

## Part 5 Utah Outdoor Advertising Act

### **72-7-501 Purpose of part -- Utah-Federal Agreements ratified.**

- (1) The purpose of this part is to provide the statutory basis for the regulation of outdoor advertising consistent with zoning principles and standards and the public policy of this state in providing public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in highways, to preserve the natural scenic beauty of lands bordering on highways, and to ensure that outdoor advertising shall be continued as a standardized medium of communication throughout the state so that it is preserved and can continue to provide general information in the specific interest of the traveling public safely and effectively.
- (2) It is the purpose of this part to provide a statutory basis for the reasonable regulation of outdoor advertising consistent with the customary use, zoning principles and standards, the protection of private property rights, and the public policy relating to areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and the national highway systems highways.
- (3) The agreement entered into between the governor of the state of Utah and the Secretary of Transportation of the United States dated January 18, 1968, regarding the size, lighting, and spacing of outdoor advertising which may be erected and maintained within areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and national highway systems highways which are zoned commercial or industrial or in other unzoned commercial or industrial areas as defined pursuant to the terms of the agreement is hereby ratified and approved, subject to subsequent amendments.

Renumbered and Amended by Chapter 270, 1998 General Session

### **72-7-502 Definitions.**

As used in this part:

- (1) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on the main traveled way of a street or highway within the visibility area.
- (2) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following are commercial or industrial activities:
  - (a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;
  - (b) transient or temporary activities;
  - (c) activities not visible from the main-traveled way;
  - (d) activities conducted in a building principally used as a residence; and
  - (e) railroad tracks and minor sidings.
- (3)
  - (a) "Commercial or industrial zone" means only:
    - (i) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;
    - (ii) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

- (iii) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns that:
  - (A) are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under comprehensive local zoning ordinances or regulations or enabling state legislation; and
  - (B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way; or
- (iv) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes.
- (b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of allowing outdoor advertising.
- (4) "Comprehensive local zoning ordinances or regulations" means a municipality's comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor advertising.
- (5) "Contiguous" means that a portion of one parcel of land is situated immediately adjacent to, and shares a common boundary with, a portion of another parcel of land.
- (6) "Controlled route" means any route where outdoor advertising control is mandated by state or federal law, including under this part and under the Utah-Federal Agreements described in Section 72-7-501.
- (7) "Directional signs" means signs containing information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department considers to be in the interest of the traveling public.
- (8)
  - (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being.
  - (b) "Erect" does not include any activities defined in Subsection (8)(a) if they are performed incident to the change of an advertising message or customary maintenance of a sign.
- (9) "Highway service zone" means a highway service area where the primary use of the land is used or reserved for commercial and roadside services other than outdoor advertising to serve the traveling public.
- (10) "Information center" means an area or site established and maintained at rest areas for the purpose of informing the public of:
  - (a) places of interest within the state; or
  - (b) any other information that the department considers desirable.
- (11) "Interchange or intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes, or feeder systems, from or to another federal, state, county, city, or other route.
- (12) "Maintain" means to allow to exist, subject to the provisions of this chapter.

- (13) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of God.
- (14) "Main-traveled way" means the through traffic lanes, including auxiliary lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each direction.
- (15) "Major sponsor" means a sponsor of a public assembly facility or of a team or event held at the facility where the amount paid by the sponsor to the owner of the facility, to the team, or for the event is at least \$100,000 per year.
- (16) "Official signs and notices" means signs and notices erected and maintained by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out official duties or responsibilities in accordance with direction or authorization contained in federal, state, or local law.
- (17) "Off-premise sign" means a sign located in an area zoned industrial, commercial, or H-1 and in an area determined by the department to be unzoned industrial or commercial that advertises an activity, service, event, person, or product located on premises other than the premises on which the sign is located.
- (18) "On-premise sign" means a sign used to advertise the sale or lease of, or activities conducted on, the property on which the sign is located.
- (19) "Outdoor advertising" means any outdoor advertising structure or outdoor structure used in combination with an outdoor advertising sign or outdoor sign within the outdoor advertising corridor which is visible from a place on the main-traveled way of a controlled route.
- (20) "Outdoor advertising corridor" means a strip of land 660 feet wide, measured perpendicular from the edge of a controlled highway right-of-way.
- (21) "Outdoor advertising structure" or "outdoor structure" means any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.
- (22) "Point of widening" means the point of the gore or the point where the intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never be greater than 2,640 feet from the center line of the intersecting highway of the interchange or intersection at grade.
- (23) "Public assembly facility" means a convention facility as defined under Section 59-12-602 that:
  - (a) includes all contiguous interests in land, improvements, and utilities acquired, constructed, and used in connection with the operation of the public assembly facility, whether the interests are owned or held in fee title or a lease or easement for a term of at least 40 years, and regardless of whether the interests are owned or operated by separate governmental authorities or districts;
  - (b) is wholly or partially funded by public money;
  - (c) requires a person attending an event at the public assembly facility to purchase a ticket or that otherwise charges for the use of the public assembly facility as part of its regular operation; and
  - (d) has a minimum and permanent seating capacity of at least 10,000 people.
- (24) "Public assembly facility sign" means a sign located on a public assembly facility that only advertises the public assembly facility, major sponsors, events, the sponsors of events held or teams playing at the facility, and products sold or services conducted at the facility.
- (25) "Relocation" includes the removal of a sign from one situs together with the erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.
- (26) "Relocation and replacement" means allowing all outdoor advertising signs or permits the right to maintain outdoor advertising along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system highways to be maintained in a commercial

or industrial zoned area to accommodate the displacement, remodeling, or widening of the highway systems.

- (27) "Remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this part and that is located in a commercial or industrial area.
- (28) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.
- (29) "Scenic or natural area" means an area determined by the department to have aesthetic value.
- (30) "Traveled way" means that portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- (31)
  - (a) "Unzoned commercial or industrial area" means:
    - (i) those areas not zoned by state law or local law, regulation, or ordinance that are occupied by one or more industrial or commercial activities other than outdoor advertising signs;
    - (ii) the lands along the highway for a distance of 600 feet immediately adjacent to those activities; and
    - (iii) lands covering the same dimensions that are directly opposite those activities on the other side of the highway, if the department determines that those lands on the opposite side of the highway do not have scenic or aesthetic value.
  - (b) In measuring the scope of the unzoned commercial or industrial area, all measurements shall be made from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be along or parallel to the edge of pavement of the highway.
  - (c) All signs located within an unzoned commercial or industrial area become nonconforming if the commercial or industrial activity used in defining the area ceases for a continuous period of 12 months.
- (32) "Urbanized county" means a county with a population of at least 125,000 persons.
- (33) "Visibility area" means the area on a street or highway that is:
  - (a) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and
  - (b) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:
    - (i) perpendicular to the street or highway; and
    - (ii) 500 feet from the base of the billboard.

Amended by Chapter 299, 2016 General Session

**72-7-503 Advertising -- Permit required -- Penalty for violation.**

- (1) It is unlawful for any person to place any form of advertising upon any part of the public domain, or within 660 feet of a public highway, except within the corporate limits of a city or town, and except upon land in private ownership situated along the highway, without first receiving a permit from the department, if a state highway, or from the county executive, if a county road.
- (2) Any person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 299, 2016 General Session

**72-7-504 Advertising prohibited near interstate or primary system -- Exceptions -- Logo advertising -- Department rules.**

- (1) As used in this section, "specific service trailblazer sign" means a guide sign that provides users with business identification or directional information for services and eligible activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).
- (2) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:
  - (a) directional and other official signs and notices authorized or required by law, including signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers, and above ground utility closure signs;
  - (b) on-premise signs advertising the sale or lease of property upon which the on-premise signs are located;
  - (c) on-premise signs advertising major activities conducted on the property where the on-premise signs are located;
  - (d) public assembly facility signs;
  - (e) unified commercial development signs that have received a waiver as described in Section 72-7-504.6;
  - (f) signs located in a commercial or industrial zone;
  - (g) signs located in unzoned industrial or commercial areas as determined from actual land uses; and
  - (h) logo advertising under Subsection (3).
- (3)
  - (a) The department may itself or by contract erect, administer, and maintain informational signs:
    - (i) on the main-traveled way of an interstate or primary system, as it existed on June 1, 1991, specific service signs for the display of logo advertising and information of interest, excluding specific service trailblazer signs as defined in rules adopted in accordance with Section 41-6a-301, to the traveling public if:
      - (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the sign or sign space; and
      - (B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3); and
    - (ii) only on rural conventional roads as defined in rules adopted in accordance with Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional signs that display logo advertising and information of interest to the traveling public if:
      - (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the tourist-oriented directional sign or sign space; and
      - (B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3).
  - (b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the signs or sign spaces.
  - (c)
    - (i) Any sign erected pursuant to this Subsection (3) which was existing as of March 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).

- (ii) A noncompliant sign shall only be permitted for the contract period of the advertising contract.
- (iii) A new advertising contract may not be issued for a noncompliant sign.
- (d) The department may consult the Governor's Office of Economic Opportunity in carrying out this Subsection (3).
- (4)
  - (a) Revenue generated under Subsection (3) shall be:
    - (i) applied first to cover department costs under Subsection (3); and
    - (ii) deposited into the Transportation Fund.
  - (b) Revenue in excess of costs under Subsection (3)(a) shall be deposited into the General Fund as a dedicated credit for use by the Governor's Office of Economic Opportunity no later than the following fiscal year.
- (5) Outdoor advertising under Subsections (2)(a), (f), (g), and (h) shall conform to the rules made by the department under Sections 72-7-506 and 72-7-507.

Amended by Chapter 282, 2021 General Session

**72-7-504.5 Public assembly facility signs -- Restrictions.**

- (1) Signs on the premises of a public assembly facility that do not bring rental income to the owner of the public assembly facility may advertise:
  - (a) the name of the facility, including identifiable venues or stores within the facility; and
  - (b) principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 C.F.R. Section 750.709, including:
    - (i) events being conducted in the facility or upon the premises, including the sponsor of the current event; and
    - (ii) products or services sold at the facility and activities conducted on the property that produce significant income to the operation of the facility.
- (2) An advertising structure described in Subsection (1):
  - (a) shall be located on a public assembly facility or on a parcel contiguous to the public assembly facility;
  - (b) shall be under the same ownership as the public assembly facility; and
  - (c) may not be separated from the public assembly facility by a public road.
- (3) An advertising structure described in Subsection (1) may only promote a maximum of seven major sponsors and the sponsor of a current event at any one time.
- (4) An advertising structure described in Subsection (1) may not be located on narrow land held by easement or anything other than a fee interest unless it is a part of a public assembly facility.
- (5) A public assembly facility is exempt from the requirement under this part to have a state outdoor advertising permit.

Amended by Chapter 346, 2011 General Session

**72-7-504.6 Unified commercial development.**

- (1) As used in this section:
  - (a) "Common areas" means sidewalks, roadways, landscaping, parking, storage, and service areas that are identified on the approved map provided to the department describing the unified commercial development as required by this section.
  - (b)

- (i) "Contiguous" includes parcels that are otherwise contiguous, as defined in Section 72-7-502, that are considered to be contiguous notwithstanding a survey error or discrepancy in a legal boundary description or the presence of any of the following intervening features, including land reasonably related to those features:
    - (A) a road, other than a controlled route, that provides access to the development;
    - (B) a railway right-of-way; or
    - (C) land that is undevelopable.
  - (ii) "Contiguous" does not include a parcel of land that is only physically connected to another parcel of land by a long, narrow strip.
  - (c) "Permit waiver" means written approval by the department, issued to the owner of a unified commercial development, to maintain a unified commercial development sign within the outdoor corridor that is within the boundaries of a unified commercial development per this section.
  - (d)
    - (i) "Property," for purposes of the definition of " unified commercial development sign," includes all property within a unified commercial development upon which all owners in the development have irrevocable shared ownership and use rights and irrevocable shared obligations to the common areas, and specifically excludes any parcels of land within a unified commercial development that allow residential use.
    - (ii) "Property" does not include development that involves merely reciprocal easements or use agreements among individual properties.
    - (iii) If the owners in an approved unified commercial development subdivide the unified commercial development into individual parcels that do not meet the criteria in this Subsection (1)(d), then the approved unified commercial development sign permit waiver shall be denied or revoked.
  - (e) "Unified commercial development" means a development that:
    - (i) is used primarily for commercial or industrial activities;
    - (ii) is developed by a single developer, including successors, under a common development plan;
    - (iii) may include phased development;
    - (iv) consists solely of land that is contiguous;
    - (v) holds itself out to the public as a common development through signs and other marketing efforts; and
    - (vi) received planning approval from the local land use authority and is recorded in the county in which the development was approved.
  - (f) "Unified commercial development sign" means a sign:
    - (i) erected within an approved unified commercial development;
    - (ii) erected within the outdoor advertising corridor; and
    - (iii) that advertises only the brands, logos, or trade names of businesses, products, services, and events that are available to the public at facilities on parcels within the boundaries of the unified commercial development.
- (2)
- (a) The department shall issue a revocable permit waiver to the owner of a unified commercial development, approved by the local land use authority, for the erection and maintenance of a unified commercial development sign within the outdoor advertising corridor after receiving the development map that:
    - (i) is approved by the local land use authority and recorded by the county; and
    - (ii) shows:

- (A) the unified commercial development sign location;
  - (B) the boundaries of the unified commercial development; and
  - (C) included parcels, owners, and businesses within the development that would qualify to advertise on the unified commercial development sign in compliance with this section.
- (b) The entity holding a permit waiver under this section shall provide an updated list of all businesses located within the unified commercial development every 12 months from the date of issue of the unified commercial development permit waiver.
- (c) In the event that a parcel within the boundaries of the approved unified commercial development allows a residential use, is removed from the development, or does not include irrevocable ownership and use rights and obligations, that parcel shall be excluded from the unified commercial development for purposes of determining a legal site for the sign, and any business, product, service, or event occurring on that parcel shall be excluded from display upon the unified commercial development sign.
- (3) A unified commercial development sign within a unified commercial development shall prominently display the name of the development and may also advertise:
- (a) the sale or lease of land within the unified commercial development where the sign is located;
  - (b) the name of identifiable facilities or stores within the unified commercial development; and
  - (c) products for sale or services provided to the public at licensed businesses within the unified commercial development.
- (4)
- (a) A unified commercial development sign may not:
    - (i) advertise brands, logos, or trade names of businesses, products, services, events, or activities that are not available to the public at facilities or stores within the unified commercial development or are only incidental to any business within the unified commercial development;
    - (ii) advertise products, services, brands, logos, or trade names of any business more than 90 days before the opening day of business to the public within the unified commercial development of the facilities or stores of the named advertiser; or
    - (iii) exceed the measurable limits described in Subsection (4)(b).
  - (b) A unified commercial development sign shall be:
    - (i) 750 feet, measured along the same side of an interstate right-of-way, from any other unified commercial development sign within the same unified commercial development; and
    - (ii) 475 feet, measured along the same side of the right-of-way of any noninterstate controlled route, from any other unified commercial development sign within the same unified commercial development.
- (5) A unified commercial development sign that is not maintained in compliance with this section shall:
- (a) have the sign owner's permit waiver revoked by the department;
  - (b) be considered as unlawful outdoor advertising; and
  - (c) be subject to penalties described in Section 72-7-508 and Subsection 72-7-510(3)(c).
- (6) Notwithstanding any other provision in this part to the contrary, any sign or structure lawfully existing under Laws of Utah 2016, Chapter 299, on February 1, 2017, may continue to be operated, maintained, rebuilt, or replaced in a manner consistent with such chapter.

Amended by Chapter 260, 2017 General Session

**72-7-505 Sign size -- Sign spacing -- Location in outdoor advertising corridor -- Limit on implementation.**



- (1)
  - (a) Except as provided in Subsection (2), a sign face within the state may not exceed the following limits:
    - (i) maximum area - 1,000 square feet;
    - (ii) maximum length - 60 feet; and
    - (iii) maximum height - 25 feet.
  - (b) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed the maximum allowed square footage.
  - (c) Two or more advertising messages on a sign face and double-faced, back-to-back, stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces enjoy common ownership.
  - (d) A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.
  - (e) An illumination standard adopted by any jurisdiction shall be uniformly applied to all signs, public or private, on or off premise.
- (2)
  - (a) An outdoor sign structure located inside the unincorporated area of a nonurbanized county may have the maximum height allowed by the county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.
  - (b) An outdoor sign structure located inside an incorporated municipality or urbanized county may have the maximum height allowed by the municipality or urbanized county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.
- (3) Except as provided in Section 72-7-509:
  - (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection 72-7-504(2) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign adjacent to an interstate highway or limited access primary highway, except that signs may be erected closer than 500 feet if the signs on the same side of the interstate highway or limited access primary highway are not simultaneously visible.
  - (b) Signs may not be located within 500 feet of any of the following which are adjacent to the highway, unless the signs are in an incorporated area:
    - (i) public parks;
    - (ii) public forests;
    - (iii) public playgrounds;
    - (iv) areas designated as scenic areas by the department or other state agency having and exercising this authority; or
    - (v) cemeteries.
  - (c)
    - (i)
      - (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate highway or limited access highway on the primary system within 500 feet of an interchange, or intersection at grade, or rest area measured along the interstate highway or freeway from

the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

- (B) Interchange and intersection distance limitations shall be measured separately for each direction of travel. A measurement for each direction of travel may not control or affect any other direction of travel.
- (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way, if:
  - (A) the sign is replacing an existing outdoor advertising use or structure which is being removed or displaced to accommodate the widening, construction, or reconstruction of an interstate, federal aid primary highway existing as of June 1, 1991, or national highway system highway; and
  - (B) it is located in a commercial or industrial zoned area inside an urbanized county or an incorporated municipality.
- (d) The location of signs situated on nonlimited access primary highways in commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the primary highway shall not exceed the following minimum spacing criteria:
  - (i) Where the distance between centerlines of intersecting streets, roads, or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.
  - (ii) Where the distance between centerlines of intersecting streets, roads, or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.
- (e) All outdoor advertising shall be erected and maintained within the outdoor advertising corridor.
- (4) Subsection (3)(c)(ii) may not be implemented until:
  - (a) the Utah-Federal Agreement for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system is modified to allow the sign placement specified in Subsection (3)(c)(ii); and
  - (b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state and the United States Secretary of Transportation.

Amended by Chapter 402, 2015 General Session

**72-7-506 Advertising -- Regulatory power of department -- Notice requirements.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules no more restrictive than this chapter to:
  - (a) control the erection and maintenance of outdoor advertising along the interstate and primary highway systems;
  - (b) provide for enforcement of this chapter;
  - (c) establish the form, content, and submittal of applications to erect outdoor advertising; and
  - (d) establish administrative procedures.
- (2) In addition to all other statutory notice requirements:
  - (a) the department shall give reasonably timely written notice to all outdoor advertising permit holders of any changes or proposed changes in administrative rules made under authority of this part; and
  - (b) any county, municipality, or governmental entity shall, upon written request, give reasonably timely written notice to all outdoor advertising permit holders within its jurisdiction of any

change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances.

Amended by Chapter 382, 2008 General Session

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

- (1)
  - (a) Outdoor advertising may not be maintained without a current permit.
  - (b) Applications for permits shall be made to the department on forms furnished by it.
  - (c) A permit must be obtained prior to installing each outdoor sign.
  - (d) The application for a permit shall be accompanied by an initial fee established under Section 63J-1-504.
- (2)
  - (a) Each permit issued by the department is valid for a period of up to five years and shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination of the right to use the property, whichever is sooner.
  - (b) Upon renewal, each permit may be renewed for periods of up to five years upon the filing of a renewal application and payment of a renewal fee established under Section 63J-1-504.
- (3) Sign owners residing outside the state shall provide the department with a continuous performance bond in the amount of \$2,500.
- (4) Fees may not be prorated for fractions of the permit period. Advertising copy may be changed at any time without payment of an additional fee.
- (5)
  - (a) Each sign shall have its permit continuously affixed to the sign in a position visible from the nearest traveled portion of the highway.
  - (b) The permit shall be affixed to the sign structure within 30 days after delivery by the department to the permit holder, or within 30 days of the installation date of the sign structure.
  - (c) Construction of the sign structure shall begin within 180 days after delivery of the permit by the department to the permit holder and construction shall be completed within 365 days after delivery of the permit.
- (6) The department may not accept any applications for a permit or issue any permit to erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the permit holder or the permit holder's assigns until the permit has expired or has been terminated pursuant to the procedures under Section 72-7-508.
- (7) Permits are transferrable if the ownership of the permitted sign is transferred.
- (8) Conforming, permitted sign structures may be altered, changed, remodeled, and relocated subject to the provisions of Subsection (6).

Amended by Chapter 183, 2009 General Session

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

- (1) Outdoor advertising is unlawful when:
  - (a) erected after May 9, 1967, contrary to the provisions of this chapter;
  - (b) a permit is not obtained as required by this part;
  - (c) a false or misleading statement has been made in the application for a permit that was material to obtaining the permit;

- (d) the sign for which a permit was issued is not in a reasonable state of repair, is unsafe, or is otherwise in violation of this part; or
  - (e) a sign in the outdoor advertising corridor is permitted by the local zoning authority as an on-premise sign and the sign, from time to time or continuously, advertises an activity, service, event, person, or product located on property other than the property on which the sign is located.
- (2) The establishment, operation, repair, maintenance, or alteration of any sign contrary to this chapter is also a public nuisance.
- (3) Except as provided in Subsections (4) and (10), in its enforcement of this section, the department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (4)
- (a) The district courts shall have jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.
  - (b) Venue for judicial review of final orders of the department shall be in the county in which the sign is located.
- (5) If the department is granted a judgment in an action brought under Subsection (4), the department is entitled to have any nuisance abated and recover from the responsible person, firm, or corporation, jointly and severally:
- (a) the costs and expenses incurred in removing the sign; and
  - (b)
    - (i) \$500 for each day the sign was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201;
    - (ii) \$750 for each day the sign was maintained following the expiration of 40 days after notice of agency action was filed and served under Section 63G-4-201;
    - (iii) \$1,000 for each day the sign was maintained following the expiration of 70 days after notice of agency action was filed and served under Section 63G-4-201; and
    - (iv) \$1,500 for each day the sign was maintained following the expiration of 100 days after notice of agency action was filed and served under Section 63G-4-201.
- (6)
- (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces, destroys, or uses any sign controlled under this chapter without the owner's permission is liable to the owner of the sign for treble the amount of damage sustained and all costs of court, including a reasonable attorney's fee, and is guilty of a class C misdemeanor.
  - (b) This Subsection (6) does not apply to the department, its agents, or employees if acting to enforce this part.
- (7) The following criteria shall be used for determining whether an existing sign within an interstate outdoor advertising corridor has as its purpose unlawful off-premise outdoor advertising:
- (a) whether the sign complies with this part;
  - (b) whether the premise includes an area:
    - (i) from which the general public is serviced according to normal industry practices for organizations of that type; or
    - (ii) that is directly connected to or is involved in carrying out the activities and normal industry practices of the advertised activities, services, events, persons, or products;
  - (c) whether the sign generates revenue:
    - (i) arising from the advertisement of activities, services, events, or products not available on the premise according to normal industry practices for organizations of that type;

- (ii) arising from the advertisement of activities, services, events, persons, or products that are incidental to the principal activities, services, events, or products available on the premise; and
  - (iii) including the following:
    - (A) money;
    - (B) securities;
    - (C) real property interest;
    - (D) personal property interest;
    - (E) barter of goods or services;
    - (F) promise of future payment or compensation; or
    - (G) forbearance of debt;
  - (d) whether the purveyor of the activities, services, events, persons, or products being advertised:
    - (i) carries on hours of operation on the premise comparable to the normal industry practice for a business, service, or operation of that type, or posts the hours of operation on the premise in public view;
    - (ii) has available utilities comparable to the normal industry practice for an entity of that type; and
    - (iii) has a current valid business license or permit under applicable local ordinances, state law, and federal law to conduct business on the premise upon which the sign is located;
  - (e) whether the advertisement is located on the site of any auxiliary facility that is not essential to, or customarily used in, the ordinary course of business for the activities, services, events, persons, or products being advertised; or
  - (f) whether the sign or advertisement is located on property that is not contiguous to a property that is essential and customarily used for conducting the business of the activities, services, events, persons, or products being advertised.
- (8) The following do not qualify as a business under Subsection (7):
- (a) public or private utility corridors or easements;
  - (b) railroad tracks;
  - (c) outdoor advertising signs or structures;
  - (d) vacant lots;
  - (e) transient or temporary activities; or
  - (f) storage of accessory products.
- (9) The sign owner has the burden of proving, by a preponderance of the evidence, that the advertised activity is conducted on the premise.
- (10)
- (a)
    - (i) After issuing a written warning for a first offense of Subsection (1)(b) or (e), the department may issue a citation to a person who has violated Subsection (1)(b) or (e).
    - (ii) If the department issues a citation as described in Subsection (10)(a)(i), the department may impose a fine not to exceed \$500.
    - (iii) A fine imposed under Subsection (10)(a)(ii) shall be deposited in the Transportation Fund.
  - (b) If the department has issued two or more notices of violation of or a citation for a violation of Subsection (1)(b) or (e) for an existing sign within the last three years, the department may bring an action to enforce in any state court of competent jurisdiction against a person, firm, or corporation that satisfies one or more of the following prerequisites:
    - (i) has a present ownership interest in the sign;

- (ii) had an ownership interest in the sign on one or more of the days the sign was in violation of Subsection (1)(b) or (e);
  - (iii) has a present ownership interest in the property upon which the sign is located, or in a unified commercial development as defined in Section 72-7-504.6;
  - (iv) had an ownership interest in the property upon which the sign is located, or in a unified commercial development as defined in Section 72-7-504.6, on one or more of the days the sign was in violation of Subsection (1)(b) or (e);
  - (v) received or became entitled to receive compensation in any form for the unlawful outdoor advertising; or
  - (vi) solicited the advertising.
- (c) In an action under Subsection (10)(b):
- (i) the provisions of Subsections (7) and (8) apply; and
  - (ii) the defendants have the burden of proving, by a preponderance of the evidence, that the advertising in question is lawful under this part.
- (d) If the department is granted judgment in an action under this Subsection (10), the department is entitled to recover from the defendants, jointly and severally, \$1,500 for each day on which the sign was used for unlawful off-premises outdoor advertising.
- (e)
- (i) Subject to Subsection (10)(e)(ii), for purposes of calculating the number of days on which the sign was used for unlawful off-premises outdoor advertising as described in Subsection (10)(d), the department shall count each day that the sign was maintained after the first notice of agency action was filed and served under Section 63G-4-201.
  - (ii) For purposes of calculating the number of days on which the sign was used for unlawful off-premises outdoor advertising as described in Subsection (10)(d), if a sign was modified, removed, disabled, or relocated after the receipt of notice of violation, and thereafter, prior to judgment, was reinstalled, relocated, substituted, or reactivated in an unlawful manner, the department shall count each day that the sign was maintained after the first notice of agency action was filed and served under Section 63G-4-201.
  - (iii) The calculations described in Subsections (10)(e)(i) and (ii) are only applicable for actions taken for violations of this Subsection (10) for which:
    - (A) the owner of the sign was never issued an off-premise outdoor advertising permit; and
    - (B) at least one condition described in Subsection (7) exists.

Amended by Chapter 137, 2019 General Session

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

- (1) Any outdoor advertising lawfully in existence along the interstate or the primary systems on May 9, 1967, and which is not then in conformity with its provisions is not required to be removed until five years after it becomes nonconforming or pursuant to the provisions of Section 72-7-510.
- (2) Any existing outdoor advertising structure that does not comply with Section 72-7-505, but that is located in an industrial and commercial area, an unzoned industrial and commercial area, or an area where outdoor advertising would otherwise be permitted, may be remodeled and relocated on the same property in a commercial or industrial zoned area, or another area where outdoor advertising would otherwise be permitted under this part.

Renumbered and Amended by Chapter 270, 1998 General Session

**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 been appropriated and are immediately available to this state.
- (6)
  - (a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:
    - (i) on the same property;
    - (ii) on adjacent property;

- (iii) on the same highway within 5280 feet of the previous location, which may be extended 5280 feet outside the areas described in Subsection 72-7-505(3)(c)(i)(A), on either side of the same highway; or
  - (iv) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.
- (b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.
  - (c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.
  - (d) The relocated and remodeled use or structure may be:
    - (i) 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;
    - (ii) 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;
    - (iii) relocated to a comparable vehicular traffic count.
- (7)
- (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 (6)(a) 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 (6)(a), it shall pay just compensation as provided in Subsection (3).

Amended by Chapter 3, 2008 General Session

**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) 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 sign is located 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.

Amended by Chapter 170, 2009 General Session

**72-7-511 Violation of part -- Misdemeanor.**

A person who violates any provision of this part is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

**72-7-512 Appeals by attorney general.**

The attorney general may take such appeals as are provided for in 23 U.S.C., Sec. 131.

Renumbered and Amended by Chapter 270, 1998 General Session

**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, 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) on the same property;
  - (b) on adjacent property;
  - (c) within 2640 feet of the previous location on either side of the same highway; or
  - (d) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.
- (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 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).

Amended by Chapter 72, 1999 General Session

**72-7-514 Landscape control program.**

- (1) As used in this section, "landscape control" means trimming or removal of seedlings, saplings, trees and vegetation along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system right-of-way to provide clear visibility of outdoor advertising.
- (2)
  - (a) The department shall establish a landscape control program as provided under this section.
  - (b) Except as provided in this section, a person, including an outdoor advertising sign owner or business owner may not perform or cause landscape control to be performed.
- (3)
  - (a) An outdoor advertising sign owner or business owner may submit a request for landscape control to the department.
  - (b) Within 60 days of the request under Subsection (3)(a), the department shall:
    - (i) conduct a field review of the request with a representative of the sign or business owner, the department, and the Federal Highway Administration to consider the following issues listed in their order of priority:
      - (A) safety;
      - (B) protection of highway features, including right-of-way and landscaping;
      - (C) aesthetics; and
      - (D) motorists' view of the sign or business; and
    - (ii) notify the sign or business owner what, if any, trimming, removal, restoration, banking, or other landscape control shall be allowed as decided by the department, after consultation with the Federal Highway Administration.
  - (c) If the sign or business owner elects to proceed, in accordance with the decision issued under this subsection, the department shall issue a permit that describes what landscape control may be allowed, assigns responsibility for costs, describes the safety measures to be observed, and attaches any explanatory plans or other information.
- (4) The department shall establish an appeals process within the department for landscape control decisions made under Subsection (3).
- (5)
  - (a) A person who performs landscape control in violation of this section is guilty of a class C misdemeanor, and is liable to the owner for treble the amount of damages sustained to the landscape.
  - (b) Each permit issued under this section shall notify the permit holder of the penalties under Subsection (5)(a).

Renumbered and Amended by Chapter 270, 1998 General Session

**72-7-515 Utah-Federal Agreement -- Severability clause.**

- (1) As used in this section, "Utah-Federal Agreement" means the agreement relating to outdoor advertising that is described under Section 72-7-501, and it includes any modifications to the agreement that are signed on behalf of both the state and the United States Secretary of Transportation.
- (2) The provisions of this part are subject to and shall be superseded by conflicting provisions of the Utah-Federal Agreement.
- (3) If any provision of this part or its application to any person or circumstance is found to be unconstitutional, or in conflict with or superseded by the Utah-Federal Agreement, the remainder of this part and the application of the provision to other persons or circumstances shall not be affected by it.

Amended by Chapter 21, 1999 General Session

**72-7-516 Relocating outdoor advertising structure to maintain required distance from high voltage overhead lines.**

- (1) If an outdoor advertising structure needs to be moved away from a high voltage power line or lines so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building Code, a regulation, standard, or directive of the Occupational Safety and Health Administration or any other similar applicable regulation, then the owner shall have the option to remodel the structure at the same location or relocate and remodel the structure to another location within the same jurisdiction:
  - (a) on the same property;
  - (b) on adjacent property;
  - (c) within 2,640 feet of the previous location on either side of the same highway; or
  - (d) mutually agreed upon by the owner and the county or municipality in which the structure is located.
- (2) The relocation under Subsection (1) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.
- (3) The county or municipality in which the structure is located shall, if necessary, provide for the relocation or remodeling by ordinance for a special exception to its zoning ordinance.
- (4) The relocated and remodeled 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 structure, but the relocated structure may not exceed the size and height permitted under this part; and
  - (c) relocated to a location with a comparable traffic vehicular count.
- (5) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (1) (a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3).

Amended by Chapter 330, 2006 General Session