

HIGHWAY SIGNAGE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions related to outdoor advertising.

Highlighted Provisions:

This bill:

- ▶ provides and amends definitions;
- ▶ clarifies restrictions and requirements for on-premise advertising; and
- ▶ makes conforming and technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-7-502, as last amended by Laws of Utah 2011, Chapter 346

72-7-504, as last amended by Laws of Utah 2015, Chapter 402

ENACTS:

72-7-504.6, Utah Code Annotated 1953

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



28 Section 1. Section 72-7-502 is amended to read:

29 **72-7-502. Definitions.**

30 As used in this part:

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

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

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

38 (b) transient or temporary activities;

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

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

41 (e) railroad tracks and minor sidings.

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

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

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

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

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

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

57 (iv) those areas outside the boundaries of urbanized counties and outside the
58 boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp,

59 or turnoff as measured from the nearest point of the beginning or ending of the pavement
60 widening at the exit from or entrance to the main-traveled way that are reserved for business,
61 commerce, or trade under enabling state legislation or comprehensive local zoning ordinances
62 or regulations, and are actually used for commercial or industrial purposes.

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

65 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's
66 comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by
67 Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and
68 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations
69 is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor
70 advertising.

71 (5) "Contiguous" means that a portion of one parcel of land is situated immediately
72 adjacent to, and shares a common boundary with, a portion of another parcel of land.

73 (6) "Controlled route" means any route where outdoor advertising control is mandated
74 by state or federal law, including under this part and under the Utah-Federal Agreements
75 described in Section 72-7-501.

76 ~~[(5)]~~ (7) "Directional signs" means signs containing information about public places
77 owned or operated by federal, state, or local governments or their agencies, publicly or
78 privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites,
79 and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department
80 considers to be in the interest of the traveling public.

81 ~~[(6)]~~ (8) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach,
82 create, paint, draw, or in any other way bring into being.

83 (b) "Erect" does not include any activities defined in Subsection ~~[(6)]~~ (8)(a) if they are
84 performed incident to the change of an advertising message or customary maintenance of a
85 sign.

86 ~~[(7)]~~ (9) "Highway service zone" means a highway service area where the primary use
87 of the land is used or reserved for commercial and roadside services other than outdoor
88 advertising to serve the traveling public.

89 ~~[(8)]~~ (10) "Information center" means an area or site established and maintained at rest

90 areas for the purpose of informing the public of:

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

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

93 ~~[(9)]~~ (11) "Interchange or intersection" means those areas and their approaches where
94 traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration
95 lanes, or feeder systems, from or to another federal, state, county, city, or other route.

96 ~~[(10)]~~ (12) "Maintain" means to allow to exist, subject to the provisions of this chapter.

97 ~~[(11)]~~ (13) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an
98 existing sign structure safe and in a state suitable for use, including signs destroyed by
99 vandalism or an act of God.

100 ~~[(12)]~~ (14) "Main-traveled way" means the through traffic lanes, including auxiliary
101 lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads
102 and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each
103 direction.

104 ~~[(13)]~~ (15) "Major sponsor" means a sponsor of a public assembly facility or of a team
105 or event held at the facility where the amount paid by the sponsor to the owner of the facility,
106 to the team, or for the event is at least \$100,000 per year.

107 ~~[(14)]~~ (16) "Official signs and notices" means signs and notices erected and maintained
108 by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out
109 official duties or responsibilities in accordance with direction or authorization contained in
110 federal, state, or local law.

111 ~~[(15) "Off-premise signs" means signs]~~

112 (17) "Off-premise sign" means a sign located in ~~[areas]~~ an area zoned industrial,
113 commercial, or H-1 and in ~~[areas]~~ an area determined by the department to be unzoned
114 industrial or commercial that ~~[advertise]~~ advertises an activity, service, event, person, or
115 product located on premises other than the premises ~~[at]~~ on which the ~~[advertising occurs]~~ sign
116 is located.

117 ~~[(16) "On-premise signs" means signs]~~

118 (18) "On-premise sign" means a sign used to advertise the ~~[major]~~ sale or lease of, or
119 activities conducted on, the property ~~[where the]~~ on which the sign is located.

120 ~~[(17)]~~ (19) "Outdoor advertising" means any outdoor advertising structure or outdoor

121 structure used in combination with an outdoor advertising sign or outdoor sign within the
122 outdoor advertising corridor which is visible from a place on the main-traveled way of a
123 controlled route.

124 ~~[(18)]~~ (20) "Outdoor advertising corridor" means a strip of land 350 feet wide,
125 measured perpendicular from the edge of a controlled highway right-of-way.

126 ~~[(19)]~~ (21) "Outdoor advertising structure" or "outdoor structure" means any sign
127 structure, including any necessary devices, supports, appurtenances, and lighting that is part of
128 or supports an outdoor sign.

129 ~~[(20)]~~ (22) "Point of widening" means the point of the gore or the point where the
130 intersecting lane begins to parallel the other lanes of traffic, but the point of widening may
131 never be greater than 2,640 feet from the center line of the intersecting highway of the
132 interchange or intersection at grade.

133 ~~[(21)]~~ (23) "Public assembly facility" means a convention facility as defined under
134 Section 59-12-602 ~~[and]~~ that:

135 (a) includes all contiguous interests in land, improvements, and utilities acquired,
136 constructed, and used in connection with the operation of the public assembly facility, whether
137 the interests are owned or held in fee title or a lease or easement for a term of at least 40 years,
138 and regardless of whether the interests are owned or operated by separate governmental
139 authorities or districts;

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

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

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

145 ~~[(22)]~~ (24) "Public assembly facility sign" means a sign located on a public assembly
146 facility that only advertises the public assembly facility, major sponsors, events, the sponsors of
147 events held or teams playing at the facility, and products sold or services conducted at the
148 facility.

149 ~~[(23)]~~ (25) "Relocation" includes the removal of a sign from one situs together with the
150 erection of a new sign upon another situs in a commercial or industrial zoned area as a
151 substitute.

152 [~~(24)~~] (26) "Relocation and replacement" means allowing all outdoor advertising signs
153 or permits the right to maintain outdoor advertising along the interstate, federal aid primary
154 highway existing as of June 1, 1991, and national highway system highways to be maintained
155 in a commercial or industrial zoned area to accommodate the displacement, remodeling, or
156 widening of the highway systems.

157 [~~(25)~~] (27) "Remodel" means the upgrading, changing, alteration, refurbishment,
158 modification, or complete substitution of a new outdoor advertising structure for one permitted
159 pursuant to this part and that is located in a commercial or industrial area.

160 [~~(26)~~] (28) "Rest area" means an area or site established and maintained within or
161 adjacent to the right-of-way by or under public supervision or control for the convenience of
162 the traveling public.

163 [~~(27)~~] (29) "Scenic or natural area" means an area determined by the department to
164 have aesthetic value.

165 [~~(28)~~] (30) "Traveled way" means that portion of the roadway used for the movement
166 of vehicles, exclusive of shoulders and auxiliary lanes.

167 [~~(29)~~] (31) (a) "Unzoned commercial or industrial area" means:

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

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

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

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

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

183 ~~[(30)]~~ (32) "Urbanized county" means a county with a population of at least 125,000
184 persons.

185 ~~[(31)]~~ (33) "Visibility area" means the area on a street or highway that is:

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

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

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

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

192 Section 2. Section **72-7-504** is amended to read:

193 **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions**
194 **-- Logo advertising -- Department rules.**

195 (1) As used in this section, "specific service trailblazer sign" means a guide sign that
196 provides users with business identification or directional information for services and eligible
197 activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).

198 (2) Outdoor advertising that is capable of being read or comprehended from any place
199 on the main-traveled way of an interstate or primary system may not be erected or maintained,
200 except:

201 (a) directional and other official signs and notices authorized or required by law,
202 including signs and notices pertaining to natural wonders and scenic and historic attractions,
203 informational or directional signs regarding utility service, emergency telephone signs, buried
204 or underground utility markers, and above ground utility closure signs;

205 (b) on-premise signs advertising the sale or lease of property upon which ~~[they]~~ the
206 on-premise signs are located;

207 (c) on-premise signs advertising major activities conducted on the property where
208 ~~[they]~~ the on-premise signs are located~~[, including signs on the premises of a public assembly~~
209 ~~facility as provided in Section 72-7-504.5];~~

210 (d) public assembly facility signs;

211 (e) on-premise signs within a unified commercial development as described in Section
212 72-7-504.6;

213 ~~[(d)]~~ (f) signs located in a commercial or industrial zone;

214 [~~(e)~~] (g) signs located in unzoned industrial or commercial areas as determined from
215 actual land uses; and

216 [~~(f)~~] (h) logo advertising under Subsection (3).

217 (3) (a) The department may itself or by contract erect, administer, and maintain
218 informational signs:

219 (i) on the main-traveled way of an interstate or primary system, as it existed on June 1,
220 1991, specific service signs for the display of logo advertising and information of interest,
221 excluding specific service trailblazer signs as defined in rules adopted in accordance with
222 Section 41-6a-301, to the traveling public if:

223 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in
224 the lease or other contract agreement with a private party for the sign or sign space; and

225 (B) the private party for the lease of the sign or sign space pays an amount set by the
226 department to be paid to the department or the party under contract with the department under
227 this Subsection (3); and

228 (ii) only on rural conventional roads as defined in rules adopted in accordance with
229 Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional
230 signs that display logo advertising and information of interest to the traveling public if:

231 (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in
232 the lease or other contract agreement with a private party for the tourist-oriented directional
233 sign or sign space; and

234 (B) the private party for the lease of the sign or sign space pays an amount set by the
235 department to be paid to the department or the party under contract with the department under
236 this Subsection (3).

237 (b) The amount shall be sufficient to cover the costs of erecting, administering, and
238 maintaining the signs or sign spaces.

239 (c) (i) Any sign erected pursuant to this Subsection (3) which was existing as of March
240 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).

241 (ii) A noncompliant sign shall only be permitted for the contract period of the
242 advertising contract.

243 (iii) A new advertising contract may not be issued for a noncompliant sign.

244 (d) The department may consult the Governor's Office of Economic Development in

245 carrying out this Subsection (3).

246 (4) (a) Revenue generated under Subsection (3) shall be:

247 (i) applied first to cover department costs under Subsection (3); and

248 (ii) deposited in the Transportation Fund.

249 (b) Revenue in excess of costs under Subsection (3)(a) shall be deposited in the

250 General Fund as a dedicated credit for use by the Governor's Office of Economic Development

251 no later than the following fiscal year.

252 (5) Outdoor advertising under Subsections (2)(a), ~~[(d), (e), and]~~ (f), (g), and (h) shall

253 conform to the rules made by the department under Sections [72-7-506](#) and [72-7-507](#).

254 Section 3. Section [72-7-504.6](#) is enacted to read:

255 **[72-7-504.6. Unified commercial development.](#)**

256 (1) As used in this section:

257 (a) "Contiguous" includes parcels that are otherwise contiguous, as defined in Section

258 [72-7-502](#), that are considered to be contiguous notwithstanding:

259 (i) a survey error or discrepancy in a legal boundary description; or

260 (ii) the presence of any of the following intervening features, including land reasonably

261 related to those features:

262 (A) a road, other than a controlled route;

263 (B) a railway right-of-way of a public transit district that is located in more than one

264 county;

265 (C) a utility line; or

266 (D) land that is undevelopable.

267 (b) "Property," for purposes of the definition of "on-premise sign," includes all

268 property within a unified commercial development.

269 (c) "Unified commercial development" means a development that:

270 (i) is used primarily for commercial or industrial activities;

271 (ii) is developed by a single developer, including successors, under a common

272 development plan;

273 (iii) may include phased development;

274 (iv) consists solely of land that is contiguous;

275 (v) holds itself out to the public as a common development through signs or other

276 marketing efforts;
277 (vi) includes one or more retail outlet stores;
278 (vii) is bisected by a railway right-of-way of a public transit district that is located in
279 more than one county;
280 (viii) is located wholly or partially within a planned community or similar zone;
281 (ix) includes a hotel;
282 (x) is located in a county other than a county of the first class;
283 (xi) received planning approval from the local land use authority for some or all of the
284 development prior to December 31, 2012; and
285 (xii) is located in a city that, at the time of approval under Subsection (1)(c)(xi),
286 included a resort community zone.
287 (2) An on-premise sign within a unified commercial development may advertise:
288 (a) the sale or lease of land within the unified commercial development where the sign
289 is located;
290 (b) any activities conducted within the unified commercial development where the sign
291 is located;
292 (c) the name of identifiable venues or stores within the unified commercial
293 development; and
294 (d) products for sale or services provided at venues or stores within the unified
295 commercial development.

Legislative Review Note
Office of Legislative Research and General Counsel