

305 (b) a permit is not obtained as required by this part;

306 (c) a false or misleading statement has been made in the application for a permit that
307 was material to obtaining the permit; or

308 (d) the sign for which a permit was issued is not in a reasonable state of repair, is
309 unsafe, or is otherwise in violation of this part.

310 (2) The establishment, operation, repair, maintenance, or alteration of any sign contrary
311 to this chapter is also a public nuisance.

312 (3) Except as provided in Subsection (4), in its enforcement of this section, the
313 department shall comply with the procedures and requirements of Title 63G, Chapter 4,
314 Administrative Procedures Act.

315 (4) (a) The district courts shall have jurisdiction to review by trial de novo all final
316 orders of the department under this part resulting from formal and informal adjudicative
317 proceedings.

318 (b) Venue for judicial review of final orders of the department shall be in the county in
319 which the sign is located.

320 (5) ~~§~~ **(a)** ~~§~~ If the department is granted a judgment, the department is entitled to have
320a any
321 nuisance abated and recover from the responsible person, firm, or corporation, jointly and
322 severally:

323 ~~§~~ **(i)** ~~§~~ the costs and expenses incurred in removing the sign; ~~and~~

324 ~~§~~ **(ii)** ~~§~~ except as provided in Subsection (5) ~~§~~ **(iii)** ~~§~~ :

325 ~~§~~ **(A)** ~~§~~ \$500 for each day the sign was maintained following the expiration of 10
325a days after
326 notice of agency action was filed and served under Section [63G-4-201](#);

327 ~~§~~ **(B)** ~~§~~ \$750 for each day the sign was maintained following the expiration of 40
327a days after
328 notice of agency action was filed and served under Section [63G-4-201](#);

329 ~~§~~ **(C)** ~~§~~ \$1,000 for each day the sign was maintained following the expiration of
329a 70 days
330 after notice of agency action was filed and served under Section [63G-4-201](#); and

331 ~~§~~ **(D)** ~~§~~ \$1,500 for each day the sign was maintained following the expiration of
331a 100 days
332 after notice of agency action was filed and served under Section [63G-4-201](#)[-]; and

333 ~~§~~ **(iii)** ~~§~~ if a person, firm or corporation was previously served with a notice

333a of agency

334 action for unlawful outdoor advertising:

335 ~~§~~ → (A) ← ~~§~~ \$500 for each day the sign was maintained beginning the day after the

335a notice of

336 agency action was filed and served under Section 63G-4-201;

337 ~~§~~→ [(iii)] (B) ←~~§~~ \$750 for each day the sign was maintained following the expiration of 30
337a days after

338 the notice of agency action was filed and served under Section 63G-4-201;

339 ~~§~~→ [(iii)] (C) ←~~§~~ \$1,000 for each day the sign was maintained following the expiration of
339a 60 days

340 after the notice of agency action was filed and served under Section 63G-4-201; and

341 ~~§~~→ [(iv)] (D) ←~~§~~ \$1,500 for each day the sign was maintained following the expiration of
341a 90 days

342 after the notice of agency action was filed and served under Section 63G-4-201.

342a ~~§~~→ **(b) Notwithstanding Subsection (5)(a)(iii), the department has the discretion to either**
342b **collect the amounts described in Subsection (5)(a)(iii) or collect the amount of profit the**
342c **responsible person, firm, or corporation received while maintaining the unlawful outdoor**
342d **advertising.** ←~~§~~

343 (6) (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces,
344 destroys, or uses any sign controlled under this chapter without the owner's permission is liable
345 to the owner of the sign for treble the amount of damage sustained and all costs of court,
346 including a reasonable attorney's fee, and is guilty of a class C misdemeanor.

347 (b) This Subsection (6) does not apply to the department, its agents, or employees if
348 acting to enforce this part.

349 (7) The following criteria shall be used for determining whether an existing sign within
350 an interstate outdoor advertising corridor has as its purpose unlawful off-premise outdoor
351 advertising:

352 (a) whether the sign complies with this part;

353 (b) whether the premise includes an area:

354 (i) from which the general public is serviced according to normal industry practices for
355 organizations of that type; or

356 (ii) that is directly connected to or is involved in carrying out the activities and normal
357 industry practices of the advertised activities, services, events, persons, or products;

358 (c) whether the sign generates revenue:

359 (i) arising from the advertisement of activities, services, events, or products not
360 available on the premise according to normal industry practices for organizations of that type;

361 (ii) arising from the advertisement of activities, services, events, persons, or products
362 that are incidental to the principal activities, services, events, or products available on the