

**SIGN RELOCATING AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the relocation of a billboard due to construction, road widening, or other reasons.

**Highlighted Provisions:**

This bill:

▶ amends provisions related to the allowable relocation distance of a billboard due to construction, road widening, or other reasons.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-513**, as last amended by Laws of Utah 2018, Chapter 239

**17-27a-512**, as last amended by Laws of Utah 2018, Chapter 239

**72-7-510**, as last amended by Laws of Utah 2008, Chapter 3

**72-7-510.5**, as last amended by Laws of Utah 2009, Chapter 170

**72-7-513**, as last amended by Laws of Utah 1999, Chapter 72

**72-7-516**, as last amended by Laws of Utah 2006, Chapter 330



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

29 Section 1. Section **10-9a-513** is amended to read:

30 **10-9a-513. Municipality's acquisition of billboard by eminent domain -- Removal**  
31 **without providing compensation -- Limit on allowing nonconforming billboards to be**  
32 **rebuilt or replaced -- Validity of municipal permit after issuance of state permit.**

33 (1) As used in this section:

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

36 (b) "Highest allowable height" means:

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

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

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

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

45 (B) for an interstate billboard:

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

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

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

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

54 (i) 65 feet above the ground; and

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

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

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

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

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

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

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

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

66 (2) (a) If a billboard owner makes a written request to the municipality with  
67 jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard  
68 owner may take the requested action, without further municipal land use approval, 180 days  
69 after the day on which the billboard owner makes the written request, unless within the 180-day  
70 period the municipality:

71 (i) in an attempt to acquire the billboard and associated rights through eminent domain  
72 under Section [10-9a-512](#) for the purpose of terminating the billboard and associated rights:

73 (A) completes the procedural steps required under Title 78B, Chapter 6, Part 5,  
74 Eminent Domain, before the filing of an eminent domain action; and

75 (B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5,  
76 Eminent Domain;

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

78 (iii) requires the billboard owner to remove the billboard in accordance with  
79 Subsection (3).

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

81 (i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty,  
82 an act of God, or vandalism;

83 (ii) relocate or rebuild a billboard structure, or take another measure, to correct a  
84 mistake in the placement or erection of a billboard for which the municipality issued a permit,  
85 if the proposed relocation, rebuilding, or other measure is consistent with the intent of that  
86 permit;

87 (iii) structurally modify or upgrade a billboard;

88 (iv) relocate a billboard into any commercial, industrial, or manufacturing zone within  
89 the municipality's boundaries, if the relocated billboard is:

90 (A) within ~~[5,280]~~ 21,120 feet of the billboard's previous location; and

91 (B) no closer than 300 feet from an off-premise sign existing on the same side of the  
92 street or highway, or if the street or highway is an interstate or limited access highway that is  
93 subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed  
94 under that act between the relocated billboard and an off-premise sign existing on the same side  
95 of the interstate or limited access highway; or

96 (v) make one or more of the following modifications, as the billboard owner  
97 determines, to a billboard that is structurally altered by modification or upgrade under  
98 Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these  
99 alterations:

100 (A) erect the billboard:

101 (I) to the highest allowable height; and

102 (II) as the owner determines, to an angle that makes the entire advertising content of  
103 the billboard clearly visible; or

104 (B) install a sign face on the billboard that is at least the same size as, but no larger  
105 than, the sign face on the billboard before the billboard's relocation.

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

108 (d) A municipality may deny a billboard owner's request to relocate or rebuild a  
109 billboard structure, or to take other measures, in order to correct a mistake in the placement or  
110 erection of a billboard without acquiring the billboard and associated rights through eminent  
111 domain under Section [10-9a-512](#), if the mistake in placement or erection of the billboard is  
112 determined by clear and convincing evidence, in a proceeding that protects the billboard  
113 owner's due process rights, to have resulted from an intentionally false or misleading statement:

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

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

116 (e) A municipality that acquires a billboard and associated rights through eminent  
117 domain under Section [10-9a-512](#) shall pay just compensation to the billboard owner in an  
118 amount that is:

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

121 (ii) the value of any other right associated with the billboard;  
122 (iii) the cost of the sign structure; and  
123 (iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the  
124 billboard owner's interest is a part.

125 (f) If a municipality commences an eminent domain action under Subsection (2)(a)(i):

126 (i) the provisions of Section 78B-6-510 do not apply; and

127 (ii) the municipality may not take possession of the billboard or the billboard's  
128 associated rights until:

129 (A) completion of all appeals of a judgment allowing the municipality to acquire the  
130 billboard and associated rights; and

131 (B) the billboard owner receives payment of just compensation, described in  
132 Subsection (2)(e).

133 (g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a  
134 billboard owner may proceed, without further municipal land use approval, to take an action  
135 requested under Subsection (2)(a), if the municipality's eminent domain action commenced  
136 under Subsection (2)(a)(i) is dismissed without an order allowing the municipality to acquire  
137 the billboard and associated rights.

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

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

144 (3) Notwithstanding Section 10-9a-512, a municipality may require the owner of a  
145 billboard to remove the billboard without acquiring the billboard and associated rights through  
146 eminent domain if:

147 (a) the municipality determines:

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

151 (ii) by substantial evidence that the billboard:

152 (A) is structurally unsafe;

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

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

155 (b) the municipality notifies the billboard owner in writing that the billboard owner's

156 billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);

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

158 (i) 180 days after the day on which the billboard owner receives written notice under

159 Subsection (3)(b); or

160 (ii) if the condition forming the basis of the municipality's intention to remove the

161 billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary

162 because of a natural disaster, after the day on which the billboard owner receives written notice

163 under Subsection (3)(b); and

164 (d) following the expiration of the applicable period under Subsection (3)(c) and after

165 providing the billboard owner with reasonable notice of proceedings and an opportunity for a

166 hearing, the municipality finds:

167 (i) by clear and convincing evidence, that the applicant for a permit intentionally made

168 a false or misleading statement in the application regarding the placement or erection of the

169 billboard; or

170 (ii) by substantial evidence that the billboard is structurally unsafe, is in an

171 unreasonable state of repair, or has been abandoned for at least 12 months.

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

173 by anyone other than the billboard's owner, or the billboard's owner acting through a contractor,

174 within 500 feet of the nonconforming location.

175 (5) A permit that a municipality issues, extends, or renews for a billboard remains valid

176 beginning on the day on which the municipality issues, extends, or renews the permit and

177 ending 180 days after the day on which a required state permit is issued for the billboard if:

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

179 (b) an application for the state permit is filed within 30 days after the day on which the

180 municipality issues, extends, or renews a permit for the billboard.

181 Section 2. Section **17-27a-512** is amended to read:

182 **17-27a-512. County's acquisition of billboard by eminent domain -- Removal**

183 **without providing compensation -- Limit on allowing nonconforming billboard to be**  
184 **rebuilt or replaced -- Validity of county permit after issuance of state permit.**

185 (1) As used in this section:

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

188 (b) "Highest allowable height" means:

189 (i) if the height allowed by the county, by ordinance or consent, is higher than the  
190 height under Subsection (1)(b)(ii), the height allowed by the county; or

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

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

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

197 (B) for an interstate billboard:

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

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

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

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

206 (i) 65 feet above the ground; and

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

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

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

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

213 (ii) defined on the other end by a line extending across all lanes of traffic of the street

214 or highway in a plane that is:

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

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

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

218 (2) (a) If a billboard owner makes a written request to the county with jurisdiction over  
219 the billboard to take an action described in Subsection (2)(b), the billboard owner may take the  
220 requested action, without further county land use approval, 180 days after the day on which the  
221 billboard owner makes the written request, unless within the 180-day period the county:

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

224 (A) completes the procedural steps required under Title 78B, Chapter 6, Part 5,  
225 Eminent Domain, before the filing of an eminent domain action; and

226 (B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5,  
227 Eminent Domain;

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

229 (iii) requires the billboard owner to remove the billboard in accordance with  
230 Subsection (3).

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

232 (i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty,  
233 an act of God, or vandalism;

234 (ii) relocate or rebuild a billboard structure, or take another measure, to correct a  
235 mistake in the placement or erection of a billboard for which the county issued a permit, if the  
236 proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;

237 (iii) structurally modify or upgrade a billboard;

238 (iv) relocate a billboard into any commercial, industrial, or manufacturing zone within  
239 the unincorporated area of the county, if the relocated billboard is:

240 (A) within [~~5,280~~] 21,120 feet of the billboard's previous location; and

241 (B) no closer than 300 feet from an off-premise sign existing on the same side of the  
242 street or highway, or if the street or highway is an interstate or limited access highway that is  
243 subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed  
244 under that act between the relocated billboard and an off-premise sign existing on the same side



245 of the interstate or limited access highway; or

246 (v) make one or more of the following modifications, as the billboard owner  
247 determines, to a billboard that is structurally altered by modification or upgrade under  
248 Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these  
249 alterations:

250 (A) erect the billboard:

251 (I) to the highest allowable height; and

252 (II) as the owner determines, to an angle that makes the entire advertising content of  
253 the billboard clearly visible; or

254 (B) install a sign face on the billboard that is at least the same size as, but no larger  
255 than, the sign face on the billboard before the billboard's relocation.

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

258 (d) A county may deny a billboard owner's request to relocate or rebuild a billboard  
259 structure, or to take other measures, in order to correct a mistake in the placement or erection of  
260 a billboard without acquiring the billboard and associated rights through eminent domain under  
261 Section 17-27a-511, if the mistake in placement or erection of the billboard is determined by  
262 clear and convincing evidence, in a proceeding that protects the billboard owner's due process  
263 rights, to have resulted from an intentionally false or misleading statement:

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

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

266 (e) A county that acquires a billboard and associated rights through eminent domain  
267 under Section 17-27a-511 shall pay just compensation to the billboard owner in an amount that  
268 is:

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

271 (ii) the value of any other right associated with the billboard;

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

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

275 (f) If a county commences an eminent domain action under Subsection (2)(a)(i):

276 (i) the provisions of Section 78B-6-510 do not apply; and  
277 (ii) the county may not take possession of the billboard or the billboard's associated  
278 rights until:

279 (A) completion of all appeals of a judgment allowing the county to acquire the  
280 billboard and associated rights; and

281 (B) the billboard owner receives payment of just compensation, described in  
282 Subsection (2)(e).

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

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

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

294 (3) Notwithstanding Section 17-27a-511, a county may require an owner of a billboard  
295 to remove the billboard without acquiring a billboard and associated rights through eminent  
296 domain if:

297 (a) the county determines:

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

301 (ii) by substantial evidence that the billboard:

302 (A) is structurally unsafe;

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

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

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

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

308 (i) 180 days after the day on which the billboard owner receives written notice under  
309 Subsection (3)(b); or

310 (ii) if the condition forming the basis of the county's intention to remove the billboard  
311 is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a  
312 natural disaster, after the day on which the billboard owner receives written notice under  
313 Subsection (3)(b); and

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

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

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

322 (4) A county may not allow a nonconforming billboard to be rebuilt or replaced by  
323 anyone other than the billboard's owner, or the billboard's owner acting through a contractor,  
324 within 500 feet of the nonconforming location.

325 (5) A permit that a county issues, extends, or renews for a billboard remains valid  
326 beginning on the day on which the county issues, extends, or renews the permit and ending 180  
327 days after the day on which a required state permit is issued for the billboard if:

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

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

331 Section 3. Section **72-7-510** is amended to read:

332 **72-7-510. Existing outdoor advertising not in conformity with part -- Procedure**  
333 **-- Eminent domain -- Compensation -- Relocation.**

334 (1) As used in this section, "nonconforming sign" means a sign that has been erected in  
335 a zone or area other than commercial or industrial or where outdoor advertising is not  
336 permitted under this part.

337 (2) (a) The department may acquire by gift, purchase, agreement, exchange, or eminent

338 domain, any existing outdoor advertising and all property rights pertaining to the outdoor  
339 advertising which were lawfully in existence on May 9, 1967, and which by reason of this part  
340 become nonconforming.

341 (b) If the department, or any town, city, county, governmental entity, public utility, or  
342 any agency or the United States Department of Transportation under this part, prevents the  
343 maintenance as defined in Section 72-7-502, or requires that maintenance of an existing sign be  
344 discontinued, the sign in question shall be considered acquired by the entity and just  
345 compensation will become immediately due and payable.

346 (c) Eminent domain shall be exercised in accordance with the provision of Title 78B,  
347 Chapter 6, Part 5, Eminent Domain.

348 (3) (a) Just compensation shall be paid for outdoor advertising and all property rights  
349 pertaining to the same, including the right of the landowner upon whose land a sign is located,  
350 acquired through the processes of eminent domain.

351 (b) For the purposes of this part, just compensation shall include the consideration of  
352 damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign  
353 company's interest, which remaining properties, together with the properties actually  
354 condemned, constituted an economic unit.

355 (c) The department is empowered to remove signs found in violation of Section  
356 72-7-508 without payment of any compensation.

357 (4) Except as specifically provided in this section or Section 72-7-513, this part may  
358 not be construed to permit a person to place or maintain any outdoor advertising adjacent to  
359 any interstate or primary highway system which is prohibited by law or by any town, city, or  
360 county ordinance. Any town, city, county, governmental entity, or public utility which requires  
361 the removal, relocation, alteration, change, or termination of outdoor advertising shall pay just  
362 compensation as defined in this part and in Title 78B, Chapter 6, Part 5, Eminent Domain.

363 (5) Except as provided in Section 72-7-508, no sign shall be required to be removed by  
364 the department nor sign maintenance as described in this section be discontinued unless at the  
365 time of removal or discontinuance there are sufficient funds, from whatever source,  
366 appropriated and immediately available to pay the just compensation required under this  
367 section and unless at that time the federal funds required to be contributed under 23 U.S.C.,  
368 Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated

369 and are immediately available to this state.

370 (6) (a) If any outdoor advertising use, structure, or permit may not be continued  
371 because of the widening, construction, or reconstruction along an interstate, federal aid primary  
372 highway existing as of June 1, 1991, or national highway systems highway, the owner shall  
373 have the option to relocate and remodel the use, structure, or permit to another location:

374 (i) on the same property;

375 (ii) on adjacent property;

376 (iii) on the same highway within ~~[5280]~~ 21,120 feet of the previous location, which  
377 may be extended ~~[5280]~~ 21,120 feet outside the areas described in Subsection  
378 72-7-505(3)(c)(i)(A), on either side of the same highway; or

379 (iv) mutually agreed upon by the owner and the county or municipality in which the  
380 use, structure, or permit is located.

381 (b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned  
382 area or where outdoor advertising is permitted under this part.

383 (c) The county or municipality in which the use or structure is located shall, if  
384 necessary, provide for the relocation and remodeling by ordinance for a special exception to its  
385 zoning ordinance.

386 (d) The relocated and remodeled use or structure may be:

387 (i) erected to a height and angle to make it clearly visible to traffic on the main-traveled  
388 way of the highway to which it is relocated or remodeled;

389 (ii) the same size and at least the same height as the previous use or structure, but the  
390 relocated use or structure may not exceed the size and height permitted under this part; or

391 (iii) relocated to a comparable vehicular traffic count.

392 (7) (a) The governmental entity, quasi-governmental entity, or public utility that causes  
393 the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a)  
394 shall pay the costs related to the relocation, remodeling, or acquisition.

395 (b) If a governmental entity prohibits the relocation and remodeling as provided in  
396 Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).

397 Section 4. Section **72-7-510.5** is amended to read:

398 **72-7-510.5. Height adjustments for outdoor advertising signs.**

399 (1) If the view and readability of an outdoor advertising sign, including a sign that is a

400 nonconforming sign as defined in Section 72-7-510, a noncomplying structure as defined in  
401 Sections 10-9a-103 and 17-27a-103, or a nonconforming use as defined in Sections 10-9a-103  
402 and 17-27a-103 is obstructed due to a noise abatement or safety measure, grade change,  
403 construction, directional sign, highway widening, or aesthetic improvement made by an agency  
404 of this state, along an interstate, federal aid primary highway existing as of June 1, 1991,  
405 national highway systems highway, or state highway or by an improvement created on real  
406 property subsequent to the department's disposal of the property under Section 72-5-111, the  
407 owner of the sign may:

408 (a) adjust the height of the sign; or

409 (b) relocate the sign to a point within ~~[500]~~ 21,120 feet of ~~[its]~~ the sign's prior location,  
410 if the sign complies with the spacing requirements under Section 72-7-505 and is in a  
411 commercial or industrial zone.

412 (2) A height adjusted sign under this section does not constitute a substantial change to  
413 the sign.

414 (3) The county or municipality in which the outdoor advertising sign is located shall, if  
415 necessary, provide for the height adjustment or relocation by ordinance for a special exception  
416 to its zoning ordinance.

417 (4) (a) The height adjusted sign:

418 (i) may be erected:

419 (A) to a height to make the entire advertising content of the sign clearly visible; and

420 (B) to an angle to make the entire advertising content of the sign clearly visible; and

421 (ii) shall be the same size as the previous sign.

422 (b) The provisions of Subsection (4)(a) are an exception to the height requirements  
423 under Section 72-7-505.

424 Section 5. Section 72-7-513 is amended to read:

425 **72-7-513. Relocation on state highways.**

426 (1) As used in this section, "state highway" means those highways designated as state  
427 highways in Title 72, Chapter 4, Designation of State Highways Act, on July 1, 1999, and any  
428 subsequently designated state highway.

429 (2) If any outdoor advertising use or structure may not be continued because of the  
430 widening, construction, or reconstruction along a state highway, the owner shall have the

431 option to relocate and remodel the use or structure to another location:

432 (a) on the same property;

433 (b) on adjacent property;

434 (c) within [~~2640~~] 21,120 feet of the previous location on either side of the same

435 highway; or

436 (d) mutually agreed upon by the owner and the county or municipality in which the

437 use, structure, or permit is located.

438 (3) The relocation under Subsection (2) shall be in a commercial or industrial zoned

439 area or where outdoor advertising is permitted under this part.

440 (4) The county or municipality in which the use or structure is located shall, if

441 necessary, provide for the relocation and remodeling by ordinance for a special exception to its

442 zoning ordinance.

443 (5) The relocated and remodeled use or structure may be:

444 (a) erected to a height and angle to make it clearly visible to traffic on the

445 main-traveled way of the highway to which it is relocated or remodeled;

446 (b) the same size and at least the same height as the previous use or structure, but the

447 relocated use or structure may not exceed the size and height permitted under this part; or

448 (c) relocated to a comparable vehicular traffic count.

449 (6) (a) The governmental entity, quasi-governmental entity, or public utility that causes

450 the need for the outdoor advertising relocation or remodeling as provided in Subsection (2)

451 shall pay the costs related to the relocation, remodeling, or acquisition.

452 (b) If a governmental entity prohibits the relocation and remodeling as provided in

453 Subsection (2)(a), (b), or (c), it shall pay just compensation as provided in Subsection

454 [72-7-510](#)(3).

455 Section 6. Section **72-7-516** is amended to read:

456 **72-7-516. Relocating outdoor advertising structure to maintain required distance**

457 **from high voltage overhead lines.**

458 (1) If an outdoor advertising structure needs to be moved away from a high voltage

459 power line or lines so that the sign can be reposted or maintenance performed without having

460 to comply with the distance or notification requirements of Section [54-8c-2](#), or in order to

461 comply with distance or notification requirements imposed by the National Electrical Safety

462 Code, International Building Code, a regulation, standard, or directive of the Occupational  
463 Safety and Health Administration or any other similar applicable regulation, then the owner  
464 shall have the option to remodel the structure at the same location or relocate and remodel the  
465 structure to another location within the same jurisdiction:

- 466 (a) on the same property;
- 467 (b) on adjacent property;
- 468 (c) within [~~2,640~~] 21,120 feet of the previous location on either side of the same  
469 highway; or
- 470 (d) mutually agreed upon by the owner and the county or municipality in which the  
471 structure is located.

472 (2) The relocation under Subsection (1) shall be in a commercial or industrial zoned  
473 area or where outdoor advertising is permitted under this part.

474 (3) The county or municipality in which the structure is located shall, if necessary,  
475 provide for the relocation or remodeling by ordinance for a special exception to its zoning  
476 ordinance.

477 (4) The relocated and remodeled structure may be:

- 478 (a) erected to a height and angle to make it clearly visible to traffic on the  
479 main-traveled way of the highway to which it is relocated or remodeled;
- 480 (b) the same size and at least the same height as the previous structure, but the  
481 relocated structure may not exceed the size and height permitted under this part; and
- 482 (c) relocated to a location with a comparable traffic vehicular count.

483 (5) If a governmental entity prohibits the relocation and remodeling as provided in  
484 Subsection (1)(a), (b), or (c), it shall pay just compensation as provided in Subsection  
485 [72-7-510\(3\)](#).