure ceases to be used for school district or charter school purposes for a  
100 period established by ordinance.

101 (6) A municipal ordinance adopted under Section 10-1-203.5 may not:

102 (a) require physical changes in a structure with a legal nonconforming rental housing  
103 use unless the change is for:

104 (i) the reasonable installation of:

105 (A) a smoke detector that is plugged in or battery operated;

106 (B) a ground fault circuit interrupter protected outlet on existing wiring;

107 (C) street addressing;

108 (D) except as provided in Subsection (7), an egress bedroom window if the existing  
109 bedroom window is smaller than that required by current state building code;

110 (E) an electrical system or a plumbing system, if the existing system is not functioning  
111 or is unsafe as determined by an independent electrical or plumbing professional who is  
112 licensed in accordance with Title 58, Occupations and Professions;

113 (F) hand or guard rails; or

114 (G) occupancy separation doors as required by the International Residential Code; or

115 (ii) the abatement of a structure; or

116 (b) be enforced to terminate a legal nonconforming rental housing use.

117 (7) A municipality may not require a change described in Subsection (6)(a)(i)(D) if the  
118 change:

119 (a) would compromise the structural integrity of a building; or

120 (b) could not be completed in accordance with current building codes, including

121 set-back and window well requirements.

122 (8) A legal nonconforming rental housing use may not be terminated under Section  
123 10-1-203.5.

124 Section 2. Section **17-27a-510** is amended to read:

125 **17-27a-510. Nonconforming uses and noncomplying structures.**

126 (1) (a) Except as provided in this section, a nonconforming use or a noncomplying  
127 structure may be continued by the present or a future property owner.

128 (b) A nonconforming use may be extended through the same building, provided no  
129 structural alteration of the building is proposed or made for the purpose of the extension.

130 (c) For purposes of this Subsection (1), the addition of a solar energy device to a  
131 building is not a structural alteration.

132 (2) The legislative body may provide for:

133 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or  
134 substitution of nonconforming uses upon the terms and conditions set forth in the land use  
135 ordinance;

136 (b) the termination of all nonconforming uses, except billboards, by providing a  
137 formula establishing a reasonable time period during which the owner can recover or amortize  
138 the amount of his investment in the nonconforming use, if any; and

139 (c) the termination of a nonconforming use due to its abandonment.

140 (3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying  
141 structure or terminate the nonconforming use of a structure that is involuntarily destroyed in  
142 whole or in part due to fire or other calamity unless the structure or use has been abandoned.

143 (b) A county may prohibit the reconstruction or restoration of a noncomplying structure  
144 or terminate the nonconforming use of a structure if:

145 (i) the structure is allowed to deteriorate to a condition that the structure is rendered  
146 uninhabitable and is not repaired or restored within six months after written notice to the  
147 property owner that the structure is uninhabitable and that the noncomplying structure or  
148 nonconforming use will be lost if the structure is not repaired or restored within six months; or

149 (ii) the property owner has voluntarily demolished a majority of the noncomplying  
150 structure or the building that houses the nonconforming use.

151 (c) [(+) ] Notwithstanding a prohibition in its zoning ordinance, a county may permit a

152 billboard owner to relocate the billboard within the county's unincorporated area to a location  
153 that is mutually acceptable to the county and the billboard owner.

154 ~~[(ii) If the county and billboard owner cannot agree to a mutually acceptable location  
155 within 90 days after the owner submits a written request to relocate the billboard, the  
156 provisions of Subsection 17-27a-512(2)(a)(iv) apply.]~~

157 (4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal  
158 existence for nonconforming uses, the property owner shall have the burden of establishing the  
159 legal existence of a noncomplying structure or nonconforming use.

160 (b) Any party claiming that a nonconforming use has been abandoned shall have the  
161 burden of establishing the abandonment.

162 (c) Abandonment may be presumed to have occurred if:

163 (i) a majority of the primary structure associated with the nonconforming use has been  
164 voluntarily demolished without prior written agreement with the county regarding an extension  
165 of the nonconforming use;

166 (ii) the use has been discontinued for a minimum of one year; or

167 (iii) the primary structure associated with the nonconforming use remains vacant for a  
168 period of one year.

169 (d) The property owner may rebut the presumption of abandonment under Subsection  
170 (4)(c), and shall have the burden of establishing that any claimed abandonment under  
171 Subsection (4)(c) has not in fact occurred.

172 (5) A county may terminate the nonconforming status of a school district or charter  
173 school use or structure when the property associated with the school district or charter school  
174 use or structure ceases to be used for school district or charter school purposes for a period  
175 established by ordinance.

176 Section 3. Section **72-7-502** is amended to read:

177 **72-7-502. Definitions.**

178 As used in this part:

179 (1) "Clearly visible" means capable of being read without obstruction by an occupant  
180 of a vehicle traveling on the main traveled way of a street or highway within the visibility area.

181 (2) "Commercial or industrial activities" means those activities generally recognized as  
182 commercial or industrial by zoning authorities in this state, except that none of the following

183 are commercial or industrial activities:

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

186 (b) transient or temporary activities;

187 (c) activities not visible from the main-traveled way;

188 (d) activities conducted in a building principally used as a residence; and

189 (e) railroad tracks and minor sidings.

190 (3) (a) "Commercial or industrial zone" means only:

191 (i) those areas within the boundaries of cities or towns that are used or reserved for  
192 business, commerce, or trade, or zoned as a highway service zone, under enabling state  
193 legislation or comprehensive local zoning ordinances or regulations;

194 (ii) those areas within the boundaries of urbanized counties that are used or reserved  
195 for business, commerce, or trade, or zoned as a highway service zone, under enabling state  
196 legislation or comprehensive local zoning ordinances or regulations;

197 (iii) those areas outside the boundaries of urbanized counties and outside the  
198 boundaries of cities and towns that:

199 (A) are used or reserved for business, commerce, or trade, or zoned as a highway  
200 service zone, under comprehensive local zoning ordinances or regulations or enabling state  
201 legislation; and

202 (B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured  
203 from the nearest point of the beginning or ending of the pavement widening at the exit from or  
204 entrance to the main-traveled way; or

205 (iv) those areas outside the boundaries of urbanized counties and outside the  
206 boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp,  
207 or turnoff as measured from the nearest point of the beginning or ending of the pavement  
208 widening at the exit from or entrance to the main-traveled way that are reserved for business,  
209 commerce, or trade under enabling state legislation or comprehensive local zoning ordinances  
210 or regulations, and are actually used for commercial or industrial purposes.

211 (b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of  
212 allowing outdoor advertising.

213 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's

214 comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by  
215 Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and  
216 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations  
217 is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor  
218 advertising.

219 (5) "Convert" means to change a sign structure face from its existing, nondigital  
220 surface to an electronic or digitally-controlled surface.

221 ~~[(5)]~~ (6) "Directional signs" means signs containing information about public places  
222 owned or operated by federal, state, or local governments or their agencies, publicly or  
223 privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites,  
224 and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department  
225 considers to be in the interest of the traveling public.

226 ~~[(6)]~~ (7) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach,  
227 create, paint, draw, or in any other way bring into being.

228 (b) "Erect" does not include any activities defined in Subsection ~~[(6)]~~ (7)(a) if they are  
229 performed incident to the change of an advertising message or customary maintenance of a  
230 sign.

231 ~~[(7)]~~ (8) "Highway service zone" means a highway service area where the primary use  
232 of the land is used or reserved for commercial and roadside services other than outdoor  
233 advertising to serve the traveling public.

234 ~~[(8)]~~ (9) "Information center" means an area or site established and maintained at rest  
235 areas for the purpose of informing the public of:

- 236 (a) places of interest within the state; or
- 237 (b) any other information that the department considers desirable.

238 ~~[(9)]~~ (10) "Interchange or intersection" means those areas and their approaches where  
239 traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration  
240 lanes, or feeder systems, from or to another federal, state, county, city, or other route.

241 ~~[(10)]~~ (11) "Maintain" means to allow to exist, subject to the provisions of this chapter.

242 ~~[(11)]~~ (12) (a) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an  
243 existing sign structure safe and in a state suitable for use, including signs destroyed by  
244 vandalism or an act of God.



245 (b) "Maintenance" does not include converting an existing sign structure.

246 [~~(12)~~] (13) "Main-traveled way" means the through traffic lanes, including auxiliary  
247 lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads  
248 and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each  
249 direction.

250 [~~(13)~~] (14) "Major sponsor" means a sponsor of a public assembly facility or of a team  
251 or event held at the facility where the amount paid by the sponsor to the owner of the facility,  
252 to the team, or for the event is at least \$100,000 per year.

253 [~~(14)~~] (15) "Official signs and notices" means signs and notices erected and maintained  
254 by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out  
255 official duties or responsibilities in accordance with direction or authorization contained in  
256 federal, state, or local law.

257 [~~(15)~~] (16) "Off-premise signs" means signs located in areas zoned industrial,  
258 commercial, or H-1 and in areas determined by the department to be unzoned industrial or  
259 commercial that advertise an activity, service, event, person, or product located on premises  
260 other than the premises at which the advertising occurs.

261 [~~(16)~~] (17) "On-premise signs" means signs used to advertise the major activities  
262 conducted on the property where the sign is located.

263 [~~(17)~~] (18) "Outdoor advertising" means any outdoor advertising structure or outdoor  
264 structure used in combination with an outdoor advertising sign or outdoor sign within the  
265 outdoor advertising corridor which is visible from a place on the main-traveled way of a  
266 controlled route.

267 [~~(18)~~] (19) "Outdoor advertising corridor" means a strip of land 350 feet wide,  
268 measured perpendicular from the edge of a controlled highway right-of-way.

269 [~~(19)~~] (20) "Outdoor advertising structure" or "outdoor structure" means any sign  
270 structure, including any necessary devices, supports, appurtenances, and lighting that is part of  
271 or supports an outdoor sign.

272 [~~(20)~~] (21) "Point of widening" means the point of the gore or the point where the  
273 intersecting lane begins to parallel the other lanes of traffic, but the point of widening may  
274 never be greater than 2,640 feet from the center line of the intersecting highway of the  
275 interchange or intersection at grade.

276            [~~(21)~~] (22) "Public assembly facility" means a convention facility as defined under  
277 Section 59-12-602 and that:

278            (a) includes all contiguous interests in land, improvements, and utilities acquired,  
279 constructed, and used in connection with the operation of the public assembly facility, whether  
280 the interests are owned or held in fee title or a lease or easement for a term of at least 40 years,  
281 and regardless of whether the interests are owned or operated by separate governmental  
282 authorities or districts;

283            (b) is wholly or partially funded by public money;

284            (c) requires a person attending an event at the public assembly facility to purchase a  
285 ticket or that otherwise charges for the use of the public assembly facility as part of its regular  
286 operation; and

287            (d) has a minimum and permanent seating capacity of at least 10,000 people.

288            [~~(22)~~] (23) "Public assembly facility sign" means a sign located on a public assembly  
289 facility that only advertises the public assembly facility, major sponsors, events, the sponsors of  
290 events held or teams playing at the facility, and products sold or services conducted at the  
291 facility.

292            [~~(23)~~] (24) "Relocation" includes the removal of a sign from one situs together with the  
293 erection of a new sign upon another situs in a commercial or industrial zoned area as a  
294 substitute.

295            [~~(24)~~] (25) "Relocation and replacement" means allowing all outdoor advertising signs  
296 or permits the right to maintain outdoor advertising along the interstate, federal aid primary  
297 highway existing as of June 1, 1991, and national highway system highways to be maintained  
298 in a commercial or industrial zoned area to accommodate the displacement, remodeling, or  
299 widening of the highway systems.

300            [~~(25)~~] (26) (a) "Remodel" means the upgrading, changing, alteration, refurbishment,  
301 modification, or complete substitution of a new outdoor advertising structure for one permitted  
302 pursuant to this part and that is located in a commercial or industrial area.

303            (b) "Remodel" does not include converting an existing sign structure.

304            [~~(26)~~] (27) "Rest area" means an area or site established and maintained within or  
305 adjacent to the right-of-way by or under public supervision or control for the convenience of  
306 the traveling public.

307            [~~(27)~~] (28) "Scenic or natural area" means an area determined by the department to  
308 have aesthetic value.

309            [~~(28)~~] (29) "Traveled way" means that portion of the roadway used for the movement  
310 of vehicles, exclusive of shoulders and auxiliary lanes.

311            [~~(29)~~] (30) (a) "Unzoned commercial or industrial area" means:

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

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

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

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

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

327            [~~(30)~~] (31) "Urbanized county" means a county with a population of at least 125,000  
328 persons.

329            [~~(31)~~] (32) "Visibility area" means the area on a street or highway that is:

330            (a) defined at one end by a line extending from the base of the billboard across all lanes  
331 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

332            (b) defined on the other end by a line extending across all lanes of traffic of the street  
333 or highway in a plane that is:

334            (i) perpendicular to the street or highway; and

335            (ii) 500 feet from the base of the billboard.

336            Section 4. Section **72-7-505** is amended to read:

337            **72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor --**

338 **Limit on implementation.**

339 (1) (a) Except as provided in Subsection (2), a sign face within the state may not  
340 exceed the following limits:

341 (i) maximum area - 1,000 square feet;

342 (ii) maximum length - 60 feet; and

343 (iii) maximum height - 25 feet.

344 (b) No more than two facings visible and readable from the same direction on the  
345 main-traveled way may be erected on any one sign structure. Whenever two facings are so  
346 positioned, neither shall exceed the maximum allowed square footage.

347 (c) Two or more advertising messages on a sign face and double-faced, back-to-back,  
348 stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces  
349 enjoy common ownership.

350 (d) A changeable message sign is permitted if:

351 (i) allowed by a town, city, or county ordinance; and

352 (ii) the interval between message changes is not more frequent than at least eight  
353 seconds and the actual message rotation process is accomplished in three seconds or less.

354 (e) An illumination standard adopted by any jurisdiction shall be uniformly applied to  
355 all signs, public or private, on or off premise.

356 (2) (a) An outdoor sign structure located inside the unincorporated area of a  
357 nonurbanized county may have the maximum height allowed by the county for outdoor  
358 advertising structures in the commercial or industrial zone in which the sign is located. If no  
359 maximum height is provided for the location, the maximum sign height may be 65 feet above  
360 the ground or 25 feet above the grade of the main traveled way, whichever is greater.

361 (b) An outdoor sign structure located inside an incorporated municipality or urbanized  
362 county may have the maximum height allowed by the municipality or urbanized county for  
363 outdoor advertising structures in the commercial or industrial zone in which the sign is located.  
364 If no maximum height is provided for the location, the maximum sign height may be 65 feet  
365 above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

366 (3) Except as provided in Section 72-7-509:

367 (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection  
368 72-7-504(1) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign

369 adjacent to an interstate highway or limited access primary highway, except that signs may be  
370 erected closer than 500 feet if the signs on the same side of the interstate highway or limited  
371 access primary highway are not simultaneously visible.

372 (b) Signs may not be located within 500 feet of any of the following which are adjacent  
373 to the highway, unless the signs are allowed by a town, city, or county ordinance or are in an  
374 incorporated area:

375 (i) public parks;

376 (ii) public forests;

377 (iii) public playgrounds;

378 (iv) areas designated as scenic areas by the department or other state agency having and  
379 exercising this authority; or

380 (v) cemeteries.

381 (c) (i) (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate  
382 highway or limited access highway on the primary system within 500 feet of an interchange, or  
383 intersection at grade, or rest area measured along the interstate highway or freeway from the  
384 sign to the nearest point of the beginning or ending of pavement widening at the exit from or  
385 entrance to the main-traveled way.

386 (B) Interchange and intersection distance limitations shall be measured separately for  
387 each direction of travel. A measurement for each direction of travel may not control or affect  
388 any other direction of travel.

389 (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning  
390 or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

391 (A) the sign is replacing an existing outdoor advertising use or structure which is being  
392 removed or displaced to accommodate the widening, construction, or reconstruction of an  
393 interstate, federal aid primary highway existing as of June 1, 1991, or national highway system  
394 highway; and

395 (B) it is located in a commercial or industrial zoned area inside an urbanized county or  
396 an incorporated municipality.

397 (d) The location of signs situated on nonlimited access primary highways in  
398 commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the  
399 primary highway shall not exceed the following minimum spacing criteria:

400 (i) Where the distance between centerlines of intersecting streets, roads, or highways is  
401 less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted  
402 between the intersecting streets or highways.

403 (ii) Where the distance between centerlines of intersecting streets, roads, or highways  
404 is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

405 (e) All outdoor advertising shall be erected and maintained within the outdoor  
406 advertising corridor.

407 (4) Subsection (3)(c)(ii) may not be implemented until:

408 (a) the Utah-Federal Agreement for carrying out national policy relative to control of  
409 outdoor advertising in areas adjacent to the national system of interstate and defense highways  
410 and the federal-aid primary system is modified to allow the sign placement specified in  
411 Subsection (3)(c)(ii); and

412 (b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state  
413 and the United States Secretary of Transportation.

414 Section 5. Section **72-7-507** is amended to read:

415 **72-7-507. Advertising -- Permits -- Application requirements -- Duration -- Fees.**

416 (1) (a) Outdoor advertising may not be maintained without a current permit.

417 (b) Applications for permits shall be made to the department on forms furnished by it.

418 (c) A permit [~~must~~] shall be obtained prior to installing or converting each outdoor  
419 sign.

420 (d) The application for a permit shall be accompanied by an initial fee established  
421 under Section 63J-1-504.

422 (2) (a) Each permit issued by the department is valid for a period of up to five years  
423 and shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination  
424 of the right to use the property, whichever is sooner.

425 (b) Upon renewal, each permit may be renewed for periods of up to five years upon the  
426 filing of a renewal application and payment of a renewal fee established under Section  
427 63J-1-504.

428 (3) Sign owners residing outside the state shall provide the department with a  
429 continuous performance bond in the amount of \$2,500.

430 (4) Fees may not be prorated for fractions of the permit period. Advertising copy may

431 be changed at any time without payment of an additional fee.

432 (5) (a) Each sign shall have its permit continuously affixed to the sign in a position  
433 visible from the nearest traveled portion of the highway.

434 (b) The permit shall be affixed to the sign structure within 30 days after delivery by the  
435 department to the permit holder, or within 30 days of the installation date of the sign structure.

436 (c) Construction of the sign structure shall begin within 180 days after delivery of the  
437 permit by the department to the permit holder and construction shall be completed within 365  
438 days after delivery of the permit.

439 (6) The department may not accept any applications for a permit or issue any permit to  
440 erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the  
441 permit holder or the permit holder's assigns until the permit has expired or has been terminated  
442 pursuant to the procedures under Section 72-7-508.

443 (7) Permits are transferrable if the ownership of the permitted sign is transferred.

444 (8) Conforming, permitted sign structures may be altered, changed, remodeled, and  
445 relocated subject to the provisions of Subsection (6).

446 (9) The department may not issue a permit to construct or convert an outdoor  
447 advertising sign if the construction or conversion is inconsistent with or prohibited by a town,  
448 city, or county ordinance.

449 Section 6. Section **72-7-509** is amended to read:

450 **72-7-509. Existing outdoor advertising not in conformity with part -- When**  
451 **removal required -- When relocation allowed.**

452 (1) Any outdoor advertising lawfully in existence along the interstate or the primary  
453 systems on May 9, 1967, and which is not then in conformity with its provisions is not required  
454 to be removed until five years after it becomes nonconforming or pursuant to the provisions of  
455 Section 72-7-510.

456 (2) Any existing outdoor advertising structure that does not comply with Section  
457 72-7-505, but that is located in [~~an industrial and commercial area;~~] an unzoned industrial and  
458 commercial area[;] or an area where outdoor advertising [~~would otherwise be~~] is permitted,  
459 may be remodeled and relocated on the same property [~~in a commercial or industrial zoned~~  
460 ~~area;~~] or another area where outdoor advertising [~~would~~] is otherwise [~~be~~] permitted under this  
461 part.

462 Section 7. Section **72-7-510** is amended to read:

463 **72-7-510. Existing outdoor advertising not in conformity with part -- Procedure**  
464 **-- Eminent domain -- Compensation -- Relocation.**

465 (1) As used in this section, "nonconforming sign" means a sign that has been erected in  
466 a zone or area other than commercial or industrial or where outdoor advertising is not  
467 permitted under this part.

468 (2) (a) The department may acquire by gift, purchase, agreement, exchange, or eminent  
469 domain, any existing outdoor advertising and all property rights pertaining to the outdoor  
470 advertising which were lawfully in existence on May 9, 1967, and which by reason of this part  
471 become nonconforming.

472 [~~(b) If the department, or any town, city, county, governmental entity, public utility, or~~  
473 ~~any agency or the United States Department of Transportation under this part, prevents the~~  
474 ~~maintenance as defined in Section 72-7-502, or requires that maintenance of an existing sign be~~  
475 ~~discontinued, the sign in question shall be considered acquired by the entity and just~~  
476 ~~compensation will become immediately due and payable.]~~

477 [~~(c) Eminent domain shall be exercised in accordance with the provision of Title 78B,~~  
478 ~~Chapter 6, Part 5, Eminent Domain.]~~

479 [~~(3) (a) Just compensation shall be paid for outdoor advertising and all property rights~~  
480 ~~pertaining to the same, including the right of the landowner upon whose land a sign is located,~~  
481 ~~acquired through the processes of eminent domain.]~~

482 [~~(b) For the purposes of this part, just compensation shall include the consideration of~~  
483 ~~damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign~~  
484 ~~company's interest, which remaining properties, together with the properties actually~~  
485 ~~condemned, constituted an economic unit.]~~

486 [~~(c)~~] (b) The department is empowered to remove signs found in violation of Section  
487 72-7-508 without payment of any compensation.

488 [(4)] (3) [~~Except as specifically provided in this section or Section 72-7-513, this~~] This  
489 part may not be construed to permit a person to place or maintain any outdoor advertising  
490 adjacent to any interstate or primary highway system which is prohibited by law or by any  
491 town, city, or county ordinance. [~~Any town, city, county, governmental entity, or public utility~~  
492 ~~which requires the removal, relocation, alteration, change, or termination of outdoor~~



493 advertising shall pay just compensation as defined in this part and in Title 78B, Chapter 6, Part  
494 5, Eminent Domain.]

495 ~~[(5) Except as provided in Section 72-7-508, no sign shall be required to be removed~~  
496 ~~by the department nor sign maintenance as described in this section be discontinued unless at~~  
497 ~~the time of removal or discontinuance there are sufficient funds, from whatever source,~~  
498 ~~appropriated and immediately available to pay the just compensation required under this~~  
499 ~~section and unless at that time the federal funds required to be contributed under 23 U.S.C.,~~  
500 ~~Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated~~  
501 ~~and are immediately available to this state.]~~

502 ~~[(6) (a) If any outdoor advertising use, structure, or permit may not be continued~~  
503 ~~because of the widening, construction, or reconstruction along an interstate, federal aid primary~~  
504 ~~highway existing as of June 1, 1991, or national highway systems highway, the owner shall~~  
505 ~~have the option to relocate and remodel the use, structure, or permit to another location:]~~

506 ~~[(i) on the same property;]~~

507 ~~[(ii) on adjacent property;]~~

508 ~~[(iii) on the same highway within 5280 feet of the previous location, which may be~~  
509 ~~extended 5280 feet outside the areas described in Subsection 72-7-505(3)(c)(i)(A), on either~~  
510 ~~side of the same highway; or]~~

511 ~~[(iv) mutually agreed upon by the owner and the county or municipality in which the~~  
512 ~~use, structure, or permit is located.]~~

513 ~~[(b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned~~  
514 ~~area or where outdoor advertising is permitted under this part.]~~

515 ~~[(c) The county or municipality in which the use or structure is located shall, if~~  
516 ~~necessary, provide for the relocation and remodeling by ordinance for a special exception to its~~  
517 ~~zoning ordinance.]~~

518 ~~[(d) The relocated and remodeled use or structure may be:]~~

519 ~~[(i) erected to a height and angle to make it clearly visible to traffic on the~~  
520 ~~main-traveled way of the highway to which it is relocated or remodeled;]~~

521 ~~[(ii) the same size and at least the same height as the previous use or structure, but the~~  
522 ~~relocated use or structure may not exceed the size and height permitted under this part;]~~

523 ~~[(iii) relocated to a comparable vehicular traffic count.]~~

524           ~~[(7) (a) The governmental entity, quasi-governmental entity, or public utility that~~  
525 ~~causes the need for the outdoor advertising relocation or remodeling as provided in Subsection~~  
526 ~~(6)(a) shall pay the costs related to the relocation, remodeling, or acquisition.]~~

527           ~~[(b) If a governmental entity prohibits the relocation and remodeling as provided in~~  
528 ~~Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).]~~

529           Section 8. **Repealer.**

530           This bill repeals:

531           Section **10-9a-512, Termination of a billboard and associated rights.**

532           Section **10-9a-513, Municipality's acquisition of billboard by eminent domain --**  
533 **Removal without providing compensation -- Limit on allowing nonconforming billboards**  
534 **to be rebuilt or replaced -- Validity of municipal permit after issuance of state permit.**

535           Section **17-27a-511, Termination of a billboard and associated rights.**

536           Section **17-27a-512, County's acquisition of billboard by eminent domain --**  
537 **Removal without providing compensation -- Limit on allowing nonconforming billboard**  
538 **to be rebuilt or replaced -- Validity of county permit after issuance of state permit.**

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Legislative Review Note  
as of 2-25-13 9:40 AM

Office of Legislative Research and General Counsel