

**Representative Melvin R. Brown** proposes the following substitute bill:

**LOCAL GOVERNMENT REGULATION OF  
BILLBOARDS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melvin R. Brown**

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

**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;
- ▶ 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; and
- ▶ makes technical changes

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.



26 Utah Code Sections Affected:

27 AMENDS:

28 10-9a-513, as enacted by Chapter 254, Laws of Utah 2005

29 17-27a-512, as enacted by Chapter 254, Laws of Utah 2005

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

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

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

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

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

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

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

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

47 (A) within 2,640 feet of its previous location; and

48 (B) no closer than 500 feet from a legally permitted off-premise sign existing on the  
49 same side of the street or highway.

50 (b) A billboard owner structurally modifying or upgrading a billboard under  
51 Subsection (1)(a)(iii) or relocating the billboard under Subsection (1)(a)(iv):

52 (i) may, as the owner determines:

53 (A) erect the billboard:

54 (I) to a height that is at least the same as, but no higher than, the previous use or  
55 structure, unless the municipality's ordinances allow or the municipality consents to a higher  
56 structure; and

57 (II) to a height and angle to make it clearly visible to traffic on the main traveled way  
58 of the street or highway on which the billboard is located; and

59 (B) install a sign face on the billboard that is at least the same size as, but no larger  
60 than, the sign face on the billboard before its relocation; and

61 (ii) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the  
62 extent applicable.

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

68 (i) by the billboard applicant in the application; and

69 (ii) regarding the placement or erection of the billboard.

70 (2) Notwithstanding Subsection (1) and Section 10-9a-512, a municipality may remove  
71 a billboard without providing compensation if:

72 (a) the municipality determines:

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

76 (ii) by substantial evidence that the billboard:

77 (A) is structurally unsafe;

78 (B) is in an unreasonable state of repair; or

79 (C) has been abandoned for at least 12 months;

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

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

83 (i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's  
84 receipt of written notice under Subsection (2)(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, ten business days, or a longer period if necessary  
87 because of a natural disaster, following the billboard owner's receipt of written notice under

88 Subsection (2)(b); and

89 (d) following the expiration of the applicable period under Subsection (2)(c) and after  
90 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,  
91 the municipality finds:

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

95 (ii) by substantial evidence that the billboard is structurally unsafe, is in an  
96 unreasonable state of repair, or has been abandoned for at least 12 months.

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

99 (4) A permit issued, extended, or renewed by a municipality for a billboard remains  
100 valid ~~[for a period of]~~ from the time the municipality issues, extends, or renews the permit until  
101 180 days after a required state permit is issued for the billboard if:

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

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

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

106 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**  
107 **without providing compensation -- Limit on allowing nonconforming billboard to be**  
108 **rebuilt.**

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

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

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

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

118 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone

119 within the unincorporated area of the county, if the relocated billboard is:

120 (A) within 2,640 feet of its previous location; and

121 (B) no closer than 500 feet from a legally permitted off-premise sign existing on the  
122 same side of the street or highway.

123 (b) A billboard owner structurally modifying or upgrading a billboard under Subsection  
124 (1)(a)(iii) or relocating the billboard under Subsection (1)(a)(iv):

125 (i) may, as the owner determines:

126 (A) erect the billboard;

127 (I) to a height that is at least the same as, but no higher than, the previous use or  
128 structure, unless the county's ordinances allow or the county consents to a higher structure; and

129 (II) to a height and angle to make it clearly visible to traffic on the main traveled way  
130 of the street or highway on which the billboard is located; and

131 (B) install a sign face on the billboard that is at least the same size as, but no larger  
132 than, the sign face on the billboard before its relocation; and

133 (ii) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the  
134 extent applicable.

135 (b) A county's denial of a billboard owner's request to relocate or rebuild a billboard  
136 structure, or to take other measures, in order to correct a mistake in the placement or erection of  
137 a billboard does not constitute the initiation of acquisition by eminent domain under Subsection  
138 (1)(a) if the mistake in placement or erection of the billboard is determined by clear and  
139 convincing evidence to have resulted from an intentionally false or misleading statement:

140 (i) by the billboard applicant in the application; and

141 (ii) regarding the placement or erection of the billboard.

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

144 (a) the county determines:

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

148 (ii) by substantial evidence that the billboard:

149 (A) is structurally unsafe;

- 150 (B) is in an unreasonable state of repair; or
- 151 (C) has been abandoned for at least 12 months;
- 152 (b) the county notifies the owner in writing that the owner's billboard meets one or
- 153 more of the conditions listed in Subsections (2)(a)(i) and (ii);
- 154 (c) the owner fails to remedy the condition or conditions within:
  - 155 (i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's
  - 156 receipt of written notice under Subsection (2)(b); or
  - 157 (ii) if the condition forming the basis of the county's intention to remove the billboard
  - 158 is that it is structurally unsafe, ten business days, or a longer period if necessary because of a
  - 159 natural disaster, following the billboard owner's receipt of written notice under Subsection
  - 160 (2)(b); and
  - 161 (d) following the expiration of the applicable period under Subsection (2)(c) and after
  - 162 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,
  - 163 the county finds:
    - 164 (i) by clear and convincing evidence, that the applicant for a permit intentionally made
    - 165 a false or misleading statement in the application regarding the placement or erection of the
    - 166 billboard; or
    - 167 (ii) by substantial evidence that the billboard is structurally unsafe, is in an
    - 168 unreasonable state of repair, or has been abandoned for at least 12 months.
- 169 (3) A county may not allow a nonconforming billboard to be rebuilt or replaced by
- 170 anyone other than its owner or the owner acting through its contractors.
- 171 (4) A permit issued, extended, or renewed by a [municipality] county for a billboard
- 172 remains valid ~~[for a period of]~~ from the time the county issues, extends, or renews the permit
- 173 until 180 days after a required state permit is issued for the billboard if:
  - 174 (a) the billboard requires a state permit; and
  - 175 (b) an application for the state permit is filed within 30 days after the [municipality]
  - 176 county issues, extends, or renews a permit for the billboard.

177 Section 3. **Effective date.**

178 If approved by two-thirds of all the members elected to each house, this bill takes effect

179 upon approval by the governor, or the day following the constitutional time limit of Utah

180 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

181 the date of veto override.