

SIGNAGE AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Brent H. Goodfellow

AN ACT RELATING TO HIGHWAYS; AMENDING CERTAIN OUTDOOR ADVERTISING PROVISIONS; PROVIDING CERTAIN DEFINITIONS; ALLOWING CERTAIN SIGNS ON THE PREMISES OF A PUBLIC ASSEMBLY FACILITY; ESTABLISHING RESTRICTIONS; AND PROVIDING FOR ENFORCEMENT.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

72-7-502, as renumbered and amended by Chapter 270, Laws of Utah 1998

72-7-504, as renumbered and amended by Chapter 270, Laws of Utah 1998

ENACTS:

72-7-504.5, Utah Code Annotated 1953

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

Section 1. Section **72-7-502** is amended to read:

72-7-502. Definitions.

As used in this part:

(1) "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.

28 (2) "Commercial or industrial zone" means only:

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

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

35 (c) those areas outside the boundaries of urbanized counties and outside the boundaries
36 of cities and towns that:

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

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

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

48 (3) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of
49 allowing outdoor advertising.

50 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's
51 comprehensive plan required by Section 10-9-301, the municipal zoning plan authorized by
52 Section 10-9-401, and the county master plan authorized by Sections 17-27-301 and 17-27-401.
53 Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably
54 presumed to have not been zoned for the sole purpose of allowing outdoor advertising.

55 (5) "Directional signs" means signs containing information about public places owned or
56 operated by federal, state, or local governments or their agencies, publicly or privately owned
57 natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas of natural
58 scenic beauty or naturally suited for outdoor recreation, that the department considers to be in the

59 interest of the traveling public.

60 (6) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint,
61 draw, or in any other way bring into being.

62 (b) "Erect" does not include any activities defined in Subsection (6)(a) if they are
63 performed incident to the change of an advertising message or customary maintenance of a sign.

64 (7) "Highway service zone" means a highway service area where the primary use of the
65 land is used or reserved for commercial and roadside services other than outdoor advertising to
66 serve the traveling public.

67 (8) "Information center" means an area or site established and maintained at rest areas for
68 the purpose of informing the public of:

69 (a) places of interest within the state; or

70 (b) any other information that the department considers desirable.

71 (9) "Interchange or intersection" means those areas and their approaches where traffic is
72 channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes,
73 or feeder systems, from or to another federal, state, county, city, or other route.

74 (10) "Maintain" means to allow to exist, subject to the provisions of this chapter.

75 (11) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign
76 structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of
77 God.

78 (12) "Main-traveled way" means the through traffic lanes, including auxiliary lanes,
79 acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps.
80 For a divided highway, there is a separate main-traveled way for the traffic in each direction.

81 (13) "Official signs and notices" means signs and notices erected and maintained by public
82 agencies within their territorial or zoning jurisdictions for the purpose of carrying out official
83 duties or responsibilities in accordance with direction or authorization contained in federal, state,
84 or local law.

85 (14) "Off-premise signs" means signs located in areas zoned industrial, commercial, or H-1
86 and in areas determined by the department to be unzoned industrial or commercial.

87 (15) "On-premise signs" means signs used to advertise the major activities conducted on
88 the property where the sign is located.

89 (16) "Outdoor advertising" means any outdoor advertising structure or outdoor structure

90 used in combination with an outdoor advertising sign or outdoor sign.

91 (17) "Outdoor advertising corridor" means a strip of land 350 feet wide, measured
92 perpendicular from the edge of a controlled highway right-of-way.

93 (18) "Outdoor advertising structure" or "outdoor structure" means any sign structure,
94 including any necessary devices, supports, appurtenances, and lighting that is part of or supports
95 an outdoor sign.

96 (19) "Point of widening" means the point of the gore or the point where the intersecting
97 lane begins to parallel the other lanes of traffic, but the point of widening may never be greater
98 than 2,640 feet from the center line of the intersecting highway of the interchange or intersection
99 at grade.

100 (20) "Public assembly facility" means an arena or convention facility that:

101 (a) is wholly or partially funded by public moneys; and

102 (b) generally requires a person attending an event at the public assembly facility to
103 purchase a ticket or that otherwise charges for the use of the public assembly facility as part of its
104 regular operation.

105 [~~(20)~~] (21) "Relocation" includes the removal of a sign from one situs together with the
106 erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.

107 [~~(21)~~] (22) "Relocation and replacement" means allowing all outdoor advertising signs or
108 permits the right to maintain outdoor advertising along the interstate, federal aid primary highway
109 existing as of June 1, 1991, and national highway system highways to be maintained in a
110 commercial or industrial zoned area to accommodate the displacement, remodeling, or widening
111 of the highway systems.

112 [~~(22)~~] (23) "Remodel" means the upgrading, changing, alteration, refurbishment,
113 modification, or complete substitution of a new outdoor advertising structure for one permitted
114 pursuant to this act and that is located in a commercial or industrial area.

115 [~~(23)~~] (24) "Rest area" means an area or site established and maintained within or adjacent
116 to the right-of-way by or under public supervision or control for the convenience of the traveling
117 public.

118 [~~(24)~~] (25) "Scenic or natural area" means an area determined by the department to have
119 aesthetic value.

120 [~~(25)~~] (26) "Traveled way" means that portion of the roadway used for the movement of

121 vehicles, exclusive of shoulders and auxiliary lanes.

122 [~~(26)~~] (27) (a) "Unzoned commercial or industrial area" means:

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

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

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

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

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

137 [~~(27)~~] (28) "Urbanized county" means a county with a population of at least 125,000
138 persons.

139 Section 2. Section **72-7-504** is amended to read:

140 **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions --**

141 **Logo advertising -- Department rules.**

142 (1) Outdoor advertising that is capable of being read or comprehended from any place on
143 the main-traveled way of an interstate or primary system may not be erected or maintained, except:

144 (a) directional and other official signs and notices authorized or required by law, including
145 signs and notices pertaining to natural wonders and scenic and historic attractions, informational
146 or directional signs regarding utility service, emergency telephone signs, buried or underground
147 utility markers, and above ground utility closure signs;

148 (b) signs advertising the sale or lease of property upon which they are located;

149 (c) signs advertising activities conducted on the property where they are located, including
150 signs on the premises of a public assembly facility as provided in Section 72-7-504.5;

151 (d) signs located in a commercial or industrial zone;

152 (e) signs located in unzoned industrial or commercial areas as determined from actual land
153 uses; and

154 (f) logo advertising under Subsection (2).

155 (2) (a) The department may itself or by contract erect, administer, and maintain
156 informational signs on the main-traveled way of an interstate or primary system for the display of
157 logo advertising and information of interest to the traveling public if:

158 (i) the department complies with Title 63, Chapter 56, Utah Procurement Code, in the
159 lease or other contract agreement with a private party for the sign or sign space; and

160 (ii) the private party for the lease of the sign or sign space pays an amount set by the
161 department to be paid to the department or the party under contract with the department under this
162 subsection.

163 (b) The amount shall be sufficient to cover the costs of erecting, administering, and
164 maintaining the signs or sign spaces.

165 (c) The department may consult the Division of Travel Development in carrying out this
166 subsection.

167 (3) (a) Revenue generated under Subsection (2) shall be:

168 (i) applied first to cover department costs under Subsection (2); and

169 (ii) deposited in the Transportation Fund.

170 (b) Revenue in excess of costs under Subsection (2)(a) shall be deposited in the General
171 Fund as a dedicated credit for use by the Division of Travel Development no later than the
172 following fiscal year.

173 (4) Outdoor advertising under Subsections (1)(a), (d), (e), and (f) shall conform to the rules
174 made by the department under Sections 72-7-506 and 72-7-507.

175 Section 3. Section **72-7-504.5** is enacted to read:

176 **72-7-504.5. Public assembly facility signs -- Restrictions -- Regulation by a county or**
177 **municipality.**

178 (1) As used in this section, "local government" means the governing body of a
179 municipality in which a public assembly facility is located or a county in which a public assembly
180 facility is located in its unincorporated area.

181 (2) Signs on the premises of a public assembly facility that do not bring direct rental
182 income to the owner of the public assembly facility may advertise:

183 (a) the name and purpose of the facility or any part of the facility, including sponsors of
184 the facility or sponsors of any part of the facility;

185 (b) principal or accessory activities, products, or services provided at the facility,
186 including:

187 (i) companies or entities that have business offices or locations within the facility;

188 (ii) events conducted in the facility or upon the premises, including sponsors of the event;

189 (iii) activities, products, or services sold at the facility that produce significant income to
190 the operation of the facility; and

191 (iv) activities, products, or services that directly benefit patrons of the facility and that
192 contribute to the enjoyment of the activities, products, or services sold or conducted at the facility.

193 (3) The department may not make rules governing signs on the premises of a public
194 assembly facility that are more restrictive than federal laws or regulations.

195 (4) (a) A local government may assume, by written notice to the department, the regulatory
196 authority over signs on the premises of a public assembly facility.

197 (b) After providing the written notice, the local government shall exercise all regulatory
198 authority of the department for the signs on the premises of the public assembly facility, including
199 enforcing the applicable sign statutes and rules governing signs on the premises of the public
200 assembly facility.

201 (c) If at any time, the commission determines that the local government is not adequately
202 enforcing the state or federal laws, rules, or regulations, the commission may reassign the
203 regulatory authority over the signs on the premises of the public assembly facility to the
204 department.

Legislative Review Note

as of 1-21-99 10:41 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel