

# 1st Sub. S.B. 53

## COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS

SENATE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 27, 2004 8:31 AM

Senator **Michael G. Waddoups** proposes the following amendments:

1. *Page 3, Lines 57 through 65:*

57 municipality prevents a billboard ~~[[company]]~~ owner from:

\* \* \* *Some lines not shown* \* \* \*

60 (ii) except as provided in Subsection ~~[[4]]~~ (3) (b), relocating or rebuilding a billboard  
61 structure, or taking other measures, to correct a mistake in the placement or erection of a  
62 billboard for which the municipality has issued a permit . if the proposed relocation, rebuilding, or other  
measure is consistent with the intent of that permit .

63 (b) A municipality's ~~[[preventing]]~~ denial of a billboard ~~[[company from relocating or~~  
rebuilding]] owner's request to relocate or rebuild a  
64 billboard structure, or ~~[[taking]]~~ to take other measures, in order to correct a mistake in the  
placement or erection  
65 of a billboard does not constitute the initiation of acquisition by eminent domain under Subsection  
(3)(a) if the mistake

2. *Page 3, Line 70 through Page 4, Line 90:*

70 (4) Notwithstanding Subsections (2) and (3), a ~~[[legislative body]]~~ municipality may remove a  
billboard

71 without providing compensation if[;]:

72 (a) the ~~[[legislative body]]~~ municipality determines:

\* \* \* *Some lines not shown* \* \* \*

80 (b) the ~~[[legislative body]]~~ municipality notifies the owner in writing that the owner's  
billboard meets one or more

\* \* \* *Some lines not shown* \* \* \*

83 (i) except as provided in Subsection (4)(c)(ii), 90 days following the billboard owner's receipt of  
written notice under

84 Subsection (4)(b); or

85 (ii) if the condition forming the basis of the municipality's intention to remove the  
86 billboard is that it is structurally unsafe, ~~[[seven]]~~ ten business days , or a longer period if  
necessary because of a natural disaster, following the billboard owner's receipt of written notice  
under Subsection (4)(b);

87 and

88 (d) following the expiration of the applicable period under Subsection (4)(c) and after

89 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
90 the ~~[[legislative body]]~~ municipality finds:

3. Page 4, Lines 97 through 100:

97 (5) ~~[[If a]]~~ A municipality ~~[[allows]]~~ may not allow a nonconforming billboard to be  
rebuilt for a reason other

98 than :

(a) those specified in Subsections (3) and (4) ~~[[or for a reason other than]]~~ :

(b) those provided in Title

99 72, Chapter 7, Part 5, Utah Outdoor Advertising Act ~~[[, the municipality shall allow billboards to~~

100 ~~be relocated-]]~~ ; and

(c) those specified in the municipality's ordinance requiring or allowing a billboard owner to  
relocate and rebuild an existing nonconforming billboard to an area within the municipality ~~[[to an  
area]]~~ where outdoor advertising is otherwise allowed

4. Page 5, Lines 134 through 142:

134 billboard ~~[[company-]]~~ owner from:

\* \* \* Some lines not shown \* \* \*

137 (ii) except as provided in Subsection (3)(b), relocating or rebuilding a billboard

138 structure, or taking other measures, to correct a mistake in the placement or erection of a

139 billboard for which the county has issued a permit , if the proposed relocation, rebuilding, or other  
measure is consistent with the intent of that permit .

140 (b) A county's ~~[[preventing]]~~ denial of a billboard ~~[[company from relocating or  
rebuilding]]~~ owner's request to relocate or rebuild a billboard

141 structure, or ~~[[taking]]~~ to take other measures, in order to correct a mistake in the placement or  
erection of a

142 billboard does not constitute the initiation of acquisition by eminent domain under Subsection (3)(a) if the  
mistake in

5. Page 5, Line 147 through Page 6, Line 170:

147 (4) Notwithstanding Subsections (2) and (3), a ~~[[legislative body]]~~ county may remove a  
billboard

148 without providing compensation if[;]:

149 (a) the ~~[[legislative body]]~~ county determines:

\* \* \* Some lines not shown \* \* \*

157 (b) the ~~[[legislative body]]~~ county notifies the owner in writing that the owner's billboard  
meets one or more

\* \* \* Some lines not shown \* \* \*

160 (i) except as provided in Subsection (4)(c)(ii), 90 days following the billboard owner's receipt of  
161 written notice under  
162 Subsection (4)(b); or  
163 (ii) if the condition forming the basis of the county's intention to remove the billboard  
164 is that it is structurally unsafe, ~~[[seven]]~~ ten business days , or a longer period if necessary  
165 because of a natural disaster, following the billboard owner's receipt of written notice under  
166 Subsection (4)(b); and  
167 (d) following the expiration of the applicable period under Subsection (4)(c) and after  
168 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
169 the ~~[[legislative body]]~~ county finds;  
170 \* \* \* *Some lines not shown* \* \* \*  
171 (ii) by substantial evidence that the billboard is structurally unsafe~~[(c) the billboard]~~, is in an

6. Page 6, Lines 173 through 176:

173 (5) ~~[[If a]]~~ A county ~~[[allows]]~~ may not allow a nonconforming billboard to be rebuilt  
174 for a reason other than :  
175 (a)  
176 those specified in Subsections (3) and (4) ~~[[or for a reason other than]]~~ :  
177 (b) those provided in Title 72,  
178 Chapter 7, Part 5, Utah Outdoor Advertising Act ~~[[, the county shall allow billboards to be~~  
179 relocated-]] ; and  
180 (c) those specified in the county's ordinance requiring or allowing a billboard owner to relocate  
181 and rebuild an existing nonconforming billboard to an area within the ~~[[municipality to an~~  
182 area-]] county where outdoor advertising is otherwise allowed