

Highway Expansion Impacts on Signage Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

This bill amends provisions related to the relocation of a billboard due to road construction or other highway changes.

Highlighted Provisions:

This bill:

- amends provisions related to the relocation of a billboard if the billboard was obstructed or impacted by the widening, construction, reconstruction, or other improvements appurtenant to the relevant highway.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

72-7-510.5, as last amended by Laws of Utah 2009, Chapter 170

72-7-513, as last amended by Laws of Utah 1999, Chapter 72

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

Section 1. Section **72-7-510** is amended to read:

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

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

- (2)(a) The department may acquire by gift, purchase, agreement, exchange, or eminent domain, any existing outdoor advertising and all property rights pertaining to the outdoor advertising which were lawfully in existence on May 9, 1967, and which by reason of this part become nonconforming.
- (b) If the department, or any town, city, county, governmental entity, public utility, or any agency or the United States Department of Transportation under this part, prevents the maintenance as defined in Section 72-7-502, or requires that maintenance of an existing sign be discontinued, the sign in question shall be considered acquired by the entity and just compensation will become immediately due and payable.
- (c) Eminent domain shall be exercised in accordance with the provision of Title 78B, Chapter 6, Part 5, Eminent Domain.
- (3)(a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to the same, including the right of the landowner upon whose land a sign is located, acquired through the processes of eminent domain.
- (b) For the purposes of this part, just compensation shall include the consideration of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign company's interest, which remaining properties, together with the properties actually condemned, constituted an economic unit.
- (c) The department is empowered to remove signs found in violation of Section 72-7-508 without payment of any compensation.
- (4) Except as specifically provided in this section or Section 72-7-513, this part may not be construed to permit a person to place or maintain any outdoor advertising adjacent to any interstate or primary highway system which is prohibited by law or by any town, city, or county ordinance. Any town, city, county, governmental entity, or public utility which requires the removal, relocation, alteration, change, or termination of outdoor advertising shall pay just compensation as defined in this part and in Title 78B, Chapter 6, Part 5, Eminent Domain.
- (5) Except as provided in Section 72-7-508, no sign shall be required to be removed by the department nor sign maintenance as described in this section be discontinued unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section and unless at that time the federal funds required to be contributed under 23 U.S.C., Sec. 131, if any, with respect to the outdoor advertising being removed, have

63 been appropriated and are immediately available to this state.

64 (6)(a) If any outdoor advertising use, structure, or permit may not be continued because
65 of the widening, construction, or reconstruction along an interstate, federal aid
66 primary highway existing as of June 1, 1991, or national highway systems highway,
67 the owner shall have the option to relocate and remodel the use, structure, or permit
68 to another location;

69 (i) within the same municipality or unincorporated county:

70 ~~[(i)]~~ (A) on the same property;

71 ~~[(ii)]~~ (B) on adjacent property;

72 (C) on either side of the same highway; or

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

76 ~~[(iv)]~~ (D) mutually agreed upon by the owner and the county or municipality in
77 which the use, structure, or permit is located[-] ; or

78 (ii) within a different municipality or unincorporated county mutually agreed upon by
79 the owner and the different municipality or county.

80 (b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned
81 area or where outdoor advertising is permitted under this part.

82 (c) The county or municipality in which the use or structure is located or is to be
83 relocated as described in Subsection (6)(a) shall, if necessary, provide for the
84 relocation and remodeling by ordinance for a special exception to its zoning
85 ordinance.

86 (d) The relocated and remodeled use or structure may be:

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

89 (ii) the same size and at least the same height as the previous use or structure, but the
90 relocated use or structure may not exceed the size and height permitted under this
91 part;

92 (iii) relocated to a comparable vehicular traffic count.

93 (7)(a) The governmental entity, quasi-governmental entity, or public utility that causes
94 the need for the outdoor advertising relocation or remodeling as provided in
95 Subsection (6)(a) shall pay the costs related to the relocation, remodeling, or
96 acquisition.

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

Section 2. Section **72-7-510.5** is amended to read:

72-7-510.5 . Height adjustments for outdoor advertising signs.

- (1) If the view and readability of an outdoor advertising sign, including a sign that is a nonconforming sign as defined in Section 72-7-510, a noncomplying structure as defined in Sections 10-9a-103 and 17-27a-103, or a nonconforming use as defined in Sections 10-9a-103 and 17-27a-103 is obstructed due to a noise abatement or safety measure, grade change, construction, directional sign, highway widening, or aesthetic improvement made by an agency of this state, along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway or by an improvement created on real property subsequent to the department's disposal of the property under Section 72-5-111, the owner of the sign may:
- (a) adjust the height of the sign;~~[-or]~~
- (b) if the sign is located along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, relocate the sign to either side of the same highway, within the same municipality or unincorporated county, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone;
- (c) if the sign is located along a state highway, relocate the sign to either side of the same highway, within the same municipality or unincorporated county, to a point within one mile of the sign's prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is located in a commercial or industrial zone; or
- (d) relocate the sign to a location that is mutually agreed upon by the owner and:
- (i) the same municipality or unincorporated county in which the obstructed sign is located; or
- (ii) any other municipality or unincorporated county.
- ~~[(b) relocate the sign to a point within 500 feet of its prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone.]~~
- (2) A height adjusted sign under this section does not constitute a substantial change to the sign.

(3) The county or municipality in which the ~~[outdoor advertising]~~ obstructed sign is located or is to be relocated shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance.

(4)(a) The height adjusted sign:

(i) may be erected:

(A) to a height to make the entire advertising content of the sign clearly visible;

and

(B) to an angle to make the entire advertising content of the sign clearly visible;

and

(ii) shall be the same size as the previous sign.

(b) The provisions of Subsection (4)(a) are an exception to the height requirements under Section 72-7-505.

Section 3. Section **72-7-513** is amended to read:

72-7-513 . Relocation on state highways.

(1) As used in this section, "state highway" means those highways designated as state highways in ~~[Title 72, Chapter 4, Designation of State Highways Act]~~ Chapter 4, Designation of State Highways Act, on July 1, 1999, and any subsequently designated state highway.

(2) If any outdoor advertising use or structure may not be continued because of the widening, construction, or reconstruction along a state highway, the owner shall have the option to relocate and remodel the use or structure to another location:

(a) within the same municipality or unincorporated county:

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

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

~~[(c)]~~ (iii) on either side of the same highway if the new location is within [2640 feet] one mile of the previous location~~[on either side of the same highway]~~; or

~~[(d)]~~ (iv) another location mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located~~[-]~~ ; or

(b) another location mutually agreed upon by the owner and another municipality or county.

(3) The relocation under Subsection (2) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.

(4) The county or municipality in which the use or structure is located or is to be relocated under Subsection (2) shall, if necessary, provide for the relocation and remodeling by

ordinance for a special exception to its zoning ordinance.

(5) The relocated and remodeled use or structure may be:

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

(b) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;

(c) relocated to a comparable vehicular traffic count.

(6)(a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (2) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (2)(a)[~~-, (b), or (c)~~], it shall pay just compensation as provided in Subsection 72-7-510(3).

Section 4. Effective Date.

This bill takes effect on May 7, 2025.