

1 **OUTDOOR ADVERTISING SIGN PROXIMITY**
2 **TO UTILITY LINES**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Terry R. Spencer**

6 **This act modifies Public Utilities and Outdoor Advertising provisions to provide an**
7 **exemption from proximity restrictions for certain activities conducted with respect to**
8 **outdoor advertising structures that comply with the proximity restriction. The act requires**
9 **counties and municipalities to accommodate a move of an outdoor advertising structure to**
10 **comply with requirements relating to distance from high voltage overhead lines. The act**
11 **requires the owner of a high voltage overhead line to move the line if the outdoor advertising**
12 **structure cannot be moved due to federal agency restrictions. The act adds definitions,**
13 **makes technical changes, and provides an effective date.**

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

15 AMENDS:

16 **54-8c-1**, as last amended by Chapter 30, Laws of Utah 1992

17 **54-8c-2**, as enacted by Chapter 250, Laws of Utah 1988

18 **54-8c-5**, as enacted by Chapter 250, Laws of Utah 1988

19 **72-7-513**, as last amended by Chapter 72, Laws of Utah 1999

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

21 Section 1. Section **54-8c-1** is amended to read:

22 **54-8c-1. Definitions.**

23 As used in this chapter:

24 (1) "Authorized person" means an employee or agent:

25 (a) of a public utility that:

26 (i) generates, transmits, or delivers electricity; or

27 (ii) provides and whose work relates to communication services;



28 (b) of an industrial plant whose work relates to the electrical system of the industrial plant;

29 (c) of a cable television or communication services company, or of a contractor of cable

30 television or communication services company, if specifically and expressly authorized by the

31 owner of the poles to make cable television or communication services attachments; or

32 (d) of a state, county, or municipal agency which has or whose work relates to:

33 (i) overhead electrical lines;

34 (ii) overhead lighting systems;

35 (iii) authorized overhead circuit construction;

36 (iv) conductors on poles; or

37 (v) structures of any type.

38 (2) "Business day" means any day other than Saturday, Sunday, or a legal holiday.

39 (3) "High voltage" means voltage in excess of six hundred volts measured between:

40 (a) conductors; or

41 (b) a conductor and the ground.

42 (4) "Maintenance," as used in relation to an outdoor advertising structure, has the same

43 meaning as provided in Section 72-7-502.

44 (5) "Outdoor advertising structure" has the same meaning as provided in Section 72-7-502.

45 [~~4~~] (6) "Overhead line" means all bare or insulated electrical conductors installed above

46 the ground.

47 [~~5~~] (7) "Public utility" means any entity that generates, transmits, or distributes electrical

48 energy, including any:

49 (a) public utility as defined in Title 54, Chapter 2, Definitions;

50 (b) municipality as defined in Title 10, Utah Municipal Code;

51 (c) agricultural cooperative association as defined in Title 3, Agricultural Cooperative

52 Associations;

53 (d) county improvement district as defined in Title 17A, Chapter 2, Part 3, County

54 Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas; or

55 (e) entity created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act.

56 [~~6~~] (8) "Responsible party" means any person who contracts to perform, is responsible

57 for the performance of, or has control over, any function or activity at any location.

58 Section 2. Section **54-8c-2** is amended to read:

59 **54-8c-2. Notification to public utility -- Protective measures -- Procedures --**
60 **Payment.**

61 (1) No person or thing may be brought within [~~10~~] ten feet of any high voltage overhead
62 line unless:

63 (a) a responsible party has notified the public utility operating the high voltage overhead
64 line of the intended activity; and

65 (b) a responsible party and the public utility have completed mutually satisfactory
66 precautions for the activity.

67 (2) If the identity of the public utility owning or operating the high voltage overhead line
68 is unknown, the county clerk in the county where the line is located shall provide the name,
69 address, and telephone number of the utility's designated representative. If there is an association
70 as provided in Section 54-8c-6 in the county, the association shall provide this information. The
71 notification required in Subsection (1)(a) shall be given by telephone or in person and shall include
72 the location and duration of the proposed activity.

73 (3) Mutually satisfactory precautions required in Subsection (1)(b) may include:

74 (a) coordination of work, construction, and activity schedules;

75 (b) placement of temporary mechanical barriers to separate and prevent contact between
76 persons or things and the high voltage overhead line; or

77 (c) temporary deenergization and grounding or temporary relocation or raising of the high
78 voltage overhead line.

79 (4) If a responsible party is under contract or agreement with a governmental entity, and
80 the governmental entity and the public utility operating the high voltage overhead line have already
81 reached agreement concerning precautions, further agreements for the activity are not required.

82 (5) [~~At~~] Each responsible [~~parties are obligated to~~] party shall pay to the public utility
83 operating the high voltage overhead line the cost of mutually satisfactory precautions, except if:

84 (a) prior arrangements for payment have been made between a governmental entity for
85 whom the work is to be done and the public utility operating the line; or

86 (b) the public utility operating the line has not installed the line in conformance with the
87 National Electrical Safety Code or its preceding code in effect at the time the line was constructed.

88 (6) (a) Unless other arrangements are necessary, the public utility operating the high
89 voltage overhead line shall commence the precautionary measures:

90 (i) within three business days after the date an agreement for payment, if required, has been
91 reached; or

92 (ii) if no payment is required, within five business days after the date of the request of a
93 responsible party.

94 (b) The public utility [~~shall~~] may not be required to provide the precautionary measures
95 until an agreement for payment, if required, has been reached. Once started, the precautionary
96 measures shall continue without unreasonable interruption until completed.

97 (7) If an outdoor advertising structure is required to be moved to comply with the
98 requirement of Subsection (1) with respect to its distance from a high voltage overhead line or to
99 comply with a similar distance requirement imposed by the National Electrical Safety Code or any
100 other applicable regulation promulgated by a federal agency but the federal agency responsible for
101 licensing or regulating the outdoor advertising structure will not authorize the move, then the
102 owner of the high voltage overhead line shall, if practicable and at the request of the owner of the
103 outdoor advertising structure, relocate the high voltage overhead line to comply with the applicable
104 distance requirement.

105 Section 3. Section **54-8c-5** is amended to read:

106 **54-8c-5. Exemptions.**

107 This chapter does not apply to:

108 (1) construction, reconstruction, operation, or maintenance by an authorized person of:

109 (a) overhead electrical, cable television, or communications circuits or conductors and
110 their supporting structures;

111 (b) electrical generating, transmission, or distribution systems; or

112 (c) communications, cable television, or overhead lighting systems[-]; or

113 (2) with respect to an outdoor advertising structure that is at least ten feet away from a high
114 voltage overhead line:

115 (a) a person engaged in activities incident to:

116 (i) the change of an advertising message on the outdoor advertising structure; or

117 (ii) the customary maintenance of the outdoor advertising structure; and

118 (b) a thing used by a person engaged in the activities described in Subsection (2)(a).

119 Section 4. Section **72-7-513** is amended to read:

120 **72-7-513. Relocation on state highways.**

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

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

127 (a) on the same property;

128 (b) on adjacent property;

129 (c) within 2640 feet of the previous location on either side of the same highway; or

130 (d) mutually agreed upon by the owner and the county or municipality in which the use,
131 structure, or permit is located.

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

134 (4) The county or municipality in which the use or structure is located shall, if necessary,
135 provide for the relocation and remodeling by ordinance for a special exception to its zoning
136 ordinance.

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

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

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

142 (c) relocated to a comparable vehicular traffic count.

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

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

148 (7) If an outdoor advertising structure is required to be moved to comply with the
149 requirement of Subsection 54-8c-2(1) with respect to its distance from a high voltage overhead line
150 or to comply with a similar distance requirement imposed by the National Electrical Safety Code
151 or any other applicable regulation promulgated by a federal agency, the county or municipality in

152 which the outdoor advertising structure is located:

153 (a) may not withhold any necessary approval of the move or of the outdoor advertising
154 structure at its location after the move; and

155 (b) shall, if necessary, accommodate the move by a special exception to its zoning
156 ordinance.

157 **Section 5. Effective date.**

158 If approved by two-thirds of all the members elected to each house, this act takes effect
159 upon approval by the governor, or the day following the constitutional time limit of Utah
160 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
161 date of veto override.

Legislative Review Note
as of 1-24-02 12:17 PM

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

Office of Legislative Research and General Counsel