

1 **HIGHWAY SIGNAGE AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Alvin B. Jackson**

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

---

---

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides and amends definitions;
- 14 ▶ clarifies restrictions and requirements for on-premises advertising; and
- 15 ▶ makes conforming and technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **72-7-502**, as last amended by Laws of Utah 2011, Chapter 346

23 **72-7-504**, as last amended by Laws of Utah 2012, Chapter 347

24 **72-7-505**, as last amended by Laws of Utah 2011, Chapter 346

25 **72-7-506**, as last amended by Laws of Utah 2008, Chapter 382

26 **72-7-508**, as last amended by Laws of Utah 2011, Chapter 346

27 ENACTS:



28 [72-7-504.6](#), Utah Code Annotated 1953



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

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

32 **72-7-502. Definitions.**

33 As used in this part:

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

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

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

41 (b) transient or temporary activities;

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

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

44 (e) railroad tracks and minor sidings.

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

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

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

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

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

57 (B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured  
58 from the nearest point of the beginning or ending of the pavement widening at the exit from or

59 entrance to the main-traveled way; or

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

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

68 (4) "Comprehensive local zoning ordinances or regulations" means a municipality's  
69 comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by  
70 Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and  
71 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations  
72 is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor  
73 advertising.

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

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

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

84 [(6)] (8) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach,  
85 create, paint, draw, or in any other way bring into being.

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

89 [(7)] (9) "Highway service zone" means a highway service area where the primary use

90 of the land is used or reserved for commercial and roadside services other than outdoor  
91 advertising to serve the traveling public.

92 ~~[(8)]~~ (10) "Information center" means an area or site established and maintained at rest  
93 areas for the purpose of informing the public of:

- 94 (a) places of interest within the state; or
- 95 (b) any other information that the department considers desirable.

96 ~~[(9)]~~ (11) "Interchange or intersection" means those areas and their approaches where  
97 traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration  
98 lanes, or feeder systems, from or to another federal, state, county, city, or other route.

99 ~~[(10)]~~ (12) "Maintain" means to allow to exist, subject to the provisions of this chapter.

100 ~~[(11)]~~ (13) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an  
101 existing sign structure safe and in a state suitable for use, including signs destroyed by  
102 vandalism or an act of God.

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

107 ~~[(13)]~~ (15) "Major sponsor" means a sponsor of a public assembly facility or of a team  
108 or event held at the facility where the amount paid by the sponsor to the owner of the facility,  
109 to the team, or for the event is at least \$100,000 per year.

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

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

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

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

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

123 ~~[(17)]~~ (19) "Outdoor advertising" means any outdoor advertising structure or outdoor  
124 structure used in combination with an outdoor advertising sign or outdoor sign within the  
125 outdoor advertising corridor which is visible from a place on the main-traveled way of a  
126 controlled route.

127 ~~[(18)]~~ (20) "Outdoor advertising corridor" means a strip of land 350 feet wide,  
128 measured perpendicular from the edge of a controlled highway right-of-way.

129 ~~[(19)]~~ (21) "Outdoor advertising structure" or "outdoor structure" means any sign  
130 structure, including any necessary devices, supports, appurtenances, and lighting that is part of  
131 or supports an outdoor sign.

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

136 ~~[(21)]~~ (23) "Public assembly facility" means a convention facility as defined under  
137 Section 59-12-602 ~~[and]~~ that:

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

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

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

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

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

152            [~~(23)~~] (25) "Relocation" includes the removal of a sign from one situs together with the  
153 erection of a new sign upon another situs in a commercial or industrial zoned area as a  
154 substitute.

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

160            [~~(25)~~] (27) "Remodel" means the upgrading, changing, alteration, refurbishment,  
161 modification, or complete substitution of a new outdoor advertising structure for one permitted  
162 pursuant to this part and that is located in a commercial or industrial area.

163            [~~(26)~~] (28) "Rest area" means an area or site established and maintained within or  
164 adjacent to the right-of-way by or under public supervision or control for the convenience of  
165 the traveling public.

166            [~~(27)~~] (29) "Scenic or natural area" means an area determined by the department to  
167 have aesthetic value.

168            [~~(28)~~] (30) "Traveled way" means that portion of the roadway used for the movement  
169 of vehicles, exclusive of shoulders and auxiliary lanes.

170            [~~(29)~~] (31) (a) "Unzoned commercial or industrial area" means:

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

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

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

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

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

186 [~~(30)~~] (32) "Urbanized county" means a county with a population of at least 125,000  
187 persons.

188 [~~(31)~~] (33) "Visibility area" means the area on a street or highway that is:

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

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

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

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

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

196 **72-7-504. Advertising prohibited near interstate or primary system -- Exceptions**  
197 **-- Logo advertising -- Department rules.**

198 (1) 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-premises signs advertising the sale or lease of property upon which ~~they~~ the  
206 on-premises signs are located;

207 (c) on-premises signs advertising activities conducted on the property where ~~they~~ the  
208 on-premises signs are located, including signs on the premises of a public assembly facility as  
209 ~~provided~~ described in Section [72-7-504.5](#)~~;~~, and signs within a unified commercial  
210 development as described in Section [72-7-504.6](#).

211 (d) signs located in a commercial or industrial zone;

212 (e) signs located in unzoned industrial or commercial areas as determined from actual  
213 land uses; and

214 (f) logo advertising under Subsection (2).

215 (2) (a) The department may itself or by contract erect, administer, and maintain  
216 informational signs on the main-traveled way of an interstate or primary system for the display  
217 of logo advertising and information of interest to the traveling public if:

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

220 (ii) the private party for the lease of the sign or sign space pays an amount set by the  
221 department to be paid to the department or the party under contract with the department under  
222 this Subsection (2).

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

225 (c) The department may consult the Governor's Office of Economic Development in  
226 carrying out this Subsection (2).

227 (3) (a) Revenue generated under Subsection (2) shall be:

228 (i) applied first to cover department costs under Subsection (2); and

229 (ii) deposited in the Transportation Fund.

230 (b) Revenue in excess of costs under Subsection (2)(a) shall be deposited in the  
231 General Fund as a dedicated credit for use by the Governor's Office of Economic Development  
232 no later than the following fiscal year.

233 (4) Outdoor advertising under Subsections (1)(a), (d), (e), and (f) shall [~~conform to~~]  
234 comply with the rules made by the department under Sections [~~72-7-506 and~~] 72-7-505 through  
235 72-7-507.

236 (5) A sign that qualifies as an on-premises sign as defined in Section 72-7-502, as a  
237 public assembly facility sign as defined in Section 72-7-502, or as a sign within a unified  
238 commercial development as defined in Section 72-7-504.6 is exempt from the provisions of  
239 this part.

240 Section 3. Section **72-7-504.6** is enacted to read:

241 **72-7-504.6. Unified commercial developments.**

242 (1) As used in this section:

243 (a) "Common ownership" means the ownership of separate parcels of land by:

244 (i) a single person; or



- 245 (ii) more than one person associated by mutual ownership or control.
- 246 (b) "Unified commercial development" means a development that:
- 247 (i) comprises land that is, or is anticipated to be, used primarily for commercial or
- 248 industrial activities;
- 249 (ii) comprises either a single parcel of land or two or more parcels of land that are
- 250 contiguous; and
- 251 (iii) includes three or more of the following elements of commonality:
- 252 (A) the land within the development is under common ownership;
- 253 (B) the land within the development, even if developed in phases, has been the subject
- 254 of a common development plan, as evidenced by approved submittals or amended submittals to
- 255 a public entity with planning authority;
- 256 (C) the development is subject to a common development and use plan that provides
- 257 for common or limited common areas, including sidewalks, roadways, parking, storage,
- 258 landscaping, service areas, or similar areas or improvements that have true value to the
- 259 businesses' regular operations, and to which all businesses within the development have shared
- 260 use rights and obligations;
- 261 (D) the development operates through an association or other entity, actively managed
- 262 and maintained, through which all owners have rights and obligations with respect to the
- 263 development and any common or limited common areas; or
- 264 (E) the development and its businesses hold themselves out to the public as a common
- 265 development through signs or other marketing efforts.
- 266 (2) As used in this section only, parcels that would otherwise be contiguous, as defined
- 267 in Section [72-7-502](#), are not made non-contiguous:
- 268 (a) as the result of a survey error or discrepancy in a legal boundary description; or
- 269 (b) by the presence of any of the following intervening features, including land
- 270 reasonably related to those features:
- 271 (i) a road, other than a controlled route;
- 272 (ii) a river;
- 273 (iii) a stream;
- 274 (iv) a canal;
- 275 (v) an easement;

- 276            (vi) a railroad track;
- 277            (vii) a recreational trail or way;
- 278            (viii) a transportation corridor;
- 279            (ix) a utility line; or
- 280            (x) land that is an unbuildable parcel within the unified commercial development.
- 281            (3) Signs within a unified commercial development may advertise:
- 282            (a) the sale or lease of land within the unified commercial development where the sign
- 283 is located; or
- 284            (b) any activities conducted in the unified commercial development where the sign is
- 285 located.

286            Section 4. Section **72-7-505** is amended to read:

287            **72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor --**  
288 **Limit on implementation.**

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

- 291            (i) maximum area - 1,000 square feet;
- 292            (ii) maximum length - 60 feet; and
- 293            (iii) maximum height - 25 feet.

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

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

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

303            (e) An illumination standard adopted by any jurisdiction shall be uniformly applied to  
304 all signs, public or private, on premises or off [~~premise~~] premises.

305            (2) (a) An outdoor sign structure located inside the unincorporated area of a  
306 nonurbanized county may have the maximum height allowed by the county for outdoor

307 advertising structures in the commercial or industrial zone in which the sign is located. If no  
308 maximum height is provided for the location, the maximum sign height may be 65 feet above  
309 the ground or 25 feet above the grade of the main traveled way, whichever is greater.

310 (b) An outdoor sign structure located inside an incorporated municipality or urbanized  
311 county may have the maximum height allowed by the municipality or urbanized county for  
312 outdoor advertising structures in the commercial or industrial zone in which the sign is located.  
313 If no maximum height is provided for the location, the maximum sign height may be 65 feet  
314 above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

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

316 (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection  
317 72-7-504(1) or in H-1 zones may not be closer than 500 feet to an existing [~~off-premise~~]  
318 off-premises sign adjacent to an interstate highway or limited access primary highway, except  
319 that signs may be erected closer than 500 feet if the signs on the same side of the interstate  
320 highway or limited access primary highway are not simultaneously visible.

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

323 (i) public parks;

324 (ii) public forests;

325 (iii) public playgrounds;

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

328 (v) cemeteries.

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

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

337 (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning

338 or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

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

343 (B) it is located in a commercial or industrial zoned area inside an urbanized county or  
344 an incorporated municipality.

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

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

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

353 (e) All outdoor advertising shall be erected and maintained within the outdoor  
354 advertising corridor.

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

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

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

362 Section 5. Section **72-7-506** is amended to read:

363 **72-7-506. Advertising -- Regulatory power of department -- Notice requirements.**

364 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
365 department may make rules no more restrictive than this chapter to:

366 (a) control the erection and maintenance of outdoor advertising along the interstate and  
367 primary highway systems;

368 (b) provide for enforcement of this chapter;

369 (c) establish the form, content, and submittal of applications to erect outdoor  
370 advertising; and

371 (d) establish administrative procedures.

372 (2) In addition to all other statutory notice requirements:

373 (a) the department shall give reasonably timely written notice to all outdoor advertising  
374 permit holders of any changes or proposed changes in administrative rules made under  
375 authority of this part; and

376 (b) any county, municipality, or governmental entity shall, upon written request, give  
377 reasonably timely written notice to all outdoor advertising permit holders within its jurisdiction  
378 of any change or proposed change to the outdoor or [~~off-premise~~] off-premises advertising  
379 provisions of its zoning provisions, codes, or ordinances.

380 Section 6. Section **72-7-508** is amended to read:

381 **72-7-508. Unlawful outdoor advertising -- Adjudicative proceedings -- Judicial**  
382 **review -- Costs of removal -- Civil and criminal liability for damaging regulated signs --**  
383 **Immunity for Department of Transportation.**

384 (1) Outdoor advertising is unlawful when:

385 (a) erected after May 9, 1967, contrary to the provisions of this chapter;

386 (b) a permit is not obtained as required by this part;

387 (c) a false or misleading statement has been made in the application for a permit that  
388 was material to obtaining the permit; [~~or~~]

389 (d) the sign for which a permit was issued is not in a reasonable state of repair, is  
390 unsafe, or is otherwise in violation of this part[:]; or

391 (e) in the case of a sign, the sign ceases to meet the criteria required for the exemption  
392 described in Subsection [72-7-504\(5\)](#).

393 (2) The establishment, operation, repair, maintenance, or alteration of any sign contrary  
394 to this chapter is also a public nuisance.

395 (3) Except as provided in Subsection (4), in its enforcement of this section, the  
396 department shall comply with the procedures and requirements of Title 63G, Chapter 4,  
397 Administrative Procedures Act.

398 (4) (a) The district courts shall have jurisdiction to review by trial de novo all final  
399 orders of the department under this part resulting from formal and informal adjudicative

400 proceedings.

401 (b) Venue for judicial review of final orders of the department shall be in the county in  
402 which the sign is located.

403 (5) If the department is granted a judgment, the department is entitled to have any  
404 nuisance abated and recover from the responsible person, firm, or corporation, jointly and  
405 severally:

406 (a) the costs and expenses incurred in removing the sign; and

407 (b) (i) \$500 for each day the sign was maintained following the expiration of 10 days  
408 after notice of agency action was filed and served under Section 63G-4-201;

409 (ii) \$750 for each day the sign was maintained following the expiration of 40 days after  
410 notice of agency action was filed and served under Section 63G-4-201;

411 (iii) \$1,000 for each day the sign was maintained following the expiration of 70 days  
412 after notice of agency action was filed and served under Section 63G-4-201; and

413 (iv) \$1,500 for each day the sign was maintained following the expiration of 100 days  
414 after notice of agency action was filed and served under Section 63G-4-201.

415 (6) (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces,  
416 destroys, or uses any sign controlled under this chapter without the owner's permission is liable  
417 to the owner of the sign for treble the amount of damage sustained and all costs of court,  
418 including a reasonable attorney's fee, and is guilty of a class C misdemeanor.

419 (b) This Subsection (6) does not apply to the department, its agents, or employees if  
420 acting to enforce this part.

421 (7) The following criteria shall be used for determining whether an existing sign within  
422 an interstate outdoor advertising corridor has as its purpose unlawful [~~off-premise~~]  
423 off-premises outdoor advertising:

424 (a) whether the sign complies with this part;

425 (b) whether the [~~premise~~] premises includes an area:

426 (i) from which the general public is serviced according to normal industry practices for  
427 organizations of that type; or

428 (ii) that is directly connected to or is involved in carrying out the activities and normal  
429 industry practices of the advertised activities, services, events, persons, or products;

430 (c) whether the sign generates revenue:

431 (i) arising from the advertisement of activities, services, events, or products not  
432 available on the [~~premise~~] premises according to normal industry practices for organizations of  
433 that type;

434 (ii) arising from the advertisement of activities, services, events, persons, or products  
435 that are incidental to the principal activities, services, events, or products available on the  
436 premise; and

437 (iii) including the following:

438 (A) money;

439 (B) securities;

440 (C) real property interest;

441 (D) personal property interest;

442 (E) barter of goods or services;

443 (F) promise of future payment or compensation; or

444 (G) forbearance of debt;

445 (d) whether the purveyor of the activities, services, events, persons, or products being  
446 advertised:

447 (i) carries on hours of operation on the [~~premise~~] premises comparable to the normal  
448 industry practice for a business, service, or operation of that type, or posts the hours of  
449 operation on the [~~premise~~] premises in public view;

450 (ii) has available utilities comparable to the normal industry practice for an entity of  
451 that type; and

452 (iii) has a current valid business license or permit under applicable local ordinances,  
453 state law, and federal law to conduct business on the premise upon which the sign is located;

454 (e) whether the advertisement is located on the site of any auxiliary facility that is not  
455 essential to, or customarily used in, the ordinary course of business for the activities, services,  
456 events, persons, or products being advertised; or

457 (f) whether the sign or advertisement is located on property that is not contiguous to a  
458 property that is essential and customarily used for conducting the business of the activities,  
459 services, events, persons, or products being advertised.

460 (8) The following do not qualify as a business under Subsection (7):

461 (a) public or private utility corridors or easements;

- 462 (b) railroad tracks;
- 463 (c) outdoor advertising signs or structures;
- 464 (d) vacant lots;
- 465 (e) transient or temporary activities; or
- 466 (f) storage of accessory products.
- 467 (9) The sign owner has the burden of proving, by a preponderance of the evidence, that
- 468 the advertised activity is conducted on the [~~premise~~] premises.

---

**Legislative Review Note**  
**as of 2-12-15 11:20 AM**

**Office of Legislative Research and General Counsel**