

Senator Stephen H. Urquhart proposes the following substitute bill:

BILLBOARD AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: Melvin R. Brown

Cosponsors: Michael G. Waddoups

Scott K. Jenkins

LONG TITLE

General Description:

This bill enacts language related to a billboard and electronic or mechanical changeable message sign and amends applicable land use provisions.

Highlighted Provisions:

This bill:

- ▶ enacts definitions;
- ▶ amends provisions related to a municipal or county land use authority review of a land use application;
- ▶ enacts language related to a curfew imposed on an electronic or mechanical changeable message sign imposed by a municipality or county;
- ▶ enacts language related to an obstruction of a billboard;
- ▶ enacts language related to just compensation paid to a billboard owner by a municipality or a county;
- ▶ enacts language related to a municipal or county review of an application to convert an existing interstate billboard;



- 25 ▶ enacts language related to an arbitration regarding a billboard and a municipality or
- 26 county;
- 27 ▶ enacts definitions;
- 28 ▶ enacts language related to the illumination of an electronic or mechanical
- 29 changeable message sign;
- 30 ▶ prohibits the Department of Transportation from issuing a permit in certain
- 31 circumstances; and
- 32 ▶ makes technical corrections.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 None

37 Utah Code Sections Affected:

38 AMENDS:

- 39 **10-9a-103**, as last amended by Laws of Utah 2011, Chapters 47, 92, 107, and 407
- 40 **10-9a-509.5**, as last amended by Laws of Utah 2010, Chapter 378
- 41 **10-9a-511**, as last amended by Laws of Utah 2011, Chapter 210
- 42 **10-9a-513**, as last amended by Laws of Utah 2009, Chapters 170 and 233
- 43 **17-27a-103**, as last amended by Laws of Utah 2011, Chapters 47, 92, 107, and 407
- 44 **17-27a-509.5**, as last amended by Laws of Utah 2008, Chapter 112
- 45 **17-27a-510**, as last amended by Laws of Utah 2009, Chapter 170
- 46 **17-27a-512**, as last amended by Laws of Utah 2009, Chapters 170 and 233
- 47 **72-7-502**, as last amended by Laws of Utah 2011, Chapter 346
- 48 **72-7-505**, as last amended by Laws of Utah 2011, Chapter 346
- 49 **72-7-507**, as last amended by Laws of Utah 2009, Chapter 183

50 ENACTS:

- 51 **10-9a-513.1**, Utah Code Annotated 1953
- 52 **10-9a-513.5**, Utah Code Annotated 1953
- 53 **17-27a-512.1**, Utah Code Annotated 1953
- 54 **17-27a-512.5**, Utah Code Annotated 1953

55

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

57 Section 1. Section **10-9a-103** is amended to read:

58 **10-9a-103. Definitions.**

59 As used in this chapter:

60 (1) "Affected entity" means a county, municipality, local district, special service
61 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
62 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
63 public utility, a property owner, a property owners association, or the Utah Department of
64 Transportation, if:

65 (a) the entity's services or facilities are likely to require expansion or significant
66 modification because of an intended use of land;

67 (b) the entity has filed with the municipality a copy of the entity's general or long-range
68 plan; or

69 (c) the entity has filed with the municipality a request for notice during the same
70 calendar year and before the municipality provides notice to an affected entity in compliance
71 with a requirement imposed under this chapter.

72 (2) "Appeal authority" means the person, board, commission, agency, or other body
73 designated by ordinance to decide an appeal of a decision of a land use application or a
74 variance.

75 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
76 residential property if the sign is designed or intended to direct attention to a business, product,
77 or service that is not sold, offered, or existing on the property where the sign is located.

78 (4) (a) "Charter school" means:

79 (i) an operating charter school;

80 (ii) a charter school applicant that has its application approved by a chartering entity in
81 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

82 (iii) an entity who is working on behalf of a charter school or approved charter
83 applicant to develop or construct a charter school building.

84 (b) "Charter school" does not include a therapeutic school.

85 (5) "Conditional use" means a land use that, because of its unique characteristics or
86 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be

87 compatible in some areas or may be compatible only if certain conditions are required that
88 mitigate or eliminate the detrimental impacts.

89 (6) "Constitutional taking" means a governmental action that results in a taking of
90 private property so that compensation to the owner of the property is required by the:

- 91 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 92 (b) Utah Constitution Article I, Section 22.

93 (7) "Convert" means to change the surface of a billboard sign face from an existing,
94 non-digital surface to a digitally-controlled surface.

95 [~~7~~] (8) "Culinary water authority" means the department, agency, or public entity with
96 responsibility to review and approve the feasibility of the culinary water system and sources for
97 the subject property.

98 [~~8~~] (9) "Development activity" means:

- 99 (a) any construction or expansion of a building, structure, or use that creates additional
100 demand and need for public facilities;
- 101 (b) any change in use of a building or structure that creates additional demand and need
102 for public facilities; or
- 103 (c) any change in the use of land that creates additional demand and need for public
104 facilities.

105 [~~9~~] (10) (a) "Disability" means a physical or mental impairment that substantially
106 limits one or more of a person's major life activities, including a person having a record of such
107 an impairment or being regarded as having such an impairment.

108 (b) "Disability" does not include current illegal use of, or addiction to, any federally
109 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
110 802.

111 [~~10~~] (11) "Educational facility":

112 (a) means:

- 113 (i) a school district's building at which pupils assemble to receive instruction in a
114 program for any combination of grades from preschool through grade 12, including
115 kindergarten and a program for children with disabilities;
- 116 (ii) a structure or facility:

117 (A) located on the same property as a building described in Subsection [~~10~~]

118 ~~(11)~~(a)(i); and
119 (B) used in support of the use of that building; and
120 (iii) a building to provide office and related space to a school district's administrative
121 personnel; and

122 (b) does not include:
123 (i) land or a structure, including land or a structure for inventory storage, equipment
124 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

125 (A) not located on the same property as a building described in Subsection [~~(10)~~]

126 ~~(11)~~(a)(i); and

127 (B) used in support of the purposes of a building described in Subsection [~~(10)~~]

128 ~~(11)~~(a)(i); or

129 (ii) a therapeutic school.

130 [~~(11)~~] (12) "Elderly person" means a person who is 60 years old or older, who desires
131 or needs to live with other elderly persons in a group setting, but who is capable of living
132 independently.

133 [~~(12)~~] (13) "Fire authority" means the department, agency, or public entity with
134 responsibility to review and approve the feasibility of fire protection and suppression services
135 for the subject property.

136 [~~(13)~~] (14) "Flood plain" means land that:

137 (a) is within the 100-year flood plain designated by the Federal Emergency
138 Management Agency; or

139 (b) has not been studied or designated by the Federal Emergency Management Agency
140 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
141 the land has characteristics that are similar to those of a 100-year flood plain designated by the
142 Federal Emergency Management Agency.

143 [~~(14)~~] (15) "General plan" means a document that a municipality adopts that sets forth
144 general guidelines for proposed future development of the land within the municipality.

145 [~~(15)~~] (16) "Geologic hazard" means:

- 146 (a) a surface fault rupture;
- 147 (b) shallow groundwater;
- 148 (c) liquefaction;

- 149 (d) a landslide;
- 150 (e) a debris flow;
- 151 (f) unstable soil;
- 152 (g) a rock fall; or
- 153 (h) any other geologic condition that presents a risk:
- 154 (i) to life;
- 155 (ii) of substantial loss of real property; or
- 156 (iii) of substantial damage to real property.

157 [~~16~~] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,
158 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
159 other utility system.

160 [~~17~~] (18) "Identical plans" means building plans submitted to a municipality that:

- 161 (a) are clearly marked as "identical plans";
- 162 (b) are substantially identical to building plans that were previously submitted to and
163 reviewed and approved by the municipality; and
- 164 (c) describe a building that:
 - 165 (i) is located on land zoned the same as the land on which the building described in the
166 previously approved plans is located;
 - 167 (ii) is subject to the same geological and meteorological conditions and the same law
168 as the building described in the previously approved plans;
 - 169 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
170 and approved by the municipality; and
 - 171 (iv) does not require any additional engineering or analysis.

172 [~~18~~] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter
173 36a, Impact Fees Act.

174 [~~19~~] (20) "Improvement assurance" means a surety bond, letter of credit, cash, or
175 other security:

- 176 (a) to guaranty the proper completion of an improvement;
- 177 (b) that is required as a condition precedent to:
 - 178 (i) recording a subdivision plat; or
 - 179 (ii) beginning development activity; and

180 (c) that is offered to a land use authority to induce the land use authority, before actual
181 construction of required improvements, to:

- 182 (i) consent to the recording of a subdivision plat; or
- 183 (ii) issue a permit for development activity.

184 [~~(20)~~] (21) "Improvement assurance warranty" means a promise that the materials and
185 workmanship of improvements:

- 186 (a) comport with standards that the municipality has officially adopted; and
- 187 (b) will not fail in any material respect within a warranty period.

188 [~~(21)~~] (22) "Internal lot restriction" means a platted note, platted demarcation, or
189 platted designation that:

- 190 (a) runs with the land; and
- 191 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
192 the plat; or
- 193 (ii) designates a development condition that is enclosed within the perimeter of a lot
194 described on the plat.

195 [~~(22)~~] (23) "Land use application" means an application required by a municipality's
196 land use ordinance.

197 [~~(23)~~] (24) "Land use authority" means a person, board, commission, agency, or other
198 body designated by the local legislative body to act upon a land use application.

199 [~~(24)~~] (25) "Land use ordinance" means a planning, zoning, development, or
200 subdivision ordinance of the municipality, but does not include the general plan.

201 [~~(25)~~] (26) "Land use permit" means a permit issued by a land use authority.

202 [~~(26)~~] (27) "Legislative body" means the municipal council.

203 [~~(27)~~] (28) "Local district" means an entity under Title 17B, Limited Purpose Local
204 Government Entities - Local Districts, and any other governmental or quasi-governmental
205 entity that is not a county, municipality, school district, or the state.

206 [~~(28)~~] (29) "Lot line adjustment" means the relocation of the property boundary line in
207 a subdivision between two adjoining lots with the consent of the owners of record.

208 [~~(29)~~] (30) "Moderate income housing" means housing occupied or reserved for
209 occupancy by households with a gross household income equal to or less than 80% of the
210 median gross income for households of the same size in the county in which the city is located.

211 [~~(30)~~] (31) "Nominal fee" means a fee that reasonably reimburses a municipality only
212 for time spent and expenses incurred in:

- 213 (a) verifying that building plans are identical plans; and
- 214 (b) reviewing and approving those minor aspects of identical plans that differ from the
215 previously reviewed and approved building plans.

216 [~~(31)~~] (32) "Noncomplying structure" means a structure that:

- 217 (a) legally existed before its current land use designation; and
- 218 (b) because of one or more subsequent land use ordinance changes, does not conform
219 to the setback, height restrictions, or other regulations, excluding those regulations, which
220 govern the use of land.

221 [~~(32)~~] (33) "Nonconforming use" means a use of land that:

- 222 (a) legally existed before its current land use designation;
- 223 (b) has been maintained continuously since the time the land use ordinance governing
224 the land changed; and
- 225 (c) because of one or more subsequent land use ordinance changes, does not conform
226 to the regulations that now govern the use of the land.

227 [~~(33)~~] (34) "Official map" means a map drawn by municipal authorities and recorded in
228 a county recorder's office that:

- 229 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
230 highways and other transportation facilities;
- 231 (b) provides a basis for restricting development in designated rights-of-way or between
232 designated setbacks to allow the government authorities time to purchase or otherwise reserve
233 the land; and
- 234 (c) has been adopted as an element of the municipality's general plan.

235 [~~(34)~~] (35) "Person" means an individual, corporation, partnership, organization,
236 association, trust, governmental agency, or any other legal entity.

237 [~~(35)~~] (36) "Plan for moderate income housing" means a written document adopted by
238 a city legislative body that includes:

- 239 (a) an estimate of the existing supply of moderate income housing located within the
240 city;
- 241 (b) an estimate of the need for moderate income housing in the city for the next five

242 years as revised biennially;

243 (c) a survey of total residential land use;

244 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
245 income housing; and

246 (e) a description of the city's program to encourage an adequate supply of moderate
247 income housing.

248 [~~36~~] (37) "Plat" means a map or other graphical representation of lands being laid out
249 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

250 [~~37~~] (38) "Potential geologic hazard area" means an area that:

251 (a) is designated by a Utah Geological Survey map, county geologist map, or other
252 relevant map or report as needing further study to determine the area's potential for geologic
253 hazard; or

254 (b) has not been studied by the Utah Geological Survey or a county geologist but
255 presents the potential of geologic hazard because the area has characteristics similar to those of
256 a designated geologic hazard area.

257 [~~38~~] (39) "Public agency" means:

258 (a) the federal government;

259 (b) the state;

260 (c) a county, municipality, school district, local district, special service district, or other
261 political subdivision of the state; or

262 (d) a charter school.

263 [~~39~~] (40) "Public hearing" means a hearing at which members of the public are
264 provided a reasonable opportunity to comment on the subject of the hearing.

265 [~~40~~] (41) "Public meeting" means a meeting that is required to be open to the public
266 under Title 52, Chapter 4, Open and Public Meetings Act.

267 [~~41~~] (42) "Record of survey map" means a map of a survey of land prepared in
268 accordance with Section 17-23-17.

269 [~~42~~] (43) "Receiving zone" means an area of a municipality that the municipality's
270 land use authority designates as an area in which an owner of land may receive transferrable
271 development rights.

272 [~~43~~] (44) "Residential facility for elderly persons" means a single-family or

273 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not
274 include a health care facility as defined by Section 26-21-2.

275 [~~44~~] (45) "Residential facility for persons with a disability" means a residence:

276 (a) in which more than one person with a disability resides; and

277 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
278 Chapter 2, Licensure of Programs and Facilities; or

279 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
280 Health Care Facility Licensing and Inspection Act.

281 [~~45~~] (46) "Rules of order and procedure" means a set of rules that govern and
282 prescribe in a public meeting:

283 (a) parliamentary order and procedure;

284 (b) ethical behavior; and

285 (c) civil discourse.

286 [~~46~~] (47) "Sanitary sewer authority" means the department, agency, or public entity
287 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
288 wastewater systems.

289 [~~47~~] (48) "Sending zone" means an area of a municipality that the municipality's land
290 use authority designates as an area from which an owner of land may transfer transferrable
291 development rights to an owner of land in a receiving zone.

292 [~~48~~] (49) "Specified public agency" means:

293 (a) the state;

294 (b) a school district; or

295 (c) a charter school.

296 [~~49~~] (50) "Specified public utility" means an electrical corporation, gas corporation,
297 or telephone corporation, as those terms are defined in Section 54-2-1.

298 [~~50~~] (51) "State" includes any department, division, or agency of the state.

299 [~~51~~] (52) "Street" means a public right-of-way, including a highway, avenue,
300 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
301 or other way.

302 [~~52~~] (53) (a) "Subdivision" means any land that is divided, resubdivided or proposed
303 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the

304 purpose, whether immediate or future, for offer, sale, lease, or development either on the
305 installment plan or upon any and all other plans, terms, and conditions.

306 (b) "Subdivision" includes:

307 (i) the division or development of land whether by deed, metes and bounds description,
308 devise and testacy, map, plat, or other recorded instrument; and

309 (ii) except as provided in Subsection [~~52~~] (53)(c), divisions of land for residential and
310 nonresidential uses, including land used or to be used for commercial, agricultural, and
311 industrial purposes.

312 (c) "Subdivision" does not include:

313 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
314 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
315 neither the resulting combined parcel nor the parcel remaining from the division or partition
316 violates an applicable land use ordinance;

317 (ii) a recorded agreement between owners of adjoining unsubdivided properties
318 adjusting their mutual boundary if:

319 (A) no new lot is created; and

320 (B) the adjustment does not violate applicable land use ordinances;

321 (iii) a recorded document, executed by the owner of record:

322 (A) revising the legal description of more than one contiguous unsubdivided parcel of
323 property into one legal description encompassing all such parcels of property; or

324 (B) joining a subdivided parcel of property to another parcel of property that has not
325 been subdivided, if the joinder does not violate applicable land use ordinances;

326 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
327 their mutual boundary if:

328 (A) no new dwelling lot or housing unit will result from the adjustment; and

329 (B) the adjustment will not violate any applicable land use ordinance; or

330 (v) a bona fide division or partition of land by deed or other instrument where the land
331 use authority expressly approves in writing the division in anticipation of further land use
332 approvals on the parcel or parcels.

333 (d) The joining of a subdivided parcel of property to another parcel of property that has
334 not been subdivided does not constitute a subdivision under this Subsection [~~52~~] (53) as to

335 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
336 subdivision ordinance.

337 [~~53~~] (54) "Therapeutic school" means a residential group living facility:

338 (a) for four or more individuals who are not related to:

339 (i) the owner of the facility; or

340 (ii) the primary service provider of the facility;

341 (b) that serves students who have a history of failing to function:

342 (i) at home;

343 (ii) in a public school; or

344 (iii) in a nonresidential private school; and

345 (c) that offers:

346 (i) room and board; and

347 (ii) an academic education integrated with:

348 (A) specialized structure and supervision; or

349 (B) services or treatment related to a disability, an emotional development, a

350 behavioral development, a familial development, or a social development.

351 [~~54~~] (55) "Transferrable development right" means the entitlement to develop land
352 within a sending zone that would vest according to the municipality's existing land use
353 ordinances on the date that a completed land use application is filed seeking the approval of
354 development activity on the land.

355 [~~55~~] (56) "Unincorporated" means the area outside of the incorporated area of a city
356 or town.

357 [~~56~~] (57) "Water interest" means any right to the beneficial use of water, including:

358 (a) each of the rights listed in Section 73-1-11; and

359 (b) an ownership interest in the right to the beneficial use of water represented by:

360 (i) a contract; or

361 (ii) a share in a water company, as defined in Section 73-3-3.5.

362 [~~57~~] (58) "Zoning map" means a map, adopted as part of a land use ordinance, that
363 depicts land use zones, overlays, or districts.

364 Section 2. Section **10-9a-509.5** is amended to read:

365 **10-9a-509.5. Review for application completeness -- Substantive application**

366 **review -- Reasonable diligence required for determination of whether improvements or**
367 **warranty work meets standards -- Money damages claim prohibited.**

368 (1) (a) Each municipality shall, in a timely manner, determine whether an application is
369 complete for the purposes of subsequent, substantive land use authority review.

370 (b) After a reasonable period of time to allow the municipality diligently to evaluate
371 whether all objective ordinance-based application criteria have been met, if application fees
372 have been paid, the applicant may in writing request that the municipality provide a written
373 determination either that the application is:

374 (i) complete for the purposes of allowing subsequent, substantive land use authority
375 review; or

376 (ii) deficient with respect to a specific, objective, ordinance-based application
377 requirement.

378 (c) Within 30 days of receipt of an applicant's request under this section, the
379 municipality shall either:

380 (i) mail a written notice to the applicant advising that the application is deficient with
381 respect to a specified, objective, ordinance-based criterion, and stating that the application shall
382 be supplemented by specific additional information identified in the notice; or

383 (ii) accept the application as complete for the purposes of further substantive
384 processing by the land use authority.

385 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
386 shall be considered complete, for purposes of further substantive land use authority review.

387 (e) (i) The applicant may raise and resolve in a single appeal any determination made
388 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
389 period of time has elapsed under Subsection (1)(a).

390 (ii) The appeal authority shall issue a written decision for any appeal requested under
391 this Subsection (1)(e).

392 (f) (i) The applicant may appeal to district court the decision of the appeal authority
393 made under Subsection (1)(e).

394 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
395 the written decision.

396 (2) (a) Each land use authority shall substantively review a complete application and an

397 application considered complete under Subsection (1)(d), and shall approve or deny each
398 application with reasonable diligence.

399 (b) After a reasonable period of time to allow the land use authority to consider an
400 application, the applicant may in writing request that the land use authority take final action
401 within 45 days from date of service of the written request.

402 (c) The land use authority shall take final action, approving or denying the application
403 within 45 days of the written request.

404 (d) If the land use authority denies an application processed under the mandates of
405 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
406 land use authority shall include its reasons for denial in writing, on the record, which may
407 include the official minutes of the meeting in which the decision was rendered.

408 (e) If the land use authority fails to ~~[comply with]~~ take an action required under
409 Subsection (2)(c) and notwithstanding Section 10-9a-707, the land use authority is limited on
410 appeal to the record created before the expiration of the 45 day period established under
411 Subsection (2)(c).

412 (f) If the land use authority fails to take action under Subsection (2)(c), the applicant;

413 (i) may appeal [this failure] to district court within 30 days of the date on which the
414 land use authority is required to take final action under Subsection (2)(c)[-]; and

415 (ii) notwithstanding Section 10-9a-801, is not required to exhaust administrative
416 remedies available to the applicant.

417 (3) (a) With reasonable diligence, each land use authority shall determine whether the
418 installation of required subdivision improvements or the performance of warranty work meets
419 the municipality's adopted standards.

420 (b) (i) An applicant may in writing request the land use authority to accept or reject the
421 applicant's installation of required subdivision improvements or performance of warranty work.

422 (ii) The land use authority shall accept or reject subdivision improvements within 15
423 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
424 practicable after that 15-day period if inspection of the subdivision improvements is impeded
425 by winter weather conditions.

426 (iii) The land use authority shall accept or reject the performance of warranty work
427 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as

428 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
429 winter weather conditions.

430 (c) If a land use authority determines that the installation of required subdivision
431 improvements or the performance of warranty work does not meet the municipality's adopted
432 standards, the land use authority shall comprehensively and with specificity list the reasons for
433 its determination.

434 (4) Subject to Section 10-9a-509, nothing in this section and no action or inaction of
435 the land use authority relieves an applicant's duty to comply with all applicable substantive
436 ordinances and regulations.

437 (5) There shall be no money damages remedy arising from a claim under this section.

438 Section 3. Section **10-9a-511** is amended to read:

439 **10-9a-511. Nonconforming uses and noncomplying structures.**

440 (1) (a) Except as provided in this section, a nonconforming use or noncomplying
441 structure may be continued by the present or a future property owner.

442 (b) A nonconforming use may be extended through the same building, provided no
443 structural alteration of the building is proposed or made for the purpose of the extension.

444 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
445 building is not a structural alteration.

446 (2) The legislative body may provide for:

447 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
448 substitution of nonconforming uses upon the terms and conditions set forth in the land use
449 ordinance;

450 (b) the termination of all nonconforming uses, except billboards, by providing a
451 formula establishing a reasonable time period during which the owner can recover or amortize
452 the amount of his investment in the nonconforming use, if any; and

453 (c) the termination of a nonconforming use due to its abandonment.

454 (3) (a) A municipality may not prohibit the reconstruction or restoration of a
455 noncomplying structure or terminate the nonconforming use of a structure that is involuntarily
456 destroyed in whole or in part due to fire or other calamity unless the structure or use has been
457 abandoned.

458 (b) A municipality may prohibit the reconstruction or restoration of a noncomplying

459 structure or terminate the nonconforming use of a structure if:

460 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
461 uninhabitable and is not repaired or restored within six months after written notice to the
462 property owner that the structure is uninhabitable and that the noncomplying structure or
463 nonconforming use will be lost if the structure is not repaired or restored within six months; or

464 (ii) the property owner has voluntarily demolished a majority of the noncomplying
465 structure or the building that houses the nonconforming use.

466 (c) (i) Notwithstanding a prohibition in its zoning ordinance, a municipality may
467 permit a billboard owner to relocate the billboard within the municipality's boundaries to a
468 location that is mutually acceptable to the municipality and the billboard owner.

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

472 (d) A municipality may impose a curfew on the operation of an electronic or
473 mechanical changeable message sign if the curfew:

474 (i) eliminates light emission from the sign; or

475 (ii) requires a static message from midnight to 6 a.m. for a sign located within 200 feet
476 of a residence.

477 (e) No later than 45 days after the day on which a municipality receives a written
478 request from a billboard owner to trim or remove a tree that obstructs the view and readability
479 of a billboard, the municipality shall:

480 (i) trim or remove the tree; or

481 (ii) authorize the billboard owner to:

482 (A) adjust the height of the billboard; or

483 (B) relocate the billboard.

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

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

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

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

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

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

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

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

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

504 (a) require physical changes in a structure with a legal nonconforming rental housing
505 use unless the change is for:

506 (i) the reasonable installation of:

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

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

509 (C) street addressing;

510 (D) except as provided in Subsection (7), an egress bedroom window if the existing
511 bedroom window is smaller than that required by current state building code;

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

515 (F) hand or guard rails; or

516 (G) occupancy separation doors as required by the International Residential Code; or

517 (ii) the abatement of a structure; or

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

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

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

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

524 (8) A legal nonconforming rental housing use may not be terminated under Section
525 10-1-203.

526 Section 4. Section **10-9a-513** is amended to read:

527 **10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal**
528 **without providing compensation -- Limit on allowing nonconforming billboards to be**
529 **rebuilt or replaced -- Validity of municipal permit after issuance of state permit.**

530 (1) As used in this section:

531 (a) "Clearly visible" means capable of being read without obstruction by an occupant of
532 a vehicle traveling on a street or highway within the visibility area.

533 (b) "Highest allowable height" means:

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

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

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

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

542 (B) for an interstate billboard:

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

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

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

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

551 (i) 65 feet above the ground; and

- 552 (ii) 25 feet above the grade of the interstate.
- 553 (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a
554 street or highway that is not an interstate.
- 555 (f) "Visibility area" means the area on a street or highway that is:
- 556 (i) defined at one end by a line extending from the base of the billboard across all lanes
557 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and
- 558 (ii) defined on the other end by a line extending across all lanes of traffic of the street
559 or highway in a plane that is:
- 560 (A) perpendicular to the street or highway; and
- 561 (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or
- 562 (II) for a noninterstate billboard, 300 feet from the base of the billboard.
- 563 (2) (a) A municipality is considered to have initiated the acquisition of a billboard
564 structure by eminent domain if the municipality prevents a billboard owner from:
- 565 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged
566 by casualty, an act of God, or vandalism;
- 567 (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard
568 structure, or taking other measures, to correct a mistake in the placement or erection of a
569 billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding,
570 or other measure is consistent with the intent of that permit;
- 571 (iii) structurally modifying or upgrading a billboard;
- 572 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone
573 within the municipality's boundaries, if:
- 574 (A) the relocated billboard is:
- 575 (I) within 5,280 feet of its previous location; and
- 576 (II) no closer than:
- 577 (Aa) 300 feet from an off-premise sign existing on the same side of the street or
578 highway; or
- 579 (Bb) if the street or highway is an interstate or limited access highway that is subject to
580 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act
581 between the relocated billboard and an off-premise sign existing on the same side of the
582 interstate or limited access highway; and

583 (B) (I) the billboard owner has submitted a written request under Subsection
584 10-9a-511(3)(c); and

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

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

590 (A) erecting the billboard:

591 (I) to the highest allowable height; and

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

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

596 (b) A modification under Subsection (2)(a)(v) shall comply with Title 72, Chapter 7,
597 Part 5, Utah Outdoor Advertising Act, to the extent applicable.

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

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

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

605 (d) If a municipality is considered to have initiated the acquisition of a billboard
606 structure by eminent domain under Subsection (2)(a) or any other provision of applicable law,
607 the municipality shall, subject to Subsection (2)(e)(i), pay just compensation to the billboard
608 owner in an amount that is:

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

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

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

613 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the

614 billboard owner's interest is a part.

615 (e) (i) No later than 30 days after the day on which a municipality initiates the
616 acquisition of a billboard structure under this section, the billboard owner shall provide the
617 municipality evidence to justify each claim for which the billboard owner requests just
618 compensation.

619 (ii) A municipality is not required to pay just compensation for a claim for which a
620 billboard has not provided evidence for in accordance with Subsection (2)(e)(i).

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

623 (a) the municipality determines:

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

627 (ii) by substantial evidence that the billboard:

628 (A) is structurally unsafe;

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

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

631 (b) the municipality notifies the owner in writing that the owner's billboard meets one
632 or more of the conditions listed in Subsections (3)(a)(i) and (ii);

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

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

636 (ii) if the condition forming the basis of the municipality's intention to remove the
637 billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary
638 because of a natural disaster, following the billboard owner's receipt of written notice under
639 Subsection (3)(b); and

640 (d) following the expiration of the applicable period under Subsection (3)(c) and after
641 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,
642 the municipality finds:

643 (i) by clear and convincing evidence, that the applicant for a permit intentionally made
644 a false or misleading statement in the application regarding the placement or erection of the

645 billboard; or

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

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

650 (5) A permit issued, extended, or renewed by a municipality for a billboard remains
651 valid from the time the municipality issues, extends, or renews the permit until 180 days after a
652 required state permit is issued for the billboard if:

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

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

656 Section 5. Section **10-9a-513.1** is enacted to read:

657 **10-9a-513.1. Conversion of billboard.**

658 A municipality may not deny an application to convert an existing interstate billboard,
659 as defined in Section 10-9a-513, if the billboard:

660 (1) location is in accordance with adopted zoning; or

661 (2) is a permissible nonconforming use in accordance Section 10-9a-511 and an
662 applicable municipal ordinance.

663 Section 6. Section **10-9a-513.5** is enacted to read:

664 **10-9a-513.5. Billboard arbitration.**

665 (1) An applicant may challenge or dispute a final decision of a municipality concerning
666 a billboard by serving a notice of arbitration upon the municipality within the time for a
667 judicial appeal of the final decision.

668 (2) (a) A notice of arbitration served in accordance with Subsection (1) shall:

669 (i) stay the applicant's appeal period;

670 (ii) state the decision, action, or failure to act that is the subject of the arbitration; and

671 (iii) state the name of the applicant's choice of an arbitrator.

672 (b) (i) The municipality shall have 21 days after the day the municipality receives a
673 notice of arbitration to respond to the notice of arbitration, including a statement stating as to
674 whether the municipality agrees or disagrees to the applicant's arbitrator choice.

675 (ii) If the municipality does not agree to the applicant's selected arbitrator, the

676 municipality shall submit its own choice of arbitrator in its response to notice of arbitration
677 under Subsection (2)(b).

678 (iii) If the applicant and municipality cannot agree to a single arbitrator:

679 (A) the applicant's and the municipality's chosen arbitrators shall choose a third
680 arbitrator; and

681 (B) the arbitration shall be decided by a three-member panel consisting of the
682 applicant's arbitrator, the municipality's arbitrator, and an arbitrator described in Subsection
683 (2)(b)(iii)(A).

684 (3) (a) An arbitration under this section shall commence no later than:

685 (i) except as provided in Subsection (3)(a)(ii), 30 days after the day on which a
686 municipality serves, in accordance with Subsection (2)(b), its response to the notice of
687 arbitration; or

688 (ii) 45 days after the day on which a municipality serves, in accordance with
689 Subsection (2)(b), its response to the notice of arbitration if a panel of three as described in
690 Subsection (2)(b)(iii)(B) is to decide the arbitration.

691 (b) Unless otherwise agreed to in writing, each party shall pay:

692 (i) an equal share of the fees and costs of an arbitrator mutually agreed to under
693 Subsection (2)(b)(i); or

694 (ii) for an arbitration panel described in Subsection (2)(b)(iii)(B):

695 (A) fees and costs for the arbitrator selected by the party; and

696 (B) an equal share of the fees and costs of the arbitrator selected in accordance with
697 Subsection (2)(b)(iii)(A).

698 (c) Except as otherwise provided in this section or unless otherwise agreed to in
699 writing by the parties, an arbitration proceeding conducted in accordance with this section is
700 governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

701 (4) An arbitration decision issued in accordance with this section shall be:

702 (a) issued no later than 60 days after the day the arbitration commences; and

703 (b) the final resolution of all claims related to the dispute unless:

704 (i) the decision is procured by corruption, fraud, or other undue means; or

705 (ii) a party, within 20 days after the day the decision is issued, files a complaint
706 requesting a trial de novo in district court.

707 (5) (a) Upon filing a complaint for a trial de novo under Subsection (4)(b)(ii), a claim
708 and related proceedings are subject to the Utah Rules of Civil Procedure and Utah Rules of
709 Evidence.

710 (b) Except as provided in Subsection (6), the arbitration decision described in
711 Subsection (4) may not be offered as evidence in a trial de novo.

712 (6) (a) If a party to a trial de novo described in Subsection (4)(b)(ii) prevails on the
713 same legal theories at the trial de novo and in an arbitration decision, the party is entitled to
714 reasonable attorney fees, costs, and expenses incurred in the trial de novo.

715 (b) If an arbitration decision includes, under Subsection (4)(b), an award, a party may
716 not present the award as evidence to the district court unless the evidence of the award is
717 presented as part of a motion for attorney fees, costs, and expenses under Subsection (6)(a).

718 (c) An order resulting from a motion described in Subsection (6)(b) is considered a
719 final judgment under Rule 54 of the Utah Rules of Civil Procedure.

720 Section 7. Section **17-27a-103** is amended to read:

721 **17-27a-103. Definitions.**

722 As used in this chapter:

723 (1) "Affected entity" means a county, municipality, local district, special service
724 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
725 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
726 property owner, property owners association, public utility, or the Utah Department of
727 Transportation, if:

728 (a) the entity's services or facilities are likely to require expansion or significant
729 modification because of an intended use of land;

730 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
731 or

732 (c) the entity has filed with the county a request for notice during the same calendar
733 year and before the county provides notice to an affected entity in compliance with a
734 requirement imposed under this chapter.

735 (2) "Appeal authority" means the person, board, commission, agency, or other body
736 designated by ordinance to decide an appeal of a decision of a land use application or a
737 variance.

738 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
739 residential property if the sign is designed or intended to direct attention to a business, product,
740 or service that is not sold, offered, or existing on the property where the sign is located.

741 (4) (a) "Charter school" means:

742 (i) an operating charter school;

743 (ii) a charter school applicant that has its application approved by a chartering entity in
744 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

745 (iii) an entity who is working on behalf of a charter school or approved charter
746 applicant to develop or construct a charter school building.

747 (b) "Charter school" does not include a therapeutic school.

748 (5) "Chief executive officer" means the person or body that exercises the executive
749 powers of the county.

750 (6) "Conditional use" means a land use that, because of its unique characteristics or
751 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
752 compatible in some areas or may be compatible only if certain conditions are required that
753 mitigate or eliminate the detrimental impacts.

754 (7) "Constitutional taking" means a governmental action that results in a taking of
755 private property so that compensation to the owner of the property is required by the:

756 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

757 (b) Utah Constitution Article I, Section 22.

758 (8) "Convert" means to change the surface of a billboard sign face from an existing,
759 non-digital surface to a digitally-controlled surface.

760 [~~8~~] (9) "Culinary water authority" means the department, agency, or public entity with
761 responsibility to review and approve the feasibility of the culinary water system and sources for
762 the subject property.

763 [~~9~~] (10) "Development activity" means:

764 (a) any construction or expansion of a building, structure, or use that creates additional
765 demand and need for public facilities;

766 (b) any change in use of a building or structure that creates additional demand and need
767 for public facilities; or

768 (c) any change in the use of land that creates additional demand and need for public

769 facilities.

770 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially
771 limits one or more of a person's major life activities, including a person having a record of such
772 an impairment or being regarded as having such an impairment.

773 (b) "Disability" does not include current illegal use of, or addiction to, any federally
774 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
775 802.

776 ~~[(11)]~~ (12) "Educational facility":

777 (a) means:

778 (i) a school district's building at which pupils assemble to receive instruction in a
779 program for any combination of grades from preschool through grade 12, including
780 kindergarten and a program for children with disabilities;

781 (ii) a structure or facility:

782 (A) located on the same property as a building described in Subsection ~~[(11)]~~

783 (12)(a)(i); and

784 (B) used in support of the use of that building; and

785 (iii) a building to provide office and related space to a school district's administrative
786 personnel; and

787 (b) does not include:

788 (i) land or a structure, including land or a structure for inventory storage, equipment
789 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

790 (A) not located on the same property as a building described in Subsection ~~[(11)]~~

791 (12)(a)(i); and

792 (B) used in support of the purposes of a building described in Subsection ~~[(11)]~~

793 (12)(a)(i); or

794 (ii) a therapeutic school.

795 ~~[(12)]~~ (13) "Elderly person" means a person who is 60 years old or older, who desires
796 or needs to live with other elderly persons in a group setting, but who is capable of living
797 independently.

798 ~~[(13)]~~ (14) "Fire authority" means the department, agency, or public entity with
799 responsibility to review and approve the feasibility of fire protection and suppression services

800 for the subject property.

801 [~~(14)~~] (15) "Flood plain" means land that:

802 (a) is within the 100-year flood plain designated by the Federal Emergency

803 Management Agency; or

804 (b) has not been studied or designated by the Federal Emergency Management Agency
805 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
806 the land has characteristics that are similar to those of a 100-year flood plain designated by the
807 Federal Emergency Management Agency.

808 [~~(15)~~] (16) "Gas corporation" has the same meaning as defined in Section 54-2-1.

809 [~~(16)~~] (17) "General plan" means a document that a county adopts that sets forth
810 general guidelines for proposed future development of the unincorporated land within the
811 county.

812 [~~(17)~~] (18) "Geologic hazard" means:

813 (a) a surface fault rupture;

814 (b) shallow groundwater;

815 (c) liquefaction;

816 (d) a landslide;

817 (e) a debris flow;

818 (f) unstable soil;

819 (g) a rock fall; or

820 (h) any other geologic condition that presents a risk:

821 (i) to life;

822 (ii) of substantial loss of real property; or

823 (iii) of substantial damage to real property.

824 [~~(18)~~] (19) "Internal lot restriction" means a platted note, platted demarcation, or
825 platted designation that:

826 (a) runs with the land; and

827 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
828 the plat; or

829 (ii) designates a development condition that is enclosed within the perimeter of a lot
830 described on the plat.

831 [~~(19)~~] (20) "Hookup fee" means a fee for the installation and inspection of any pipe,
832 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
833 utility system.

834 [~~(20)~~] (21) "Identical plans" means building plans submitted to a county that:

835 (a) are clearly marked as "identical plans";

836 (b) are substantially identical building plans that were previously submitted to and
837 reviewed and approved by the county; and

838 (c) describe a building that:

839 (i) is located on land zoned the same as the land on which the building described in the
840 previously approved plans is located;

841 (ii) is subject to the same geological and meteorological conditions and the same law
842 as the building described in the previously approved plans;

843 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
844 and approved by the county; and

845 (iv) does not require any additional engineering or analysis.

846 [~~(21)~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter
847 36a, Impact Fees Act.

848 [~~(22)~~] (23) "Improvement assurance" means a surety bond, letter of credit, cash, or
849 other security:

850 (a) to guaranty the proper completion of an improvement;

851 (b) that is required as a condition precedent to:

852 (i) recording a subdivision plat; or

853 (ii) beginning development activity; and

854 (c) that is offered to a land use authority to induce the land use authority, before actual
855 construction of required improvements, to:

856 (i) consent to the recording of a subdivision plat; or

857 (ii) issue a permit for development activity.

858 [~~(23)~~] (24) "Improvement assurance warranty" means a promise that the materials and
859 workmanship of improvements:

860 (a) comport with standards that the county has officially adopted; and

861 (b) will not fail in any material respect within a warranty period.

862 ~~[(24)]~~ (25) "Interstate pipeline company" means a person or entity engaged in natural
863 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
864 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

865 ~~[(25)]~~ (26) "Intrastate pipeline company" means a person or entity engaged in natural
866 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
867 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

868 ~~[(26)]~~ (27) "Land use application" means an application required by a county's land use
869 ordinance.

870 ~~[(27)]~~ (28) "Land use authority" means a person, board, commission, agency, or other
871 body designated by the local legislative body to act upon a land use application.

872 ~~[(28)]~~ (29) "Land use ordinance" means a planning, zoning, development, or
873 subdivision ordinance of the county, but does not include the general plan.

874 ~~[(29)]~~ (30) "Land use permit" means a permit issued by a land use authority.

875 ~~[(30)]~~ (31) "Legislative body" means the county legislative body, or for a county that
876 has adopted an alternative form of government, the body exercising legislative powers.

877 ~~[(31)]~~ (32) "Local district" means any entity under Title 17B, Limited Purpose Local
878 Government Entities - Local Districts, and any other governmental or quasi-governmental
879 entity that is not a county, municipality, school district, or the state.

880 ~~[(32)]~~ (33) "Lot line adjustment" means the relocation of the property boundary line in
881 a subdivision between two adjoining lots with the consent of the owners of record.

882 ~~[(33)]~~ (34) "Moderate income housing" means housing occupied or reserved for
883 occupancy by households with a gross household income equal to or less than 80% of the
884 median gross income for households of the same size in the county in which the housing is
885 located.

886 ~~[(34)]~~ (35) "Nominal fee" means a fee that reasonably reimburses a county only for
887 time spent and expenses incurred in:

888 (a) verifying that building plans are identical plans; and

889 (b) reviewing and approving those minor aspects of identical plans that differ from the
890 previously reviewed and approved building plans.

891 ~~[(35)]~~ (36) "Noncomplying structure" means a structure that:

892 (a) legally existed before its current land use designation; and

893 (b) because of one or more subsequent land use ordinance changes, does not conform
894 to the setback, height restrictions, or other regulations, excluding those regulations that govern
895 the use of land.

896 [~~36~~] (37) "Nonconforming use" means a use of land that:

897 (a) legally existed before its current land use designation;

898 (b) has been maintained continuously since the time the land use ordinance regulation
899 governing the land changed; and

900 (c) because of one or more subsequent land use ordinance changes, does not conform
901 to the regulations that now govern the use of the land.

902 [~~37~~] (38) "Official map" means a map drawn by county authorities and recorded in
903 the county recorder's office that:

904 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
905 highways and other transportation facilities;

906 (b) provides a basis for restricting development in designated rights-of-way or between
907 designated setbacks to allow the government authorities time to purchase or otherwise reserve
908 the land; and

909 (c) has been adopted as an element of the county's general plan.

910 [~~38~~] (39) "Person" means an individual, corporation, partnership, organization,
911 association, trust, governmental agency, or any other legal entity.

912 [~~39~~] (40) "Plan for moderate income housing" means a written document adopted by
913 a county legislative body that includes:

914 (a) an estimate of the existing supply of moderate income housing located within the
915 county;

916 (b) an estimate of the need for moderate income housing in the county for the next five
917 years as revised biennially;

918 (c) a survey of total residential land use;

919 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
920 income housing; and

921 (e) a description of the county's program to encourage an adequate supply of moderate
922 income housing.

923 [~~40~~] (41) "Plat" means a map or other graphical representation of lands being laid out

924 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

925 [~~(41)~~] (42) "Potential geologic hazard area" means an area that:

926 (a) is designated by a Utah Geological Survey map, county geologist map, or other
927 relevant map or report as needing further study to determine the area's potential for geologic
928 hazard; or

929 (b) has not been studied by the Utah Geological Survey or a county geologist but
930 presents the potential of geologic hazard because the area has characteristics similar to those of
931 a designated geologic hazard area.

932 [~~(42)~~] (43) "Public agency" means:

933 (a) the federal government;

934 (b) the state;

935 (c) a county, municipality, school district, local district, special service district, or other
936 political subdivision of the state; or

937 (d) a charter school.

938 [~~(43)~~] (44) "Public hearing" means a hearing at which members of the public are
939 provided a reasonable opportunity to comment on the subject of the hearing.

940 [~~(44)~~] (45) "Public meeting" means a meeting that is required to be open to the public
941 under Title 52, Chapter 4, Open and Public Meetings Act.

942 [~~(45)~~] (46) "Receiving zone" means an unincorporated area of a county that the
943 county's land use authority designates as an area in which an owner of land may receive
944 transferrable development rights.

945 [~~(46)~~] (47) "Record of survey map" means a map of a survey of land prepared in
946 accordance with Section 17-23-17.

947 [~~(47)~~] (48) "Residential facility for elderly persons" means a single-family or
948 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not
949 include a health care facility as defined by Section 26-21-2.

950 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

951 (a) in which more than one person with a disability resides; and

952 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
953 Chapter 2, Licensure of Programs and Facilities; or

954 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,

955 Health Care Facility Licensing and Inspection Act.

956 [~~(49)~~] (50) "Rules of order and procedure" means a set of rules that govern and
957 prescribe in a public meeting:

958 (a) parliamentary order and procedure;

959 (b) ethical behavior; and

960 (c) civil discourse.

961 [~~(50)~~] (51) "Sanitary sewer authority" means the department, agency, or public entity
962 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
963 wastewater systems.

964 [~~(51)~~] (52) "Sending zone" means an unincorporated area of a county that the county's
965 land use authority designates as an area from which an owner of land may transfer transferrable
966 development rights to an owner of land in a receiving zone.

967 [~~(52)~~] (53) "Specified public agency" means:

968 (a) the state;

969 (b) a school district; or

970 (c) a charter school.

971 [~~(53)~~] (54) "Specified public utility" means an electrical corporation, gas corporation,
972 or telephone corporation, as those terms are defined in Section 54-2-1.

973 [~~(54)~~] (55) "State" includes any department, division, or agency of the state.

974 [~~(55)~~] (56) "Street" means a public right-of-way, including a highway, avenue,
975 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
976 or other way.

977 [~~(56)~~] (57) (a) "Subdivision" means any land that is divided, resubdivided or proposed
978 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
979 purpose, whether immediate or future, for offer, sale, lease, or development either on the
980 installment plan or upon any and all other plans, terms, and conditions.

981 (b) "Subdivision" includes:

982 (i) the division or development of land whether by deed, metes and bounds description,
983 devise and testacy, map, plat, or other recorded instrument; and

984 (ii) except as provided in Subsection [~~(56)~~] (57)(c), divisions of land for residential and
985 nonresidential uses, including land used or to be used for commercial, agricultural, and

986 industrial purposes.

987 (c) "Subdivision" does not include:

988 (i) a bona fide division or partition of agricultural land for agricultural purposes;

989 (ii) a recorded agreement between owners of adjoining properties adjusting their

990 mutual boundary if:

991 (A) no new lot is created; and

992 (B) the adjustment does not violate applicable land use ordinances;

993 (iii) a recorded document, executed by the owner of record:

994 (A) revising the legal description of more than one contiguous unsubdivided parcel of
995 property into one legal description encompassing all such parcels of property; or

996 (B) joining a subdivided parcel of property to another parcel of property that has not
997 been subdivided, if the joinder does not violate applicable land use ordinances;

998 (iv) a bona fide division or partition of land in a county other than a first class county
999 for the purpose of siting, on one or more of the resulting separate parcels:

1000 (A) an electrical transmission line or a substation;

1001 (B) a natural gas pipeline or a regulation station; or

1002 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1003 utility service regeneration, transformation, retransmission, or amplification facility;

1004 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
1005 their mutual boundary if:

1006 (A) no new dwelling lot or housing unit will result from the adjustment; and

1007 (B) the adjustment will not violate any applicable land use ordinance; or

1008 (vi) a bona fide division or partition of land by deed or other instrument where the land
1009 use authority expressly approves in writing the division in anticipation of further land use
1010 approvals on the parcel or parcels.

1011 (d) The joining of a subdivided parcel of property to another parcel of property that has
1012 not been subdivided does not constitute a subdivision under this Subsection [~~(56)~~ (57) as to
1013 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
1014 subdivision ordinance.

1015 [~~(57)~~ (58) "Therapeutic school" means a residential group living facility:

1016 (a) for four or more individuals who are not related to:

- 1017 (i) the owner of the facility; or
- 1018 (ii) the primary service provider of the facility;
- 1019 (b) that serves students who have a history of failing to function:
- 1020 (i) at home;
- 1021 (ii) in a public school; or
- 1022 (iii) in a nonresidential private school; and
- 1023 (c) that offers:
- 1024 (i) room and board; and
- 1025 (ii) an academic education integrated with:
- 1026 (A) specialized structure and supervision; or
- 1027 (B) services or treatment related to a disability, an emotional development, a
- 1028 behavioral development, a familial development, or a social development.

1029 [~~58~~] (59) "Township" means a contiguous, geographically defined portion of the
1030 unincorporated area of a county, established under this part or reconstituted or reinstated under
1031 Section 17-27a-306, with planning and zoning functions as exercised through the township
1032 planning commission, as provided in this chapter, but with no legal or political identity
1033 separate from the county and no taxing authority, except that "township" means a former
1034 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

1035 [~~59~~] (60) "Transferrable development right" means the entitlement to develop land
1036 within a sending zone that would vest according to the county's existing land use ordinances on
1037 the date that a completed land use application is filed seeking the approval of development
1038 activity on the land.

1039 [~~60~~] (61) "Unincorporated" means the area outside of the incorporated area of a
1040 municipality.

1041 [~~61~~] (62) "Water interest" means any right to the beneficial use of water, including:
1042 (a) each of the rights listed in Section 73-1-11; and
1043 (b) an ownership interest in the right to the beneficial use of water represented by:
1044 (i) a contract; or
1045 (ii) a share in a water company, as defined in Section 73-3-3.5.

1046 [~~62~~] (63) "Zoning map" means a map, adopted as part of a land use ordinance, that
1047 depicts land use zones, overlays, or districts.

1048 Section 8. Section **17-27a-509.5** is amended to read:

1049 **17-27a-509.5. Review for application completeness -- Substantive application**
1050 **review -- Reasonable diligence required for determination of whether improvements or**
1051 **warranty work meets standards -- Money damages claim prohibited.**

1052 (1) (a) Each county shall, in a timely manner, determine whether an application is
1053 complete for the purposes of subsequent, substantive land use authority review.

1054 (b) After a reasonable period of time to allow the county diligently to evaluate whether
1055 all objective ordinance-based application criteria have been met, if application fees have been
1056 paid, the applicant may in writing request that the county provide a written determination either
1057 that the application is:

1058 (i) complete for the purposes of allowing subsequent, substantive land use authority
1059 review; or

1060 (ii) deficient with respect to a specific, objective, ordinance-based application
1061 requirement.

1062 (c) Within 30 days of receipt of an applicant's request under this section, the county
1063 shall either:

1064 (i) mail a written notice to the applicant advising that the application is deficient with
1065 respect to a specified, objective, ordinance-based criterion, and stating that the application must
1066 be supplemented by specific additional information identified in the notice; or

1067 (ii) accept the application as complete for the purposes of further substantive
1068 processing by the land use authority.

1069 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
1070 shall be considered complete, for purposes of further substantive land use authority review.

1071 (e) (i) The applicant may raise and resolve in a single appeal any determination made
1072 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
1073 period of time has elapsed under Subsection (1)(a).

1074 (ii) The appeal authority shall issue a written decision for any appeal requested under
1075 this Subsection (1)(e).

1076 (f) (i) The applicant may appeal to district court the decision of the appeal authority
1077 made under Subsection (1)(e).

1078 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of

1079 the written decision.

1080 (2) (a) Each land use authority shall substantively review a complete application and an
1081 application considered complete under Subsection (1)(d), and shall approve or deny each
1082 application with reasonable diligence.

1083 (b) After a reasonable period of time to allow the land use authority to consider an
1084 application, the applicant may in writing request that the land use authority take final action
1085 within 45 days from date of service of the written request.

1086 (c) The land use authority shall take final action, approving or denying the application
1087 within 45 days of the written request.

1088 (d) If the land use authority denies an application processed under the mandates of
1089 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
1090 land use authority shall include its reasons for denial in writing, on the record, which may
1091 include the official minutes of the meeting in which the decision was rendered.

1092 (e) If the land use authority fails to ~~[comply with]~~ take an action required under
1093 Subsection (2)(c)[-]; and notwithstanding Section 17-27a-707, the land use authority is limited
1094 on appeal to the record created before the expiration of the 45 day period established under
1095 Subsection (2)(c).

1096 (f) If the land use authority fails to take action under Subsection (2)(c), the applicant:

1097 (i) may appeal [this failure] to district court within 30 days of the date on which the
1098 land use authority should have taken final action under Subsection (2)(c)[-]; and

1099 (ii) notwithstanding Section 17-27a-801, is not required to exhaust administrative
1100 remedies available to the applicant.

1101 (3) (a) With reasonable diligence, each land use authority shall determine whether the
1102 installation of required subdivision improvements or the performance of warranty work meets
1103 the county's adopted standards.

1104 (b) (i) An applicant may in writing request the land use authority to accept or reject the
1105 applicant's installation of required subdivision improvements or performance of warranty work.

1106 (ii) The land use authority shall accept or reject subdivision improvements within 15
1107 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
1108 practicable after that 15-day period if inspection of the subdivision improvements is impeded
1109 by winter weather conditions.

1110 (iii) The land use authority shall accept or reject the performance of warranty work
1111 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
1112 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
1113 winter weather conditions.

1114 (c) If a land use authority determines that the installation of required subdivision
1115 improvements or the performance of warranty work does not meet the county's adopted
1116 standards, the land use authority shall comprehensively and with specificity list the reasons for
1117 its determination.

1118 (4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of
1119 the land use authority relieves an applicant's duty to comply with all applicable substantive
1120 ordinances and regulations.

1121 (5) There shall be no money damages remedy arising from a claim under this section.

1122 Section 9. Section **17-27a-510** is amended to read:

1123 **17-27a-510. Nonconforming uses and noncomplying structures.**

1124 (1) (a) Except as provided in this section, a nonconforming use or a noncomplying
1125 structure may be continued by the present or a future property owner.

1126 (b) A nonconforming use may be extended through the same building, provided no
1127 structural alteration of the building is proposed or made for the purpose of the extension.

1128 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
1129 building is not a structural alteration.

1130 (2) The legislative body may provide for:

1131 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
1132 substitution of nonconforming uses upon the terms and conditions set forth in the land use
1133 ordinance;

1134 (b) the termination of all nonconforming uses, except billboards, by providing a
1135 formula establishing a reasonable time period during which the owner can recover or amortize
1136 the amount of his investment in the nonconforming use, if any; and

1137 (c) the termination of a nonconforming use due to its abandonment.

1138 (3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying
1139 structure or terminate the nonconforming use of a structure that is involuntarily destroyed in
1140 whole or in part due to fire or other calamity unless the structure or use has been abandoned.

1141 (b) A county may prohibit the reconstruction or restoration of a noncomplying structure
1142 or terminate the nonconforming use of a structure if:

1143 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
1144 uninhabitable and is not repaired or restored within six months after written notice to the
1145 property owner that the structure is uninhabitable and that the noncomplying structure or
1146 nonconforming use will be lost if the structure is not repaired or restored within six months; or

1147 (ii) the property owner has voluntarily demolished a majority of the noncomplying
1148 structure or the building that houses the nonconforming use.

1149 (c) (i) Notwithstanding a prohibition in its zoning ordinance, a county may permit a
1150 billboard owner to relocate the billboard within the county's unincorporated area to a location
1151 that is mutually acceptable to the county and the billboard owner.

1152 (ii) If the county and billboard owner cannot agree to a mutually acceptable location
1153 within 90 days after the owner submits a written request to relocate the billboard, the
1154 provisions of Subsection 17-27a-512(2)(a)(iv) apply.

1155 (d) A county may impose a curfew on the operation of an electronic or mechanical
1156 changeable message sign if the curfew:

1157 (i) eliminates light emission from the sign; or

1158 (ii) requires a static message from midnight to 6 a.m. for a sign located within 200 feet
1159 of a residence.

1160 (e) No later than 45 days after the day on which a county receives a written request
1161 from a billboard owner to trim or remove a tree that obstructs the view and readability of a
1162 billboard, the county shall:

1163 (i) trim or remove the tree; or

1164 (ii) authorize the billboard owner to:

1165 (A) adjust the height of the billboard; or

1166 (B) relocate the billboard.

1167 (4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal
1168 existence for nonconforming uses, the property owner shall have the burden of establishing the
1169 legal existence of a noncomplying structure or nonconforming use.

1170 (b) Any party claiming that a nonconforming use has been abandoned shall have the
1171 burden of establishing the abandonment.

- 1172 (c) Abandonment may be presumed to have occurred if:
- 1173 (i) a majority of the primary structure associated with the nonconforming use has been
- 1174 voluntarily demolished without prior written agreement with the county regarding an extension
- 1175 of the nonconforming use;
- 1176 (ii) the use has been discontinued for a minimum of one year; or
- 1177 (iii) the primary structure associated with the nonconforming use remains vacant for a
- 1178 period of one year.

1179 (d) The property owner may rebut the presumption of abandonment under Subsection

1180 (4)(c), and shall have the burden of establishing that any claimed abandonment under

1181 Subsection (4)(c) has not in fact occurred.

1182 (5) A county may terminate the nonconforming status of a school district or charter

1183 school use or structure when the property associated with the school district or charter school

1184 use or structure ceases to be used for school district or charter school purposes for a period

1185 established by ordinance.

1186 Section 10. Section **17-27a-512** is amended to read:

1187 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**

1188 **without providing compensation -- Limit on allowing nonconforming billboard to be**

1189 **rebuilt or replaced -- Validity of county permit after issuance of state permit.**

1190 (1) As used in this section:

1191 (a) "Clearly visible" means capable of being read without obstruction by an occupant of

1192 a vehicle traveling on a street or highway within the visibility area.

1193 (b) "Highest allowable height" means:

1194 (i) if the height allowed by the county, by ordinance or consent, is higher than the

1195 height under Subsection (1)(b)(ii), the height allowed by the county; or

1196 (ii) (A) for a noninterstate billboard:

1197 (I) if the height of the previous use or structure is 45 feet or higher, the height of the

1198 previous use or structure; or

1199 (II) if the height of the previous use or structure is less than 45 feet, the height of the

1200 previous use or structure or the height to make the entire advertising content of the billboard

1201 clearly visible, whichever is higher, but no higher than 45 feet; and

1202 (B) for an interstate billboard:

1203 (I) if the height of the previous use or structure is at or above the interstate height, the
1204 height of the previous use or structure; or

1205 (II) if the height of the previous use or structure is less than the interstate height, the
1206 height of the previous use or structure or the height to make the entire advertising content of
1207 the billboard clearly visible, whichever is higher, but no higher than the interstate height.

1208 (c) "Interstate billboard" means a billboard that is intended to be viewed from a
1209 highway that is an interstate.

1210 (d) "Interstate height" means a height that is the higher of:

1211 (i) 65 feet above the ground; and

1212 (ii) 25 feet above the grade of the interstate.

1213 (e) "Noninterstate billboard" means a billboard that is intended to be viewed from a
1214 street or highway that is not an interstate.

1215 (f) "Visibility area" means the area on a street or highway that is:

1216 (i) defined at one end by a line extending from the base of the billboard across all lanes
1217 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

1218 (ii) defined on the other end by a line extending across all lanes of traffic of the street
1219 or highway in a plane that is:

1220 (A) perpendicular to the street or highway; and

1221 (B) (I) for an interstate billboard, 500 feet from the base of the billboard; or

1222 (II) for a noninterstate billboard, 300 feet from the base of the billboard.

1223 (2) (a) A county is considered to have initiated the acquisition of a billboard structure
1224 by eminent domain if the county prevents a billboard owner from:

1225 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged
1226 by casualty, an act of God, or vandalism;

1227 (ii) except as provided in Subsection (2)(c), relocating or rebuilding a billboard
1228 structure, or taking other measures, to correct a mistake in the placement or erection of a
1229 billboard for which the county has issued a permit, if the proposed relocation, rebuilding, or
1230 other measure is consistent with the intent of that permit;

1231 (iii) structurally modifying or upgrading a billboard;

1232 (iv) relocating a billboard into any commercial, industrial, or manufacturing zone
1233 within the unincorporated area of the county, if:

- 1234 (A) the relocated billboard is:
- 1235 (I) within 5,280 feet of its previous location; and
- 1236 (II) no closer than:
- 1237 (Aa) 300 feet from an off-premise sign existing on the same side of the street or
- 1238 highway; or
- 1239 (Bb) if the street or highway is an interstate or limited access highway that is subject to
- 1240 Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act
- 1241 between the relocated billboard and an off-premise sign existing on the same side of the
- 1242 interstate or limited access highway; and
- 1243 (B) (I) the billboard owner has submitted a written request under Subsection
- 1244 17-27a-510(3)(c); and
- 1245 (II) the county and billboard owner are unable to agree, within the time provided in
- 1246 Subsection 17-27a-510(3)(c), to a mutually acceptable location; or
- 1247 (v) making the following modifications, as the billboard owner determines, to a
- 1248 billboard that is structurally modified or upgraded under Subsection (2)(a)(iii) or relocated
- 1249 under Subsection (2)(a)(iv):
- 1250 (A) erecting the billboard:
- 1251 (I) to the highest allowable height; and
- 1252 (II) as the owner determines, to an angle that makes the entire advertising content of
- 1253 the billboard clearly visible; and
- 1254 (B) installing a sign face on the billboard that is at least the same size as, but no larger
- 1255 than, the sign face on the billboard before its relocation.
- 1256 (b) A modification under Subsection (1)(a)(v) shall comply with Title 72, Chapter 7,
- 1257 Part 5, Utah Outdoor Advertising Act, to the extent applicable.
- 1258 (c) A county's denial of a billboard owner's request to relocate or rebuild a billboard
- 1259 structure, or to take other measures, in order to correct a mistake in the placement or erection of
- 1260 a billboard does not constitute the initiation of acquisition by eminent domain under Subsection
- 1261 (2)(a) if the mistake in placement or erection of the billboard is determined by clear and
- 1262 convincing evidence to have resulted from an intentionally false or misleading statement:
- 1263 (i) by the billboard applicant in the application; and
- 1264 (ii) regarding the placement or erection of the billboard.

1265 (d) If a county is considered to have initiated the acquisition of a billboard structure by
1266 eminent domain under Subsection (1)(a) or any other provision of applicable law, the county
1267 shall, subject to Subsection (2)(e)(i), pay just compensation to the billboard owner in an
1268 amount that is:

1269 (i) the value of the existing billboard at a fair market capitalization rate, based on
1270 actual annual revenue, less any annual rent expense;

1271 (ii) the value of any other right associated with the billboard structure that is acquired;

1272 (iii) the cost of the sign structure; and

1273 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the
1274 billboard owner's interest is a part.

1275 (e) (i) No later than 30 days after the day on which a county initiates the acquisition of
1276 a billboard structure under this section, the billboard owner shall provide the county evidence
1277 to justify each claim for which the billboard owner requests just compensation.

1278 (ii) A county is not required to pay just compensation for a claim for which a billboard
1279 has not provided evidence for in accordance with Subsection (2)(e)(i).

1280 (3) Notwithstanding Subsection (2) and Section 17-27a-511, a county may remove a
1281 billboard without providing compensation if:

1282 (a) the county determines:

1283 (i) by clear and convincing evidence that the applicant for a permit intentionally made a
1284 false or misleading statement in the applicant's application regarding the placement or erection
1285 of the billboard; or

1286 (ii) by substantial evidence that the billboard:

1287 (A) is structurally unsafe;

1288 (B) is in an unreasonable state of repair; or

1289 (C) has been abandoned for at least 12 months;

1290 (b) the county notifies the owner in writing that the owner's billboard meets one or
1291 more of the conditions listed in Subsections (3)(a)(i) and (ii);

1292 (c) the owner fails to remedy the condition or conditions within:

1293 (i) except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's
1294 receipt of written notice under Subsection (3)(b); or

1295 (ii) if the condition forming the basis of the county's intention to remove the billboard

1296 is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a
1297 natural disaster, following the billboard owner's receipt of written notice under Subsection
1298 (3)(b); and

1299 (d) following the expiration of the applicable period under Subsection (3)(c) and after
1300 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,
1301 the county finds:

1302 (i) by clear and convincing evidence, that the applicant for a permit intentionally made
1303 a false or misleading statement in the application regarding the placement or erection of the
1304 billboard; or

1305 (ii) by substantial evidence that the billboard is structurally unsafe, is in an
1306 unreasonable state of repair, or has been abandoned for at least 12 months.

1307 (4) A county may not allow a nonconforming billboard to be rebuilt or replaced by
1308 anyone other than its owner or the owner acting through its contractors.

1309 (5) A permit issued, extended, or renewed by a county for a billboard remains valid
1310 from the time the county issues, extends, or renews the permit until 180 days after a required
1311 state permit is issued for the billboard if:

1312 (a) the billboard requires a state permit; and

1313 (b) an application for the state permit is filed within 30 days after the county issues,
1314 extends, or renews a permit for the billboard.

1315 Section 11. Section **17-27a-512.1** is enacted to read:

1316 **17-27a-512.1. Conversion of billboard.**

1317 A county may not deny an application to convert an existing interstate billboard, as
1318 defined in Section 10-9a-513, if the billboard:

1319 (1) location is in accordance with adopted zoning; or

1320 (2) is a permissible nonconforming use in accordance Section 10-9a-511 and an
1321 applicable county ordinance.

1322 Section 12. Section **17-27a-512.5** is enacted to read:

1323 **17-27a-512.5. Billboard arbitration.**

1324 (1) An applicant may challenge or dispute a final decision of a county concerning a
1325 billboard by serving a notice of arbitration upon the county within the time for a judicial appeal
1326 of the final decision.

1327 (2) (a) A notice of arbitration served in accordance with Subsection (1) shall:
1328 (i) stay the applicant's appeal period;
1329 (ii) state the decision, action, or failure to act that is the subject of the arbitration; and
1330 (iii) state the name of the applicant's choice of an arbitrator.
1331 (b) (i) The county shall have 21 days after the day the county receives a notice of
1332 arbitration to respond to the notice of arbitration, including a statement stating as to whether
1333 the county agrees or disagrees to the applicant's arbitrator choice.
1334 (ii) If the county does not agree to the applicant's selected arbitrator, the county shall
1335 submit its own choice of arbitrator in its response to notice of arbitration under Subsection
1336 (2)(b).
1337 (iii) If the applicant and county cannot agree to a single arbitrator:
1338 (A) the applicant's and the county's chosen arbitrators shall choose a third arbitrator;
1339 and
1340 (B) the arbitration shall be decided by a three-member panel consisting of the
1341 applicant's arbitrator, the county's arbitrator, and an arbitrator described in Subsection
1342 (2)(b)(iii)(A).
1343 (3) (a) An arbitration under this section shall commence no later than:
1344 (i) except as provided in Subsection (3)(a)(ii), 30 days after the day on which a county
1345 serves, in accordance with Subsection (2)(b), its response to the notice of arbitration; or
1346 (ii) 45 days after the day on which a county serves, in accordance with Subsection
1347 (2)(b), its response to the notice of arbitration if a panel of three as described in Subsection
1348 (2)(b)(iii)(B) is to decide the arbitration.
1349 (b) Unless otherwise agreed to in writing, each party shall pay:
1350 (i) an equal share of the fees and costs of an arbitrator mutually agreed to under
1351 Subsection (2)(b)(i); or
1352 (ii) for an arbitration panel described in Subsection (2)(b)(iii)(B):
1353 (A) fees and costs for the arbitrator selected by the party; and
1354 (B) an equal share of the fees and costs of the arbitrator selected in accordance with
1355 Subsection (2)(b)(iii)(A).
1356 (c) Except as otherwise provided in this section or unless otherwise agreed to in
1357 writing by the parties, an arbitration proceeding conducted in accordance with this section is

1358 governed by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

1359 (4) An arbitration decision issued in accordance with this section shall be:

1360 (a) issued no later than 60 days after the day the arbitration commences; and

1361 (b) the final resolution of all claims related to the dispute unless:

1362 (i) the decision is procured by corruption, fraud, or other undue means; or

1363 (ii) a party, within 20 days after the day the decision is issued, files a complaint

1364 requesting a trial de novo in district court.

1365 (5) (a) Upon filing a complaint for a trial de novo under Subsection (4)(b)(ii), a claim
1366 and related proceedings are subject to the Utah Rules of Civil Procedure and Utah Rules of
1367 Evidence.

1368 (b) Except as provided in Subsection (6), the arbitration decision described in
1369 Subsection (4) may not be offered as evidence in a trial de novo.

1370 (6) (a) If a party to a trial de novo described in Subsection (4)(b)(ii) prevails on the
1371 same legal theories at the trial de novo and in an arbitration decision, the party is entitled to
1372 reasonable attorney fees, costs, and expenses incurred in the trial de novo.

1373 (b) If an arbitration decision includes, under Subsection (4)(b), an award, a party may
1374 not present the award as evidence to the district court unless the evidence of the award is
1375 presented as part of a motion for attorney fees, costs, and expenses under Subsection (6)(a).

1376 (c) An order resulting from a motion described in Subsection (6)(b) is considered a
1377 final judgment under Rule 54 of the Utah Rules of Civil Procedure.

1378 Section 13. Section **72-7-502** is amended to read:

1379 **72-7-502. Definitions.**

1380 As used in this part:

1381 (1) "Clearly visible" means capable of being read without obstruction by an occupant
1382 of a vehicle traveling on the main traveled way of a street or highway within the visibility area.

1383 (2) "Commercial or industrial activities" means those activities generally recognized as
1384 commercial or industrial by zoning authorities in this state, except that none of the following
1385 are commercial or industrial activities:

1386 (a) agricultural, forestry, grazing, farming, and related activities, including wayside
1387 fresh produce stands;

1388 (b) transient or temporary activities;

1389 (c) activities not visible from the main-traveled way;

1390 (d) activities conducted in a building principally used as a residence; and

1391 (e) railroad tracks and minor sidings.

1392 (3) (a) "Commercial or industrial zone" means only:

1393 (i) those areas within the boundaries of cities or towns that are used or reserved for
1394 business, commerce, or trade, or zoned as a highway service zone, under enabling state
1395 legislation or comprehensive local zoning ordinances or regulations;

1396 (ii) those areas within the boundaries of urbanized counties that are used or reserved
1397 for business, commerce, or trade, or zoned as a highway service zone, under enabling state
1398 legislation or comprehensive local zoning ordinances or regulations;

1399 (iii) those areas outside the boundaries of urbanized counties and outside the
1400 boundaries of cities and towns that:

1401 (A) are used or reserved for business, commerce, or trade, or zoned as a highway
1402 service zone, under comprehensive local zoning ordinances or regulations or enabling state
1403 legislation; and

1404 (B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured
1405 from the nearest point of the beginning or ending of the pavement widening at the exit from or
1406 entrance to the main-traveled way; or

1407 (iv) those areas outside the boundaries of urbanized counties and outside the
1408 boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp,
1409 or turnoff as measured from the nearest point of the beginning or ending of the pavement
1410 widening at the exit from or entrance to the main-traveled way that are reserved for business,
1411 commerce, or trade under enabling state legislation or comprehensive local zoning ordinances
1412 or regulations, and are actually used for commercial or industrial purposes.

1413 (b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of
1414 allowing outdoor advertising.

1415 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's
1416 comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by
1417 Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and
1418 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations
1419 is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor

1420 advertising.

1421 (5) "Convert" means to change the surface of a billboard sign face from an existing,
1422 non-digital surface to a digitally-controlled surface.

1423 [~~5~~] (6) "Directional signs" means signs containing information about public places
1424 owned or operated by federal, state, or local governments or their agencies, publicly or
1425 privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites,
1426 and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department
1427 considers to be in the interest of the traveling public.

1428 [~~6~~] (7) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach,
1429 create, paint, draw, or in any other way bring into being.

1430 (b) "Erect" does not include any activities defined in Subsection [~~6~~] (7)(a) if they are
1431 performed incident to the change of an advertising message or customary maintenance of a
1432 sign.

1433 [~~7~~] (8) "Highway service zone" means a highway service area where the primary use
1434 of the land is used or reserved for commercial and roadside services other than outdoor
1435 advertising to serve the traveling public.

1436 [~~8~~] (9) "Information center" means an area or site established and maintained at rest
1437 areas for the purpose of informing the public of:

1438 (a) places of interest within the state; or

1439 (b) any other information that the department considers desirable.

1440 [~~9~~] (10) "Interchange or intersection" means those areas and their approaches where
1441 traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration
1442 lanes, or feeder systems, from or to another federal, state, county, city, or other route.

1443 [~~10~~] (11) "Maintain" means to allow to exist, subject to the provisions of this chapter.

1444 [~~11~~] (12) (a) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an
1445 existing sign structure safe and in a state suitable for use, including signs destroyed by
1446 vandalism or an act of God.

1447 (b) "Maintenance" does not include an action defined or described in Subsection (5).

1448 [~~12~~] (13) "Main-traveled way" means the through traffic lanes, including auxiliary
1449 lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads
1450 and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each

1451 direction.

1452 ~~[(13)]~~ (14) "Major sponsor" means a sponsor of a public assembly facility or of a team
1453 or event held at the facility where the amount paid by the sponsor to the owner of the facility,
1454 to the team, or for the event is at least \$100,000 per year.

1455 ~~[(14)]~~ (15) "Official signs and notices" means signs and notices erected and maintained
1456 by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out
1457 official duties or responsibilities in accordance with direction or authorization contained in
1458 federal, state, or local law.

1459 ~~[(15)]~~ (16) "Off-premise signs" means signs located in areas zoned industrial,
1460 commercial, or H-1 and in areas determined by the department to be unzoned industrial or
1461 commercial that advertise an activity, service, event, person, or product located on premises
1462 other than the premises at which the advertising occurs.

1463 ~~[(16)]~~ (17) "On-premise signs" means signs used to advertise the major activities
1464 conducted on the property where the sign is located.

1465 ~~[(17)]~~ (18) "Outdoor advertising" means any outdoor advertising structure or outdoor
1466 structure used in combination with an outdoor advertising sign or outdoor sign within the
1467 outdoor advertising corridor which is visible from a place on the main-traveled way of a
1468 controlled route.

1469 ~~[(18)]~~ (19) "Outdoor advertising corridor" means a strip of land 350 feet wide,
1470 measured perpendicular from the edge of a controlled highway right-of-way.

1471 ~~[(19)]~~ (20) "Outdoor advertising structure" or "outdoor structure" means any sign
1472 structure, including any necessary devices, supports, appurtenances, and lighting that is part of
1473 or supports an outdoor sign.

1474 ~~[(20)]~~ (21) "Point of widening" means the point of the gore or the point where the
1475 intersecting lane begins to parallel the other lanes of traffic, but the point of widening may
1476 never be greater than 2,640 feet from the center line of the intersecting highway of the
1477 interchange or intersection at grade.

1478 ~~[(21)]~~ (22) "Public assembly facility" means a convention facility as defined under
1479 Section 59-12-602 and that:

1480 (a) includes all contiguous interests in land, improvements, and utilities acquired,
1481 constructed, and used in connection with the operation of the public assembly facility, whether

1482 the interests are owned or held in fee title or a lease or easement for a term of at least 40 years,
1483 and regardless of whether the interests are owned or operated by separate governmental
1484 authorities or districts;

1485 (b) is wholly or partially funded by public money;

1486 (c) requires a person attending an event at the public assembly facility to purchase a
1487 ticket or that otherwise charges for the use of the public assembly facility as part of its regular
1488 operation; and

1489 (d) has a minimum and permanent seating capacity of at least 10,000 people.

1490 ~~[(22)]~~ (23) "Public assembly facility sign" means a sign located on a public assembly
1491 facility that only advertises the public assembly facility, major sponsors, events, the sponsors of
1492 events held or teams playing at the facility, and products sold or services conducted at the
1493 facility.

1494 ~~[(23)]~~ (24) "Relocation" includes the removal of a sign from one situs together with the
1495 erection of a new sign upon another situs in a commercial or industrial zoned area as a
1496 substitute.

1497 ~~[(24)]~~ (25) "Relocation and replacement" means allowing all outdoor advertising signs
1498 or permits the right to maintain outdoor advertising along the interstate, federal aid primary
1499 highway existing as of June 1, 1991, and national highway system highways to be maintained
1500 in a commercial or industrial zoned area to accommodate the displacement, remodeling, or
1501 widening of the highway systems.

1502 ~~[(25)]~~ (26) (a) "Remodel" means the upgrading, changing, alteration, refurbishment,
1503 modification, or complete substitution of a new outdoor advertising structure for one permitted
1504 pursuant to this part and that is located in a commercial or industrial area.

1505 (b) "Remodel" does not include an action defined or described in Subsection (5).

1506 ~~[(26)]~~ (27) "Rest area" means an area or site established and maintained within or
1507 adjacent to the right-of-way by or under public supervision or control for the convenience of
1508 the traveling public.

1509 ~~[(27)]~~ (28) "Scenic or natural area" means an area determined by the department to
1510 have aesthetic value.

1511 ~~[(28)]~~ (29) "Traveled way" means that portion of the roadway used for the movement
1512 of vehicles, exclusive of shoulders and auxiliary lanes.

1513 [~~(29)~~] (30) (a) "Unzoned commercial or industrial area" means:

1514 (i) those areas not zoned by state law or local law, regulation, or ordinance that are
1515 occupied by one or more industrial or commercial activities other than outdoor advertising
1516 signs;

1517 (ii) the lands along the highway for a distance of 600 feet immediately adjacent to
1518 those activities; and

1519 (iii) lands covering the same dimensions that are directly opposite those activities on
1520 the other side of the highway, if the department determines that those lands on the opposite side
1521 of the highway do not have scenic or aesthetic value.

1522 (b) In measuring the scope of the unzoned commercial or industrial area, all
1523 measurements shall be made from the outer edge of the regularly used buildings, parking lots,
1524 storage, or processing areas of the activities and shall be along or parallel to the edge of
1525 pavement of the highway.

1526 (c) All signs located within an unzoned commercial or industrial area become
1527 nonconforming if the commercial or industrial activity used in defining the area ceases for a
1528 continuous period of 12 months.

1529 [~~(30)~~] (31) "Urbanized county" means a county with a population of at least 125,000
1530 persons.

1531 [~~(31)~~] (32) "Visibility area" means the area on a street or highway that is:

1532 (a) defined at one end by a line extending from the base of the billboard across all lanes
1533 of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

1534 (b) defined on the other end by a line extending across all lanes of traffic of the street
1535 or highway in a plane that is:

1536 (i) perpendicular to the street or highway; and

1537 (ii) 500 feet from the base of the billboard.

1538 Section 14. Section **72-7-505** is amended to read:

1539 **72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor --**
1540 **Limit on implementation.**

1541 (1) (a) Except as provided in Subsection (2), a sign face within the state may not
1542 exceed the following limits:

1543 (i) maximum area - 1,000 square feet;

1544 (ii) maximum length - 60 feet; and

1545 (iii) maximum height - 25 feet.

1546 (b) No more than two facings visible and readable from the same direction on the
1547 main-traveled way may be erected on any one sign structure. Whenever two facings are so
1548 positioned, neither shall exceed the maximum allowed square footage.

1549 (c) Two or more advertising messages on a sign face and double-faced, back-to-back,
1550 stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces
1551 enjoy common ownership.

1552 (d) A changeable message sign is permitted if the interval between message changes is
1553 not more frequent than at least eight seconds and the actual message rotation process is
1554 accomplished in three seconds or less.

1555 (e) An illumination standard adopted by any jurisdiction shall be uniformly applied to
1556 all signs, public or private, on or off premise.

1557 (f) (i) The illumination of an electronic or mechanical changeable message sign is
1558 subject to a curfew described in Section 10-9a-511 or 17-27a-510.

1559 (ii) In addition to a curfew imposed in accordance with Subsection (1)(f), the
1560 illumination of an electronic or mechanical changeable message sign may be regulated to
1561 prevent the sign face from increasing ambient lighting levels by more than 0.3 foot-candles
1562 when measured:

1563 (A) at any time after sunset and before sunrise;

1564 (B) perpendicular to the sign face; and

1565 (C) at a distance in feet calculated by taking the square root of the product of the area
1566 of the sign face and 100.

1567 (2) (a) An outdoor sign structure located inside the unincorporated area of a
1568 nonurbanized county may have the maximum height allowed by the county for outdoor
1569 advertising structures in the commercial or industrial zone in which the sign is located. If no
1570 maximum height is provided for the location, the maximum sign height may be 65 feet above
1571 the ground or 25 feet above the grade of the main traveled way, whichever is greater.

1572 (b) An outdoor sign structure located inside an incorporated municipality or urbanized
1573 county may have the maximum height allowed by the municipality or urbanized county for
1574 outdoor advertising structures in the commercial or industrial zone in which the sign is located.

1575 If no maximum height is provided for the location, the maximum sign height may be 65 feet
1576 above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

1577 (3) Except as provided in Section 72-7-509:

1578 (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection
1579 72-7-504(1) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign
1580 adjacent to an interstate highway or limited access primary highway, except that signs may be
1581 erected closer than 500 feet if the signs on the same side of the interstate highway or limited
1582 access primary highway are not simultaneously visible.

1583 (b) Signs may not be located within 500 feet of any of the following which are adjacent
1584 to the highway, unless the signs are in an incorporated area:

1585 (i) public parks;

1586 (ii) public forests;

1587 (iii) public playgrounds;

1588 (iv) areas designated as scenic areas by the department or other state agency having and
1589 exercising this authority; or

1590 (v) cemeteries.

1591 (c) (i) (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate
1592 highway or limited access highway on the primary system within 500 feet of an interchange, or
1593 intersection at grade, or rest area measured along the interstate highway or freeway from the
1594 sign to the nearest point of the beginning or ending of pavement widening at the exit from or
1595 entrance to the main-traveled way.

1596 (B) Interchange and intersection distance limitations shall be measured separately for
1597 each direction of travel. A measurement for each direction of travel may not control or affect
1598 any other direction of travel.

1599 (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning
1600 or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

1601 (A) the sign is replacing an existing outdoor advertising use or structure which is being
1602 removed or displaced to accommodate the widening, construction, or reconstruction of an
1603 interstate, federal aid primary highway existing as of June 1, 1991, or national highway system
1604 highway; and

1605 (B) it is located in a commercial or industrial zoned area inside an urbanized county or

1606 an incorporated municipality.

1607 (d) The location of signs situated on nonlimited access primary highways in
1608 commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the
1609 primary highway shall not exceed the following minimum spacing criteria:

1610 (i) Where the distance between centerlines of intersecting streets, roads, or highways is
1611 less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted
1612 between the intersecting streets or highways.

1613 (ii) Where the distance between centerlines of intersecting streets, roads, or highways
1614 is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

1615 (e) All outdoor advertising shall be erected and maintained within the outdoor
1616 advertising corridor.

1617 (4) Subsection (3)(c)(ii) may not be implemented until:

1618 (a) the Utah-Federal Agreement for carrying out national policy relative to control of
1619 outdoor advertising in areas adjacent to the national system of interstate and defense highways
1620 and the federal-aid primary system is modified to allow the sign placement specified in
1621 Subsection (3)(c)(ii); and

1622 (b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state
1623 and the United States Secretary of Transportation.

1624 Section 15. Section **72-7-507** is amended to read:

1625 **72-7-507. Advertising -- Permits -- Application requirements -- Duration -- Fees.**

1626 (1) (a) Outdoor advertising may not be maintained without a current permit.

1627 (b) Applications for permits shall be made to the department on forms furnished by it.

1628 (c) A permit must be obtained prior to installing or converting each outdoor sign.

1629 (d) The application for a permit shall be accompanied by an initial fee established
1630 under Section 63J-1-504.

1631 (2) (a) Each permit issued by the department is valid for a period of up to five years
1632 and shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination
1633 of the right to use the property, whichever is sooner.

1634 (b) Upon renewal, each permit may be renewed for periods of up to five years upon the
1635 filing of a renewal application and payment of a renewal fee established under Section
1636 63J-1-504.

1637 (3) Sign owners residing outside the state shall provide the department with a
1638 continuous performance bond in the amount of \$2,500.

1639 (4) Fees may not be prorated for fractions of the permit period. Advertising copy may
1640 be changed at any time without payment of an additional fee.

1641 (5) (a) Each sign shall have its permit continuously affixed to the sign in a position
1642 visible from the nearest traveled portion of the highway.

1643 (b) The permit shall be affixed to the sign structure within 30 days after delivery by the
1644 department to the permit holder, or within 30 days of the installation date of the sign structure.

1645 (c) Construction of the sign structure shall begin within 180 days after delivery of the
1646 permit by the department to the permit holder and construction shall be completed within 365
1647 days after delivery of the permit.

1648 (6) The department may not accept any applications for a permit or issue any permit to
1649 erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the
1650 permit holder or the permit holder's assigns until the permit has expired or has been terminated
1651 pursuant to the procedures under Section 72-7-508.

1652 (7) Permits are transferrable if the ownership of the permitted sign is transferred.

1653 (8) Conforming, permitted sign structures may be altered, changed, remodeled, and
1654 relocated subject to the provisions of Subsection (6).

1655 (9) The department may not issue a permit to convert an outdoor advertising sign if the
1656 conversion is inconsistent with local zoning.