

**LOCAL GOVERNMENT REGULATION OF  
BILLBOARDS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melvin R. Brown**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies county and municipal land use development and management provisions relating to billboards.

**Highlighted Provisions:**

This bill:

- ▶ provides that a county or municipality is considered to have initiated the acquisition of a billboard structure by eminent domain if the county or municipality prevents a billboard owner from structurally modifying or upgrading a billboard or relocating a billboard to another specified location;
- ▶ provides that a relocated billboard may be erected to a certain height and angle; and
- ▶ clarifies a provision allowing for a county or municipal issued billboard permit to remain valid until a period after a required state permit is issued.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**10-9a-513**, as enacted by Chapter 254, Laws of Utah 2005



28 17-27a-512, as enacted by Chapter 254, Laws of Utah 2005

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

31 Section 1. Section 10-9a-513 is amended to read:

32 **10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal**  
 33 **without providing compensation -- Limit on allowing nonconforming billboards to be**  
 34 **rebuilt.**

35 (1) (a) A municipality is considered to have initiated the acquisition of a billboard  
 36 structure by eminent domain if the municipality prevents a billboard owner from:

37 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged  
 38 by casualty, an act of God, or vandalism; [or]

39 (ii) except as provided in Subsection (1)(b), relocating or rebuilding a billboard  
 40 structure, or taking other measures, to correct a mistake in the placement or erection of a  
 41 billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding,  
 42 or other measure is consistent with the intent of that permit[-];

43 (iii) structurally modifying or upgrading a billboard; or

44 (iv) relocating a billboard within the municipality's boundaries into any commercial,  
 45 industrial, or manufacturing zone:

46 (A) on the same property;

47 (B) on adjacent property; or

48 (C) within 5,240 feet of the previous location.

49 (b) ~~H→~~ [A relocated] A billboard owner relocating the ~~←H~~ billboard under  
 49a Subsection (1)(a)(iv):

50 (i) may ~~H→~~ [be erected] , as the owner determines:

50a (A) erect the billboard:

50b (I) to at least the same height as the previous use or structure; and

50c (II) ~~←H~~ to a height and angle to make it clearly visible to traffic on the main

51 traveled way of the street or highway on which the billboard is located; and

51a ~~H→~~ (B) install a sign face on the billboard that is at least the same size as, but no larger  
 51b than, the sign face on the billboard before its relocation; and ~~←H~~

52 (ii) ~~H→~~ [notwithstanding Subsection (1)(b)(i), may not exceed the height permitted under]  
 52a shall comply with ~~←H~~

53 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act ~~H→~~ , to the extent applicable ~~←H~~ .

54 [~~tb~~] (c) A municipality's denial of a billboard owner's request to relocate or rebuild a  
 55 billboard structure, or to take other measures, in order to correct a mistake in the placement or  
 56 erection of a billboard does not constitute the initiation of acquisition by eminent domain under  
 57 Subsection (1)(a) if the mistake in placement or erection of the billboard is determined by clear  
 58 and convincing evidence to have resulted from an intentionally false or misleading statement:

- 59 (i) by the billboard applicant in the application; and  
60 (ii) regarding the placement or erection of the billboard.
- 61 (2) Notwithstanding Subsection (1) and Section 10-9a-512, a municipality may remove  
62 a billboard without providing compensation if:
- 63 (a) the municipality determines:
- 64 (i) by clear and convincing evidence that the applicant for a permit intentionally made a  
65 false or misleading statement in the applicant's application regarding the placement or erection  
66 of the billboard; or
- 67 (ii) by substantial evidence that the billboard:
- 68 (A) is structurally unsafe;
- 69 (B) is in an unreasonable state of repair; or
- 70 (C) has been abandoned for at least 12 months;
- 71 (b) the municipality notifies the owner in writing that the owner's billboard meets one  
72 or more of the conditions listed in Subsections (2)(a)(i) and (ii);
- 73 (c) the owner fails to remedy the condition or conditions within:
- 74 (i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's  
75 receipt of written notice under Subsection (2)(b); or
- 76 (ii) if the condition forming the basis of the municipality's intention to remove the  
77 billboard is that it is structurally unsafe, ten business days, or a longer period if necessary  
78 because of a natural disaster, following the billboard owner's receipt of written notice under  
79 Subsection (2)(b); and
- 80 (d) following the expiration of the applicable period under Subsection (2)(c) and after  
81 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
82 the municipality finds:
- 83 (i) by clear and convincing evidence, that the applicant for a permit intentionally made  
84 a false or misleading statement in the application regarding the placement or erection of the  
85 billboard; or
- 86 (ii) by substantial evidence that the billboard is structurally unsafe, is in an  
87 unreasonable state of repair, or has been abandoned for at least 12 months.
- 88 (3) A municipality may not allow a nonconforming billboard to be rebuilt or replaced  
89 by anyone other than its owner or the owner acting through its contractors.

90 (4) A permit issued, extended, or renewed by a municipality for a billboard remains  
 91 valid ~~[for a period of]~~ from the time the municipality issues, extends, or renews the permit until  
 92 180 days after a required state permit is issued for the billboard if:

93 (a) the billboard requires a state permit; and

94 (b) an application for the state permit is filed within 30 days after the municipality  
 95 issues, extends, or renews a permit for the billboard.

96 Section 2. Section **17-27a-512** is amended to read:

97 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**  
 98 **without providing compensation -- Limit on allowing nonconforming billboard to be**  
 99 **rebuilt.**

100 (1) (a) A county is considered to have initiated the acquisition of a billboard structure  
 101 by eminent domain if the county prevents a billboard owner from:

102 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged  
 103 by casualty, an act of God, or vandalism; ~~[or]~~

104 (ii) except as provided in Subsection (1)(b), relocating or rebuilding a billboard  
 105 structure, or taking other measures, to correct a mistake in the placement or erection of a  
 106 billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or  
 107 other measure is consistent with the intent of that permit[-];

108 (iii) structurally modifying or upgrading a billboard; or

109 (iv) relocating a billboard within the county's unincorporated area into any commercial,  
 110 industrial, or manufacturing zone:

111 (A) on the same property;

112 (B) on adjacent property; or

113 (C) within 5,240 feet of the previous location.

114 (b) ~~H→ [A-relocated]~~ **A billboard owner relocating the ←H** billboard under  
 114a Subsection (1)(a)(iv):

115 (i) may H→ [be erected] , as the owner determines:

115a **(A) erect the billboard:**

115b **(I) to at least the same height as the previous use or structure; and**

115c **(II) ←H** to a height and angle to make it clearly visible to traffic on the main  
 116 traveled way of the street or highway on which the billboard is located; and

116a **H→ (B) install a sign face on the billboard that is at least the same size as, but no larger**  
 116b **than, the sign face on the billboard before its relocation; and ←H**

117 **(ii) H→ [notwithstanding Subsection (1)(b)(i), may not exceed the height permitted**  
 117a **under] shall comply with ←H**

118 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act H→ to the extent applicable ←H .

119 (b) A county's denial of a billboard owner's request to relocate or rebuild a billboard  
 120 structure, or to take other measures, in order to correct a mistake in the placement or erection of

121 a billboard does not constitute the initiation of acquisition by eminent domain under Subsection  
122 (1)(a) if the mistake in placement or erection of the billboard is determined by clear and  
123 convincing evidence to have resulted from an intentionally false or misleading statement:

- 124 (i) by the billboard applicant in the application; and
- 125 (ii) regarding the placement or erection of the billboard.

126 (2) Notwithstanding Subsection (1) and Section 17-27a-511, a county may remove a  
127 billboard without providing compensation if:

128 (a) the county determines:

129 (i) by clear and convincing evidence that the applicant for a permit intentionally made a  
130 false or misleading statement in the applicant's application regarding the placement or erection  
131 of the billboard; or

132 (ii) by substantial evidence that the billboard:

- 133 (A) is structurally unsafe;
- 134 (B) is in an unreasonable state of repair; or
- 135 (C) has been abandoned for at least 12 months;

136 (b) the county notifies the owner in writing that the owner's billboard meets one or  
137 more of the conditions listed in Subsections (2)(a)(i) and (ii);

138 (c) the owner fails to remedy the condition or conditions within:

139 (i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's  
140 receipt of written notice under Subsection (2)(b); or

141 (ii) if the condition forming the basis of the county's intention to remove the billboard  
142 is that it is structurally unsafe, ten business days, or a longer period if necessary because of a  
143 natural disaster, following the billboard owner's receipt of written notice under Subsection  
144 (2)(b); and

145 (d) following the expiration of the applicable period under Subsection (2)(c) and after  
146 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
147 the county finds:

148 (i) by clear and convincing evidence, that the applicant for a permit intentionally made  
149 a false or misleading statement in the application regarding the placement or erection of the  
150 billboard; or

151 (ii) by substantial evidence that the billboard is structurally unsafe, is in an

152 unreasonable state of repair, or has been abandoned for at least 12 months.

153 (3) A county may not allow a nonconforming billboard to be rebuilt or replaced by  
154 anyone other than its owner or the owner acting through its contractors.

155 (4) A permit issued, extended, or renewed by a [municipality] county for a billboard  
156 remains valid [~~for a period of~~] from the time the county issues, extends, or renews the permit  
157 until 180 days after a required state permit is issued for the billboard if:

158 (a) the billboard requires a state permit; and

159 (b) an application for the state permit is filed within 30 days after the [municipality]  
160 county issues, extends, or renews a permit for the billboard.

161 Section 3. **Effective date.**

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

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**Legislative Review Note**  
as of 1-19-07 11:01 AM

**Office of Legislative Research and General Counsel**

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**H.B. 352 - Local Government Regulation of Billboards**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments. Involved businesses and individuals may be impacted by provisions of this bill.

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