

57 (ii) If the municipality and billboard owner cannot agree to a mutually acceptable
 58 location within 90 days after the owner submits a written request to relocate the billboard, the
 59 provisions of Subsection 10-9a-513(2)(a)(iv) apply.

60 (4) (a) Unless the municipality establishes, by ordinance, a uniform presumption of
 61 legal existence for nonconforming uses, the property owner shall have the burden of
 62 establishing the legal existence of a noncomplying structure or nonconforming use.

63 (b) Any party claiming that a nonconforming use has been abandoned shall have the
 64 burden of establishing the abandonment.

65 (c) Abandonment may be presumed to have occurred if:

66 (i) a majority of the primary structure associated with the nonconforming use has been
 67 voluntarily demolished without prior written agreement with the municipality regarding an
 68 extension of the nonconforming use;

69 (ii) the use has been discontinued for a minimum of one year; or

70 (iii) the primary structure associated with the nonconforming use remains vacant for a
 71 period of one year.

72 (d) The property owner may rebut the presumption of abandonment under Subsection
 73 (4)(c), and shall have the burden of establishing that any claimed abandonment under
 74 Subsection (4)(b) has not in fact occurred.

75 (5) A municipality may terminate the nonconforming status of a school district or
 76 charter school use or structure when the property associated with the school district or charter
 77 school use or structure ceases to be used for school district or charter school purposes for a
 78 period established by ordinance.

79 (6) A municipal ordinance adopted under Section 10-1-203 may not:

80 (a) require physical changes in a structure with a legal nonconforming rental housing
 81 use[; or] unless the change is for:

82 (i) the reasonable installation of:

83 (A) a smoke detector that is plugged in or battery operated;

84 (B) a ground fault circuit interrupter protected outlet on existing wiring;

85 (C) street addressing;

86 (D) except as provided in Subsection (7), an egress bedroom window if the existing

87 bedroom window is smaller than ~~5~~→ [5.7 square feet] that required by current state building
 87a code ←~~5~~ :

88 (E) an electrical system or a plumbing system, if the existing system is not functioning
89 or is unsafe as determined by an independent electrical or plumbing professional who is
90 licensed in accordance with Title 58, Occupations and Professions;

91 (F) hand or guard rails; or

92 (G) ~~H~~→ [fire suppression] occupancy separation ←~~H~~ doors as required by the International
92a Residential Code; or

93 (ii) the abatement of a structure; or

94 (b) be enforced to terminate a legal nonconforming rental housing use.

95 (7) A municipality may not require a change described in Subsection (6)(a)(i)(D) if the
96 change:

97 (a) would compromise the structural integrity of a building; or

98 (b) could not be completed in accordance with current building codes, including
99 set-back and window well requirements.

100 ~~(7)~~ (8) A legal nonconforming rental housing use may not be terminated under
101 Section 10-1-203.