

**AMENDMENTS TO MUNICIPAL AND COUNTY POWERS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Johnny Anderson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends a municipal or county legislative body's power to prohibit or regulate a temporary advertisement sign.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends a municipal legislative body's power to prohibit or regulate a temporary advertisement sign;
- ▶ amends a county legislative body's power to prohibit or regulate a temporary advertisement sign; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-8-26**, Utah Code Annotated 1953

ENACTS:

**17-50-332**, Utah Code Annotated 1953



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

Section 1. Section **10-8-26** is amended to read:

**10-8-26. Signs and advertising material -- Temporary advertisement signs.**

(1) (a) As used in this section, "temporary advertisement sign" means a sign:

(i) that is not permanently constructed or attached;

(ii) that is posted by a commercial business owner on commercial or private property to advertise a sale or event; and

(iii) that is intended for use during a specified, limited time.

(b) "Temporary advertisement sign" does not include a billboard as defined in Section 10-9a-103.

[They] (2) Except as provided in Subsection (3), a municipal legislative body may regulate or prevent the use of streets, sidewalks, public buildings and grounds for signs, signposts, awnings, horse troughs or racks, or for posting handbills or advertisements.

(3) A municipal legislative body may not:

(a) except as provided in Subsection (4), prohibit a temporary advertisement sign;

(b) require a permit or license to post a temporary advertisement sign;

(c) (i) limit the time that the temporary advertisement sign is posted to less than 60 days before for the day on which the sale or event is held for which the temporary advertisement sign is posted; or

(ii) limit the time that the temporary advertisement sign may be posted, subject to Subsection (5), during the sale or event for which the temporary advertisement sign is posted to a period of time that is less than the duration of the sale or event;

(d) limit the size of a temporary advertisement sign to less than 30 square feet;

(e) require that a temporary advertisement sign be affixed to a permanent structure; or

(f) limit the number of posted temporary advertisement signs a person may post on a property to two or fewer.

(4) A municipal legislative body may prohibit a temporary advertisement sign if the temporary advertisement sign:

(a) obstructs a public right-of-way; or

(b) impedes pedestrian traffic.

59 (5) A person may not post a temporary advertisement sign described in Subsection  
60 (3)(c)(ii) for more than 60 days after the day on which the sale or event begins.

61 Section 2. Section **17-50-332** is enacted to read:

62 **17-50-332. Temporary advertisement signs.**

63 (1) (a) As used in this section, "temporary advertisement sign" means a sign:

64 (i) that is not permanently constructed or attached;

65 (ii) that is posted by a commercial business owner on commercial or private property to  
66 advertise a sale or event; and

67 (iii) that is intended for use during a specified, limited time.

68 (b) "Temporary advertisement sign" does not include a billboard as defined in Section  
69 17-27a-103.

70 (2) A county legislative body may not:

71 (a) except as provided in Subsection (3), prohibit a temporary advertisement sign;

72 (b) require a permit or license to post a temporary advertisement sign;

73 (c) (i) limit the time that the temporary advertisement sign is posted to less than 60

74 days before the day on which the sale or event is held for which the temporary advertisement  
75 sign is posted; or

76 (ii) limit the time that the temporary advertisement sign may be posted, subject to

77 Subsection (4), during the sale or event for which the temporary advertisement sign is posted to  
78 a period of time that is less than the duration of the sale or event;

79 (d) limit the size of a temporary advertisement sign to less than 30 square feet;

80 (e) require that a temporary advertisement sign be affixed to a permanent structure; or

81 (f) limit the number of posted temporary advertisement signs a person may post on a  
82 property to two or fewer.

83 (3) A county legislative body may prohibit a temporary advertisement sign if the  
84 temporary advertisement sign:

85 (a) obstructs a public right-of-way; or

86 (b) impedes pedestrian traffic.

87 (4) A person may not post a temporary advertisement sign described in Subsection  
88 (2)(c)(ii) for more than 60 days after the day on which the sale or event begins.

**Legislative Review Note**  
as of 9-1-10 12:52 PM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 197, 2011 General Session

SHORT TITLE: **Amendments to Municipal and County Powers**

SPONSOR: **Anderson, J.**

STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.