

OUTDOOR ADVERTISING AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig A. Frank

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Municipal Code, the Counties Code, and the Protection of Highways Act by amending provisions relating to outdoor advertising.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ provides that a municipality or a county may not prevent a billboard owner from rebuilding or replacing a billboard unless the municipality or county initiates eminent domain proceedings;
- ▶ provides that a municipality or a county shall respond to a billboard owner's written request for a permit that allows a billboard to undertake certain activities within 90 days;
- ▶ provides that if a municipality or a county does not respond to the written request within 90 days, the billboard owner's request is automatically and immediately granted;
- ▶ provides that the owner of an outdoor advertising sign may make certain height adjustments or relocate if any portion of the advertising area, rather than the view and readability, of an outdoor advertising sign is obstructed due to certain circumstances; and
- ▶ makes technical changes.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **10-9a-513**, as last amended by Laws of Utah 2009, Chapters 170 and 233

35 **17-27a-512**, as last amended by Laws of Utah 2009, Chapters 170 and 233

36 **72-7-502**, as last amended by Laws of Utah 2009, Chapter 170

37 **72-7-510.5**, as last amended by Laws of Utah 2009, Chapter 170



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

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

41 **10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal**
42 **without providing compensation -- Limit on allowing nonconforming billboards to be**
43 **rebuilt or replaced -- Validity of municipal permit after issuance of state permit.**

44 (1) As used in this section:

45 (a) "Clearly visible" means capable of being [~~read~~] seen without obstruction by an
46 occupant of a vehicle traveling on a street or highway [~~within~~] along the entirety of the
47 visibility area.

48 (b) "Highest allowable height" means:

49 (i) if the height allowed by the municipality, by ordinance or consent, is higher than the
50 height under Subsection (1)(b)(ii), the height allowed by the municipality; or

51 (ii) (A) for a noninterstate billboard:

52 (I) if the height of the previous use or structure is 45 feet or higher, the height of the
53 previous use or structure; or

54 (II) if the height of the previous use or structure is less than 45 feet, the height of the
55 previous use or structure or the height to make the entire advertising content of the billboard
56 clearly visible, whichever is higher, but no higher than 45 feet; and

57 (B) for an interstate billboard:

58 (I) if the height of the previous use or structure is at or above the interstate height, the

59 height of the previous use or structure; or

60 (II) if the height of the previous use or structure is less than the interstate height, the
61 height of the previous use or structure or the height to make the entire advertising content of
62 the billboard clearly visible, whichever is higher, but no higher than the interstate height.

63 (c) "Interstate billboard" means a billboard that is intended to be viewed from a
64 highway that is an interstate.

65 (d) "Interstate height" means a height that is the higher of:

66 (i) 65 feet above the ground; and

67 (ii) 25 feet above the grade of the interstate.

68 (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a
69 street or highway that is not an interstate.

70 (f) "Visibility area" means the area on a street or highway that is:

71 (i) defined at one end by a line extending from the base of the billboard across all lanes
72 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

73 (ii) defined on the other end by a line extending across all lanes of traffic of the street
74 or highway in a plane that is:

75 (A) perpendicular to the street or highway; and

76 (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or

77 (II) for a noninterstate billboard, 300 feet from the base of the billboard.

78 (2) (a) [~~A municipality is considered to have initiated the acquisition of a billboard~~
79 ~~structure by eminent domain if the~~ Unless a municipality initiates eminent domain
80 proceedings under Subsection (2)(b)(i)(D), the municipality [prevents] may not prevent a
81 billboard owner from:

82 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged
83 by casualty, an act of God, or vandalism;

84 (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard
85 structure, or taking other measures, to correct a mistake in the placement or erection of a
86 billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding,
87 or other measure is consistent with the intent of that permit;

88 (iii) structurally modifying or upgrading a billboard;

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

90 within the municipality's boundaries, if:

91 (A) the relocated billboard is:

92 (I) within 5,280 feet of its previous location; and

93 (II) no closer than:

94 (Aa) 300 feet from an off-premise sign existing on the same side of the street or
95 highway; or

96 (Bb) if the street or highway is an interstate or limited access highway that is subject to
97 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act
98 between the relocated billboard and an off-premise sign existing on the same side of the
99 interstate or limited access highway; and

100 (B) (I) the billboard owner has submitted a written request under Subsection
101 10-9a-511(3)(c); and

102 (II) the municipality and billboard owner are unable to agree, within the time provided
103 in Subsection 10-9a-511(3)(c), to a mutually acceptable location; or

104 (v) making the following modifications, as the billboard owner determines, to a
105 billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated
106 under Subsection (2)(a)(iv):

107 (A) erecting the billboard:

108 (I) to the highest allowable height; and

109 (II) as the owner determines, to an angle that makes the entire advertising content of
110 the billboard clearly visible; and

111 (B) installing a sign face on the billboard that is at least the same size as, but no larger
112 than, the sign face on the billboard before its relocation.

113 (b) (i) Within 90 days after a billboard owner submits a written request for a permit
114 that allows the billboard owner to undertake any activity described in Subsection (2)(a), the
115 municipality shall:

116 (A) approve the request, either as initially submitted or as modified by agreement
117 between the billboard owner and the municipality;

118 (B) deny the request in a written notification delivered to the billboard owner that
119 includes the specific, objective, ordinance-based reason for the denial;

120 (C) enter into a written agreement with the billboard owner to extend the time to

121 consider the request; or

122 (D) formally initiate eminent domain proceedings in the district court in the county in
123 which the billboard is located.

124 (ii) If the municipality does not comply with the provisions of Subsection (2)(b)(i), the
125 billboard owner's request is automatically and immediately granted.

126 [~~(b)~~] (c) A modification under Subsection (2)(a)(v) shall comply with Title 72, Chapter
127 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.

128 [~~(c)~~] (d) A municipality's denial of a billboard owner's request to relocate or rebuild a
129 billboard structure, or to take other measures, in order to correct a mistake in the placement or
130 erection of a billboard does not constitute the initiation of acquisition by eminent domain under
131 Subsection (2)(a) if the mistake in placement or erection of the billboard is determined by clear
132 and convincing evidence to have resulted from an intentionally false or misleading statement:

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

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

135 [~~(d)~~] (e) If a municipality is considered to have initiated the acquisition of a billboard
136 structure by eminent domain under Subsection (2)(a) or any other provision of applicable law,
137 the municipality shall pay just compensation to the billboard owner in an amount that is:

138 (i) the value of the existing billboard at a fair market capitalization rate, based on
139 actual annual revenue, less any annual rent expense;

140 (ii) the value of any other right associated with the billboard structure that is acquired;

141 (iii) the cost of the sign structure; and

142 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the
143 billboard owner's interest is a part.

144 (3) Notwithstanding Subsection (2) and Section 10-9a-512, a municipality may remove
145 a billboard without providing compensation if:

146 (a) the municipality determines:

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

150 (ii) by substantial evidence that the billboard:

151 (A) is structurally unsafe;

152 (B) is in an unreasonable state of repair; or
153 (C) has been abandoned for at least 12 months;
154 (b) the municipality notifies the owner in writing that the owner's billboard meets one
155 or more of the conditions listed in Subsections (3)(a)(i) and (ii);
156 (c) the owner fails to remedy the condition or conditions within:
157 (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's
158 receipt of written notice under Subsection (3)(b); or
159 (ii) if the condition forming the basis of the municipality's intention to remove the
160 billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary
161 because of a natural disaster, following the billboard owner's receipt of written notice under
162 Subsection (3)(b); and
163 (d) following the expiration of the applicable period under Subsection (3)(c) and after
164 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,
165 the municipality finds:
166 (i) by clear and convincing evidence, that the applicant for a permit intentionally made
167 a false or misleading statement in the application regarding the placement or erection of the
168 billboard; or
169 (ii) by substantial evidence that the billboard is structurally unsafe, is in an
170 unreasonable state of repair, or has been abandoned for at least 12 months.
171 (4) A municipality may not allow a nonconforming billboard to be rebuilt or replaced
172 by anyone other than its owner or the owner acting through its contractors.
173 (5) A permit issued, extended, or renewed by a municipality for a billboard remains
174 valid from the time the municipality issues, extends, or renews the permit until 180 days after a
175 required state permit is issued for the billboard if:
176 (a) the billboard requires a state permit; and
177 (b) an application for the state permit is filed within 30 days after the municipality
178 issues, extends, or renews a permit for the billboard.
179 Section 2. Section **17-27a-512** is amended to read:
180 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**
181 **without providing compensation -- Limit on allowing nonconforming billboard to be**
182 **rebuilt or replaced -- Validity of county permit after issuance of state permit.**

183 (1) As used in this section:

184 (a) "Clearly visible" means capable of being [~~read~~] seen without obstruction by an
185 occupant of a vehicle traveling on a street or highway [~~within~~] along the entirety of the
186 visibility area.

187 (b) "Highest allowable height" means:

188 (i) if the height allowed by the county, by ordinance or consent, is higher than the
189 height under Subsection (1)(b)(ii), the height allowed by the county; or

190 (ii) (A) for a noninterstate billboard:

191 (I) if the height of the previous use or structure is 45 feet or higher, the height of the
192 previous use or structure; or

193 (II) if the height of the previous use or structure is less than 45 feet, the height of the
194 previous use or structure or the height to make the entire advertising content of the billboard
195 clearly visible, whichever is higher, but no higher than 45 feet; and

196 (B) for an interstate billboard:

197 (I) if the height of the previous use or structure is at or above the interstate height, the
198 height of the previous use or structure; or

199 (II) if the height of the previous use or structure is less than the interstate height, the
200 height of the previous use or structure or the height to make the entire advertising content of
201 the billboard clearly visible, whichever is higher, but no higher than the interstate height.

202 (c) "Interstate billboard" means a billboard that is intended to be viewed from a
203 highway that is an interstate.

204 (d) "Interstate height" means a height that is the higher of:

205 (i) 65 feet above the ground; and

206 (ii) 25 feet above the grade of the interstate.

207 (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a
208 street or highway that is not an interstate.

209 (f) "Visibility area" means the area on a street or highway that is:

210 (i) defined at one end by a line extending from the base of the billboard across all lanes
211 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

212 (ii) defined on the other end by a line extending across all lanes of traffic of the street
213 or highway in a plane that is:

214 (A) perpendicular to the street or highway; and
215 (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or
216 (II) for a noninterstate billboard, 300 feet from the base of the billboard.
217 (2) (a) [A county is considered to have initiated the acquisition of a billboard structure
218 by eminent domain if the county prevents] Unless a county initiates eminent domain
219 proceedings under Subsection (2)(b)(i)(D), the county may not prevent a billboard owner from:
220 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged
221 by casualty, an act of God, or vandalism;
222 (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard
223 structure, or taking other measures, to correct a mistake in the placement or erection of a
224 billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or
225 other measure is consistent with the intent of that permit;
226 (iii) structurally modifying or upgrading a billboard;
227 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone
228 within the unincorporated area of the county, if:
229 (A) the relocated billboard is:
230 (I) within 5,280 feet of its previous location; and
231 (II) no closer than:
232 (Aa) 300 feet from an off-premise sign existing on the same side of the street or
233 highway; or
234 (Bb) if the street or highway is an interstate or limited access highway that is subject to
235 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act
236 between the relocated billboard and an off-premise sign existing on the same side of the
237 interstate or limited access highway; and
238 (B) (I) the billboard owner has submitted a written request under Subsection
239 17-27a-510(3)(c); and
240 (II) the county and billboard owner are unable to agree, within the time provided in
241 Subsection 17-27a-510(3)(c), to a mutually acceptable location; or
242 (v) making the following modifications, as the billboard owner determines, to a
243 billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated
244 under Subsection (2)(a)(iv):

245 (A) erecting the billboard:

246 (I) to the highest allowable height; and

247 (II) as the owner determines, to an angle that makes the entire advertising content of
248 the billboard clearly visible; and

249 (B) installing a sign face on the billboard that is at least the same size as, but no larger
250 than, the sign face on the billboard before its relocation.

251 (b) (i) Within 90 days after a billboard owner submits a written request for a permit
252 that allows the billboard owner to undertake any activity described in Subsection (2)(a), the
253 county shall:

254 (A) approve the request, either as initially submitted or as modified by agreement
255 between the billboard owner and the county;

256 (B) deny the request in a written notification delivered to the billboard owner that
257 includes the specific, objective, ordinance-based reason for the denial;

258 (C) enter into a written agreement with the billboard owner to extend the time to
259 consider the request; or

260 (D) formally initiate eminent domain proceedings in the district court in the county in
261 which the billboard is located.

262 (ii) If the county does not comply with the provisions of Subsection (2)(b)(i), the
263 billboard owner's request is automatically and immediately granted.

264 ~~[(b)]~~ (c) A modification under Subsection ~~[(+)]~~ (2)(a)(v) shall comply with Title 72,
265 Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.

266 ~~[(e)]~~ (d) A county's denial of a billboard owner's request to relocate or rebuild a
267 billboard structure, or to take other measures, in order to correct a mistake in the placement or
268 erection of a billboard does not constitute the initiation of acquisition by eminent domain under
269 Subsection (2)(a) if the mistake in placement or erection of the billboard is determined by clear
270 and convincing evidence to have resulted from an intentionally false or misleading statement:

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

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

273 ~~[(+)]~~ (e) If a county is considered to have initiated the acquisition of a billboard
274 structure by eminent domain under Subsection ~~[(+)]~~ (2)(a) or any other provision of applicable
275 law, the county shall pay just compensation to the billboard owner in an amount that is:

- 276 (i) the value of the existing billboard at a fair market capitalization rate, based on
- 277 actual annual revenue, less any annual rent expense;
- 278 (ii) the value of any other right associated with the billboard structure that is acquired;
- 279 (iii) the cost of the sign structure; and
- 280 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the
- 281 billboard owner's interest is a part.

282 (3) Notwithstanding Subsection (2) and Section 17-27a-511, a county may remove a

283 billboard without providing compensation if:

284 (a) the county determines:

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

288 (ii) by substantial evidence that the billboard:

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

292 (b) the county notifies the owner in writing that the owner's billboard meets one or

293 more of the conditions listed in Subsections (3)(a)(i) and (ii);

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

- 295 (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's
- 296 receipt of written notice under Subsection (3)(b); or

297 (ii) if the condition forming the basis of the county's intention to remove the billboard

298 is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a

299 natural disaster, following the billboard owner's receipt of written notice under Subsection

300 (3)(b); and

301 (d) following the expiration of the applicable period under Subsection (3)(c) and after

302 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,

303 the county finds:

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

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

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

311 (5) A permit issued, extended, or renewed by a county for a billboard remains valid
312 from the time the county issues, extends, or renews the permit until 180 days after a required
313 state permit is issued for the billboard if:

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

315 (b) an application for the state permit is filed within 30 days after the county issues,
316 extends, or renews a permit for the billboard.

317 Section 3. Section **72-7-502** is amended to read:

318 **72-7-502. Definitions.**

319 As used in this part:

320 (1) "Clearly visible" means capable of being ~~read~~ seen without obstruction by an
321 occupant of a vehicle traveling on the main traveled way of a street or highway [~~within~~] along
322 the entirety of the visibility area.

323 (2) "Commercial or industrial activities" means those activities generally recognized as
324 commercial or industrial by zoning authorities in this state, except that none of the following
325 are commercial or industrial activities:

326 (a) agricultural, forestry, grazing, farming, and related activities, including wayside
327 fresh produce stands;

328 (b) transient or temporary activities;

329 (c) activities not visible from the main-traveled way;

330 (d) activities conducted in a building principally used as a residence; and

331 (e) railroad tracks and minor sidings.

332 (3) "Commercial or industrial zone" means only:

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

336 (b) those areas within the boundaries of urbanized counties that are used or reserved for
337 business, commerce, or trade, or zoned as a highway service zone, under enabling state

338 legislation or comprehensive local zoning ordinances or regulations;

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

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

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

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

353 (4) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of
354 allowing outdoor advertising.

355 (5) "Comprehensive local zoning ordinances or regulations" means a municipality's
356 comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by
357 Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and
358 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations
359 is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor
360 advertising.

361 (6) "Directional signs" means signs containing information about public places owned
362 or operated by federal, state, or local governments or their agencies, publicly or privately
363 owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas
364 of natural scenic beauty or naturally suited for outdoor recreation, that the department considers
365 to be in the interest of the traveling public.

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

368 (b) "Erect" does not include any activities defined in Subsection (7)(a) if they are

369 performed incident to the change of an advertising message or customary maintenance of a
370 sign.

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

374 (9) "Information center" means an area or site established and maintained at rest areas
375 for the purpose of informing the public of:

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

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

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

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

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

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

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

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

395 (16) "On-premise signs" means signs used to advertise the major activities conducted
396 on the property where the sign is located.

397 (17) "Outdoor advertising" means any outdoor advertising structure or outdoor
398 structure used in combination with an outdoor advertising sign or outdoor sign.

399 (18) "Outdoor advertising corridor" means a strip of land 350 feet wide, measured

400 perpendicular from the edge of a controlled highway right-of-way.

401 (19) "Outdoor advertising structure" or "outdoor structure" means any sign structure,
402 including any necessary devices, supports, appurtenances, and lighting that is part of or
403 supports an outdoor sign.

404 (20) "Point of widening" means the point of the gore or the point where the intersecting
405 lane begins to parallel the other lanes of traffic, but the point of widening may never be greater
406 than 2,640 feet from the center line of the intersecting highway of the interchange or
407 intersection at grade.

408 (21) "Public assembly facility" means a convention facility as defined under Section
409 59-12-602 and that:

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

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

414 (22) "Relocation" includes the removal of a sign from one situs together with the
415 erection of a new sign upon another situs in a commercial or industrial zoned area as a
416 substitute.

417 (23) "Relocation and replacement" means allowing all outdoor advertising signs or
418 permits the right to maintain outdoor advertising along the interstate, federal aid primary
419 highway existing as of June 1, 1991, and national highway system highways to be maintained
420 in a commercial or industrial zoned area to accommodate the displacement, remodeling, or
421 widening of the highway systems.

422 (24) "Remodel" means the upgrading, changing, alteration, refurbishment,
423 modification, or complete substitution of a new outdoor advertising structure for one permitted
424 pursuant to this part and that is located in a commercial or industrial area.

425 (25) "Rest area" means an area or site established and maintained within or adjacent to
426 the right-of-way by or under public supervision or control for the convenience of the traveling
427 public.

428 (26) "Scenic or natural area" means an area determined by the department to have
429 aesthetic value.

430 (27) "Traveled way" means that portion of the roadway used for the movement of

431 vehicles, exclusive of shoulders and auxiliary lanes.

432 (28) (a) "Unzoned commercial or industrial area" means:

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

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

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

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

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

448 (29) "Urbanized county" means a county with a population of at least 125,000 persons.

449 (30) "Visibility area" means the area on a street or highway that is:

450 (a) defined at one end by a line extending from the base of the billboard across all lanes
451 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

452 (b) defined on the other end by a line extending across all lanes of traffic of the street
453 or highway in a plane that is:

454 (i) perpendicular to the street or highway; and

455 (ii) 500 feet from the base of the billboard.

456 Section 4. Section **72-7-510.5** is amended to read:

457 **72-7-510.5. Height adjustments for outdoor advertising signs.**

458 (1) If [~~the view and readability~~] any portion of the advertising area of an outdoor
459 advertising sign, including a sign that is a nonconforming sign as defined in Section 72-7-510,
460 a noncomplying structure as defined in Sections 10-9a-103 and 17-27a-103, or a
461 nonconforming use as defined in Sections 10-9a-103 and 17-27a-103 is obstructed due to a

462 noise abatement or safety measure, grade change, construction, directional sign, highway
463 widening, or aesthetic improvement made by an agency of this state, along an interstate, federal
464 aid primary highway existing as of June 1, 1991, national highway systems highway, or state
465 highway or by an improvement created on real property subsequent to the department's disposal
466 of the property under Section 72-5-111, the owner of the sign may:

467 (a) adjust the height of the sign; or

468 (b) relocate the sign to a point within 500 feet of its prior location, if the sign complies
469 with the spacing requirements under Section 72-7-505 and is in a commercial or industrial
470 zone.

471 (2) A height adjusted sign under this section does not constitute a substantial change to
472 the sign.

473 (3) The county or municipality in which the outdoor advertising sign is located shall, if
474 necessary, provide for the height adjustment or relocation by ordinance for a special exception
475 to its zoning ordinance.

476 (4) (a) The height adjusted sign:

477 (i) may be erected:

478 (A) to a height to make the entire advertising content of the sign clearly visible; and

479 (B) to an angle to make the entire advertising content of the sign clearly visible; and

480 (ii) shall be the same size as the previous sign.

481 (b) The provisions of Subsection (4)(a) are an exception to the height requirements
482 under Section 72-7-505.

Legislative Review Note
as of 2-3-10 1:57 PM

Office of Legislative Research and General Counsel

H.B. 180 - Outdoor Advertising Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely could result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
