

57 restored within six months; or

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

60 (c) (i) Notwithstanding a prohibition in [its] the municipality's zoning ordinance, a
61 municipality may permit a billboard owner to relocate the billboard within the municipality's
62 boundaries to a location that is mutually acceptable to the municipality and the billboard
63 owner.

64 (ii) If the municipality and billboard owner cannot agree to a mutually acceptable
65 location within ~~§~~ → [90] 180 ← ~~§~~ days after the day on which the owner submits a written request to
65a relocate

66 the billboard, [~~the provisions of Subsection 10-9a-513(2)(a)(iv) apply~~] the billboard owner may
67 relocate the billboard in accordance with Subsection 10-9a-513(2).

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

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

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

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

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

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

80 (d) The property owner may rebut the presumption of abandonment under Subsection
81 (4)(c), and [~~shall have~~] has the burden of establishing that any claimed abandonment under
82 Subsection (4)(b) has not [~~in fact~~] occurred.

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

87 Section 2. Section **10-9a-512** is amended to read:

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

120 (B) for an interstate billboard:

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

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

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

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

129 (i) 65 feet above the ground; and

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

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

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

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

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

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

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

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

141 ~~[(2)(a) A municipality is considered to have initiated the acquisition of a billboard
142 structure by eminent domain if the municipality prevents a billboard owner from:]~~

143 (2) (a) If a billboard owner makes a written request to the municipality with

144 jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard

145 owner may take the requested action, without further municipal land use approval, \$→ [90] 180 ←\$

145a days

146 after the day on which the billboard owner makes the written request, unless within the \$→ [90]

146a 180 ←\$ -day

147 period the municipality:

148 (i) in an attempt to acquire the billboard and associated rights through eminent domain

149 under Section 10-9a-512 for the purpose of terminating the billboard and associated rights:

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

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

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

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

248 (i) [~~except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's~~
249 receipt of] ~~§~~ → [90] 180 ← ~~§~~ days after the day on which the billboard owner receives written notice
249a under

250 Subsection (3)(b); or

251 (ii) if the condition forming the basis of the municipality's intention to remove the
252 billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary
253 because of a natural disaster, [~~following the~~] after the day on which the billboard [~~owner's~~
254 receipt of] owner receives written notice under Subsection (3)(b); and

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

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

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

263 (4) A municipality may not allow a nonconforming billboard to be rebuilt or replaced:

264 (a) by anyone other than [~~its~~] the billboard's owner or the billboard's owner acting
265 through [~~its contractors:~~] a contractor; or

266 (b) within 500 feet of the nonconforming location.

267 (5) A permit [~~issued, extended, or renewed by a municipality~~] that a municipality
268 issues, extends, or renews for a billboard remains valid [~~from the time~~] beginning on the day on
269 which the municipality issues, extends, or renews the permit [~~until~~] and ending 180 days after
270 the day on which a required state permit is issued for the billboard if:

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

272 (b) an application for the state permit is filed within 30 days after the day on which the
273 municipality issues, extends, or renews a permit for the billboard.

305 (ii) If the county and billboard owner cannot agree to a mutually acceptable location
 306 within ~~§~~ **→ [90] 180 ←** ~~§~~ days after the day on which the owner submits a written request to relocate
 306a the
 307 billboard, [~~the provisions of Subsection 17-27a-512(2)(a)(iv) apply~~] the billboard owner may
 308 relocate the billboard in accordance with Subsection 17-27a-512(2).

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

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

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

315 (i) a majority of the primary structure associated with the nonconforming use has been
 316 voluntarily demolished without prior written agreement with the county regarding an extension
 317 of the nonconforming use;

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

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

321 (d) The property owner may rebut the presumption of abandonment under Subsection
 322 (4)(c), and [~~shall have~~] has the burden of establishing that any claimed abandonment under
 323 Subsection (4)(c) has not [~~in fact~~] occurred.

324 (5) A county may terminate the nonconforming status of a school district or charter
 325 school use or structure when the property associated with the school district or charter school
 326 use or structure ceases to be used for school district or charter school purposes for a period
 327 established by ordinance.

328 Section 5. Section **17-27a-511** is amended to read:

329 **17-27a-511. Termination of a billboard and associated rights.**

330 (1) A county may only require termination of a billboard and associated [~~property~~]
 331 rights through:

332 (a) gift;

333 (b) purchase;

334 (c) agreement;

335 (d) exchange; or

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

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

370 (i) 65 feet above the ground; and

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

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

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

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

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

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

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

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

382 ~~[(2)(a) A county is considered to have initiated the acquisition of a billboard structure
383 by eminent domain if the county prevents a billboard owner from:]~~

384 (2) (a) If a billboard owner makes a written request to the county with jurisdiction over
385 the billboard to take an action described in Subsection (2)(b), the billboard owner may take the
386 requested action, without further county land use approval, \$→ [90] 180 ←\$ days after the day on
386a which the

387 billboard owner makes the written request, unless within the \$→ [90] 180 ←\$ -day period the
387a county:

388 (i) in an attempt to acquire the billboard and associated rights through eminent domain
389 under Section 17-27a-511 for the purpose of terminating the billboard and associated rights:

390 (A) completes the procedural steps required under Title 78B, Chapter 6, Part 5,

391 Eminent Domain, before the filing of an eminent domain action; and

392 (B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5,

393 Eminent Domain;

394 (ii) denies the request in accordance with Subsection (2)(d); or

395 (iii) requires the billboard owner to remove the billboard in accordance with

396 Subsection (3).

397 (b) Subject to Subsection (2)(a), a billboard owner may:

460 Subsection (2)(e).

461 (g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a
 462 billboard owner may proceed, without further county land use approval, to take an action
 463 requested under Subsection (2)(a), if the county's eminent domain action commenced under
 464 Subsection (2)(a)(i) is dismissed without an order allowing the county to acquire the billboard
 465 and associated rights.

466 (h) (i) A billboard owner may withdraw a request made under Subsection (2)(a) at any
 467 time before the county takes possession of the billboard or the billboard's associated rights in
 468 accordance with Subsection (2)(f)(ii).

469 (ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i),
 470 the court shall dismiss the county's eminent domain action to acquire the billboard or
 471 associated rights.

472 (3) Notwithstanding [~~Subsection (2) and~~] Section 17-27a-511, a county may [~~remove a~~
 473 ~~billboard without providing compensation if~~] require an owner of a billboard to remove the
 474 billboard without acquiring a billboard and associated rights through eminent domain if:

475 (a) the county determines:

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

479 (ii) by substantial evidence that the billboard:

480 (A) is structurally unsafe;

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

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

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

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

486 (i) [~~except as provided in Subsection (3)(c)(ii), 90 days following the billboard owner's~~
 487 ~~receipt of] ~~§~~ → [90] 180 ← ~~§~~ days after the day on which the billboard owner receives written notice
 487a under~~

488 Subsection (3)(b); or

489 (ii) if the condition forming the basis of the county's intention to remove the billboard
 490 is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a