

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