

**Utah Department of Transportation
Request for Public Information**

Executive Secretary

**Brandi Trujillo GRAMA Coordinator
4501 So 2700 W Box 148430 Salt Lake City, UT 84119**

Office (801) 965-4715 Fax (801) 965-4838

udotgrama@utah.gov

Date: December 3, 2015

Name of Requestor: Leslie Van Frank

Company Name: Cohne Kinghorn P.C.

Address: 111 E. Broadway, 11th Floor

City/State/Zip: Salt Lake City, Utah 84111

Phone: 801-532-2666 / 801-363-4300

Fax: 801-363-4378

E-mail: leslie@cohnekinghorn.com

In accordance with the Governmental Records Access Management Act (GRAMA), I hereby request to view the following public records.

Copies of all records in the possession or control of UDOT concerning outdoor advertising permit 2-1317 (billboard located at 280 West 500 South in Salt Lake City), including but not limited to applications, permits, changes in ownership, communications, suspensions, payments, etc.

Copy of UDOT's required policies and procedures when a change in sign or permit ownership occurs.

Copy Fees And Policies

- 8X11 Copies made by the requestor at the Division review area is .05 cents per side copied
- 8 X 11 Copies made by a UDOT employee is .50 cents per side copied. (The first 15 are free).
- 11 X 7 Copies made by UDOT employee is 1.00 per side copied.

UDOT has 10 working days to respond to requestor about information requested.

Leslie Van Frank

From: Brandi Trujillo <btrujillo@utah.gov>
Sent: Tuesday, December 08, 2015 3:09 PM
To: Leslie Van Frank
Subject: Fwd: GRAMA
Attachments: a.pdf; Rule R933-2.pdf; UC 72-7-507.pdf; Response letter.pdf

Hi Leslie,

Please see attached for the response on your GRAMA request. Hope you have a great day :-)

----- Forwarded message -----

From: Krissy Plett <kplett@utah.gov>
Date: Mon, Dec 7, 2015 at 4:22 PM
Subject: GRAMA
To: Brandi Trujillo <btrujillo@utah.gov>
Cc: Rod McDaniels <rmcdaniels@utah.gov>

Good afternoon Brandi,

Please find the attached information regarding the GRAMA request from Leslie Van Frank.

I have reviewed all electronic and paper files related to Permit No. 2-1317. The record is limited to what is in the department's electronic data base (ePM).

Outdoor Advertising Control Program does not have a formal policy and procedures document. The program follows the statute and rule for guidance on applying the Outdoor Advertising Act. Here is a link to the program's webpage. www.udot.utah.gov/go/OutdoorAdvertising
I have also attached a copy of both the state statute and rule.

Please note: To better serve the public, our hours of operation are now 8 a.m. to 5 p.m. Monday to Friday.



Krissy Plett
Statewide Permit Officer
-Outdoor Advertising Control
4501 South 2700 West, Box 148420
Salt Lake City, Utah 84114-8420
Ph: 801-633-1466 Fax: 801-965-4564

Email:

kplett@utah.gov

Website: www.udot.utah.gov/go/outdooradvertising

The information contained in this electronic mail message is confidential information intended only for the use of the individual or entity named above and may be privileged. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify me by reply to this message. Also, please delete the original message. Thank you.

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Thank you for your request,

Brandi Trujillo

GRAMA Coordinator

UDOT-Risk Management

Phone: [801-965-4715](tel:801-965-4715)

Mobile: [801-450-4831](tel:801-450-4831)

Fax: [801-965-4838](tel:801-965-4838)

Have a great day !

Please Note: To better serve the public our hours of operation are now 8 a.m. to 5 p.m. Monday to Friday.

12/07/2015

Sign Owner

Utah Outdoor Advertising
825 North 300 West Suite C160
Salt Lake City, UT 84103

Land Owner

Corner Property, LLC
1675 Beck Street
Salt Lake City, UT 84116

Sign Address 280 W. 500 S

GPS

Longitude -111.8990063

Latitude 40.75884482

Comment

N45, new permit # 2-1317. 8/30/01. 09/18/12, (Tweek),
Inventory QC Action: Deselected the "Signed Removed"
checkbox because the sign is still in place.



Route 0269P

Permit No 2-1317

Mile Point 1.58

Side of RoadN

Inventory No

Sign Type One Sided

Status Conforming

Repair Average

Photo 05/01/2007

Permit Check 05/01/2007

Inv. Check 05/01/2007

Feet From Row 0

Zoned Other

Land Type Private

Sign Height 14

Sign Width 48

Total Height 45

No. of Poles 1

Pole Material Metal

Illuminated X

Digital Sign

Scenic Byway

Easement

In Service 08/30/2001

R933. Transportation, Preconstruction, Right-of-Way Acquisition.

R933-2. Control of Outdoor Advertising Signs.

R933-2-1. Purpose.

The purpose of this rule is to implement the Utah Outdoor Advertising Act Sections 72-7-501 through 72-7-516. Nothing in this rule shall be construed to permit outdoor advertising that would disqualify the state for federal participation of funds under the applicable federal standards or conflict with the Utah Outdoor Advertising Act. The Transportation Commission and the Utah Department of Transportation shall, through designated personnel, control outdoor advertising on controlled routes throughout the State of Utah.

R933-2-2. Definitions.

All references in this rule to Title 72, Chapter 7, Part 5, are to those sections of the Utah Code known as the Utah Outdoor Advertising Act. In addition to the definitions in that part, the following definitions are supplied:

(1) "Abandoned sign" means any controlled sign of which the sign face has been partially obliterated, dilapidated, has unsafe conditions or has remained blank or been removed for a continuous period of 12 months or more, and the sign owner does not have a pending and active application with the department or a local governmental authority to repair or rectify the condition.

(2) "Acceleration and deceleration lanes" means speed change lanes created for the purpose of enabling a vehicle to increase or decrease its speed to merge into, or out of, traffic on the main-traveled way. As used in the Act, an acceleration or deceleration lane begins and ends at a point no closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. On-ramps and off-ramps are part of the interchange and shall not be considered an acceleration or deceleration lane under the Act or this rule.

(3) "Act" means the Utah Outdoor Advertising Act.

(4) "Advertising" means any message, whether in words, symbols, pictures or any combination thereof, painted or otherwise applied to the face of an outdoor advertising structure, and the message is designed, intended, or used to advertise or inform, and the message is visible from any place on the main traveled-way of a controlled route.

(5) "Areas zoned for the primary purpose of outdoor advertising" as used in the Act is defined to include areas in which the primary activity is outdoor advertising.

(6) "Changeable Electronic Variable Message Signs" or "CEVMS" means a self-luminous advertising sign which emits or projects any kind of light, color, or message. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, plasma displays, light bulbs, or other illumination devices within the display area.

(7) "Conforming sign" means an off-premises sign maintained in a location that conforms to the size, lighting, spacing, zoning, and other requirements as provided by law and this rule.

(8) "Contiguous" means a property that shares a common property line with another property.

(9) "Controlled route" means any route where outdoor advertising control is mandated by the Act, the Utah-Federal Agreement R933-5, or other state or federal law.

(10) "Controlled sign" means any off-premises sign that is designed, intended, or used to advertise or inform and which is located and the advertising thereon is visible within a controlled outdoor advertising corridor as specified by state or federal law.

(11) "Customary Maintenance" means any change, replacement, manipulation, or other repair to the sign structure that does not:

(a) alter or change the overall height, location, material, sign face orientation or sign face size (except for temporary embellishments);

(b) add lighting relative to what is currently listed on the valid permit or change the sign face to a CEVMS, or

(c) require structural engineering review.

(12) "Feeder systems" are secondary city or county roads that bring traffic to the state highway.

(13) "Freeway" means a divided highway for through traffic with full control access.

(14) "Good standing" means the controlled sign is properly maintained, all program and permit-related fees are paid as specified in this rule, and current sign owner contact information is up to date with the department.

(15) "Grandfather status" refers to any off-premises controlled sign erected in zoned or unzoned commercial or industrial areas, prior to May 9, 1967, even if the sign does not comply with the size, lighting, or spacing of the Act and this rule. Signs only, and not sign sites, may qualify for Grandfather Status.

(16) "H-1" means highway service zone as defined in the Act.

(17) "Lease or consent" means any written agreement by which possession of land, or permission to use land for the purpose of erecting or maintaining a sign, or both, is granted by the owner to another person for a specified period of time.

(18) "Nonconforming sign" means a sign that was lawfully erected, but that does not conform to state law or rules enacted at a later date or that later fails to comply with state legislation or rules because of changed conditions. The term "illegally erected" or "illegally maintained" is not synonymous with the term, "nonconforming sign", nor is a sign with "grandfather" status synonymous with the term, "nonconforming sign."

(19) "Off-Premises Sign" means an outdoor advertising sign that advertises an activity, service or product and that is located on premises other than the premises at which activity or service occurs or product is sold or manufactured.

(20) "On-Premises Sign" does not include a sign that advertises a product or service that is only incidental to the principal activity or that brings rental income to the property owner or occupant.

(21) "Point of the gore" means the point of the area delineated by two solid white lines that is between a permanently constructed continuing lane of a through-roadway and a permanently constructed lane used to enter or exit the continuing lane, including similar

areas between merging or splitting highways.

(22) "Property" as used in the definition of "On-Premises Sign" includes those areas from which the general public is serviced and which are directly connected with and are involved in assembling, manufacturing, servicing, or repairing of products used in the business activity. This property does not include the site of any auxiliary facilities that are not essential to and customarily used in the conduct of business, nor does it include property not contiguous to the property on which the sign is situated.

(23) "Public park" means any publicly owned land that is designed or used as a recreation area, wildlife or waterfowl refuge, or historical site.

(24) "Sale or lease sign" means any sign situated on the subject property that advertises that the property is for "sale" or "lease".

This sign may not advertise any product or service unrelated to the business of selling or leasing the land upon which it is located, nor may it advertise a projected use of the land or a financing service available or being utilized in its development.

(25) "Scenic area" as used in the Act includes a scenic byway.

(26) "Transient or temporary activity" means any industrial or commercial activity, not otherwise herein excluded, that does not have a prior continuous history for a period of six months.

(27) "Visible" means capable of being seen whether or not readable, without visual aid, by a person of normal visual acuity.

(28) "Written notification" as described under Subsection 72-7-506(2)(a) is further defined to include email notification. An outdoor advertising permit holder may request in writing to receive notice via United States Postal Service.

R933-2-3. Permit Required.

(1) All controlled signs legally in existence prior to the effective date of the 1967 Act, or that are legally created thereafter, shall have a permit issued by the department.

R933-2-4. General Requirements.

(1) Permits shall be issued in accordance with the Act and as described by this rule.

(2) Permits may be issued only for signs that are to be erected in areas allowed by local, state and federal law.

(3) All permits shall be maintained in good standing with the department for the duration of the sign's existence.

(4) Until the application is considered complete by the department, the department shall not process the application.

(a) If the application is deemed incomplete by the department, the department will send a notice notifying the applicant of the deficiencies of the application.

(b) The applicant will have 30 days from the notification date to make the application complete per the instructions on the application.

(c) If the applicant does not submit the required information to make the application complete within 30 days from the notification date the application will be returned to the applicant as incomplete without being processed.

(d) During the time the applicant is completing the application, the department will not consider or review any subsequently-received New Outdoor Advertising Permit Application for the same general location, where granting one permit would preclude the other.

(e) If two or more applicants file a New Outdoor Advertising Permit Application at exactly the same time for the same general location, where granting one permit would preclude the other, the first complete application received by the department will have priority over the other. Any notices of deficiencies shall be sent to the applicants simultaneously.

(5) Where the local authority has issued a building permit for construction of a sign, but construction is contrary to the Act, the action of the local authority does not require the state to issue a permit.

(6) The crossing of a right-of-way line of any controlled route for access at other than an established access approach to erect, alter or maintain a sign without the written permission of the department, is unlawful.

(a) The first documented offense the permit holder will receive a warning notice.

(b) The second documented offense will result in a Notice of Agency Action.

(c) The third documented offense will result in permit revocation.

(7) Any sign located within the controlled area of two controlled routes shall meet the spacing requirements of both highway systems.

(8) If a sign message may be read from two or more routes, one or more of which is a controlled route, the more stringent of applicable control requirements applies.

(9) New sign structure or adjusted sign structure location requires the proposed location to be staked by the applicant prior to submitting any application. The applicant shall mark the center-point(s) of the support pole(s) of the proposed location with a clearly visible stake and a ribbon. The stake shall have the sign owners name clearly identified on it.

(10) If two or more applicants file a complete New Outdoor Advertising Permit Application at the same time for the same general location the first fully completed application received by the department will have priority over the other(s).

R933-2-5. Commercial and Industrial Usage Limitations for Unzoned Areas.

(1) Airport runways or parking or aircraft tie down areas are not commercial or industrial activities.

(2) Farming or ranching areas or related dairy farm facilities, of whatever nature, are not commercial or industrial activities.

(3) Municipal or private golf courses or cemeteries are not commercial or industrial areas.

(4) A trailer or mobile home park, court, or facility are not commercial or industrial areas.

R933-2-6. New Application Requirements.

(1) The applicant shall submit a completed application on the approved departmental form (Outdoor Advertising Permit Application) in accordance with the instructions listed on the application. At a minimum, the applicant shall include the following items:

(a) Each application shall be accompanied by a valid and approved building permit or special use permit from the local governing authority, or a written statement from that authority indicating the building permit or special use permit is not required under its ordinances for the proposed sign.

(b) Written proof of lease, easement, ownership, or consent from the property owner to erect and maintain an outdoor advertising sign shall be furnished by the applicant.

(i) Proof of ownership may consist of a sworn declaration showing the landowner's name and address, the sign owner's name, and the sign location by route, milepost, address, and county; and

(ii) Proof verifying legal access to the sign location from private property, for purposes of maintaining the controlled sign, is also required.

(c) The Application's Location Sketch Addendum shall be completed and attached in accordance with the instructions contained thereon.

(d) The Application's Zoning Verification Addendum shall be completed and signed by the local zoning authority.

(e) The appropriate non-refundable new application review fee shall be submitted with the completed application.

(2) All new approved permit applications require the applicant to commence construction of the sign structure within 180 days from the date of the department approval and shall complete all work within 365 days from the date of the department approval.

(3) The final approval of the new approved permit application will not occur until (a) the applicant notifies the department of its completion and (b) the applicant has forwarded photographs to the department depicting the entire sign structure (including a photograph showing each individual sign face).

(4) It shall be the sole responsibility of the sign owner to ensure the final placement of the sign is not encroaching anywhere within the department's established right-of-way.

(5) A retroactive permit fee penalty shall be charged in addition to the non-refundable new application review fee to cover the additional administrative review and inspection costs where an applicant is seeking a state permit for an existing sign that did not have prior written approval.

R933-2-7. Permit Transfer Application Requirements.

(1) A permit is transferable in accordance with Utah Code Section 72-7-507.

(2) Within 90 days of the sale or transfer of ownership of a controlled sign the new sign owner shall submit a completed application on the approved departmental form (Outdoor Advertising Permit Ownership Transfer Application) in accordance with the instructions listed on the application. At a minimum, the applicant shall include the following items:

(a) The new sign owner shall provide the department proof of

sign ownership.

(b) Written proof of lease, easement, ownership, or consent from the property owner to maintain an outdoor advertising sign shall be furnished by the applicant.

(i) Proof of ownership may consist of a notarized declaration showing the landowner's name and address, the sign owner's name, and the sign location by route, milepost, address, and county; and

(ii) Proof verifying legal access to the sign location from private property, for purposes of maintaining the controlled sign, is also required.

(3) The appropriate non-refundable permit transfer fee shall be submitted with the completed application.

(4) If an ownership transfer application is not submitted to the department within 90 days of the sale or transfer the new sign owner shall submit a new permit application, with the appropriate non-refundable application review fee and any corresponding late fee.

R933-2-8. Sign Alteration Application Requirements.

(1) Any sign alteration-related activity that is not defined as customary maintenance requires the sign owner to submit an Outdoor Advertising Sign Alteration Application.

(2) Anyone preparing to remodel a controlled sign shall submit a completed application on an approved departmental form (Outdoor Advertising Sign Alteration Application). The form shall be completed in accordance with the instructions on the application. At a minimum, the applicant shall include the following items:

(a) Each application shall be accompanied by a valid and approved building permit or special use permit from the local governing authority, or a written statement from that authority indicating the building permit or special use permit is not required under its ordinances for the proposed sign.

(b) The Application's Location Sketch Addendum shall be completed and attached in accordance with the instructions contained thereon.

(c) The Application's Zoning Verification Addendum shall be completed and signed by the local zoning authority.

(d) Evidence from the sign owner confirming the sign owner has legal access to the sign location from private property, for purposes of alteration and maintenance of the controlled sign.

(e) The appropriate non-refundable application review fee shall be submitted with the completed application.

(3) All approved alteration(s) shall commence within 180 days from the date of the department approval and shall complete all work within 365 days from the date of the department approval.

(4) A retroactive permit fee penalty shall be charged in addition to the non-refundable application review fee to cover additional administrative and inspection costs where an applicant is seeking an alteration permit for a sign that has been altered without prior written approval.

(a) If the sign alterations are not approved the permit holder will return the sign to the original recorded approved permitted state for size and structure.

(5) A conforming or nonconforming sign that is damaged by

vandalism or an act of God may be re-erected or changed, or both, upon properly completed Outdoor Advertising Sign Alteration Application and approval of the application.

(a) Nonconforming sign located on a scenic-by-way that is damaged by vandalism or an act of God may only be repaired to the original recorded approved permitted state for size and structure.

R933-2-9. Permit Renewal Requirements.

(1) Permits shall be renewed by the filing of a renewal application and submission of the appropriate non-refundable renewal fee before the first day of July during the designated billing cycle year.

(a) Permits not renewed by the first day of July during the designated billing cycle year are considered suspended.

(i) Suspended permits for conforming and non-conforming signs may be renewed upon submittal of the renewal application, appropriate non-refundable renewal fee, and late fee. The submittal must be received by September 30 of the current billing cycle year.

(ii) The department shall issue a Notice of Agency Action for suspended permits not renewed by September 30 of the current billing cycle year providing the sign owner a voluntary correction time frame prior to revoking the permit. The department shall provide this notice via certified mail to the sign owner as identified within the official sign inventory records maintained by the department.

(2) A renewal time extension may be provided to the sign owner upon the sign owner submitting a written request to the department before the first day of July during the designated billing cycle year.

The department may approve such a time extension at the department's sole discretion. Any such extension shall not exceed 30 days in length. Additional time extensions beyond 30 days may only be considered where the department determines extraordinary circumstances exist. The time extension are not subject to Section (1)(a) unless they do not submit payment within the 30 day extension period.

(3) The department may make renewal applications available to the sign owner 90 days prior to the first day of July during the designated billing cycle year. The department will make the renewal applications available to the sign owner no less than 30 days prior to the first day of July of the designated billing cycle year.

(4) Completion of the renewal application prior to the expiration of the existing permit shall be the sole responsibility of the sign owner.

(5) Ensuring the department has the latest billing contact information including a valid email address shall be the sole responsibility of the sign owner.

(6) By signing the renewal application the sign owner certifies the sign site is still under valid lease, easement, or consent to the sign owner, or under the ownership of the sign owner including legal access to the sign location from private property, for purposes of maintaining the controlled sign.

R933-2-10. Minimum Sign Maintenance Requirements.

(1) Signs shall be properly maintained.

- (a) Improper maintenance includes:
 - (i) paint faded or peeling extensively;
 - (ii) message not visible or illegible;
 - (iii) sheets or panels loose or sagging;
 - (iv) structural damage, or leaning; or
 - (v) abandonment.

(b) A sign with any of the deficiencies listed in Subsection R933-2-10(1)(a) is not in a reasonable state of repair, is in violation of the law, and is subject to permit revocation and removal. The department shall issue a Notice of Agency Action providing the sign owner a voluntary correction time frame prior to revocation and removal. The department shall provide this notice via certified mail to the sign owner as identified within the official sign inventory records maintained by the department.

R933-2-11. Outdoor Advertising Control and Permit-Related Fees.

(1) All applicable outdoor advertising control and permit-related fees shall be determined in accordance with Utah Code 63J-1-504 and be contained within the department's approved fee schedule.

(2) Permit applications shall not be processed or reviewed until all applicable outdoor advertising control and permit-related fees have been paid in full.

(3) The fee for permits shall not be prorated.

R933-2-12. Termination of Nonconforming Use Status.

(1) The nonconforming use status of a controlled sign shall terminate and the status will become illegal under the following conditions:

(a) failure of the sign owner to respond to a Notice of Agency Action issued to renew a suspended permit;

(b) abandonment;

(c) failure to correct an identified outdoor advertising violation or failure to ask for a hearing after receiving proper notice pursuant to Section 72-7-508, failure to file a written response as required by law, or failure to appeal from an adverse decision of the department;

(d) purchase by the department under Section 72-7-510; or

(e) acquisition at any time by the department for highway construction.

R933-2-13. Termination of On-Premises Status.

An on-premises sign loses its on-premises status when the business or activity it advertises has ceased to exist for a period of 12 months at the site of the sign, and the message thereon is visible to the traveling public from a controlled route. The advertising copy on signs meeting this criterion may be removed at the expense of the sign owner or land owner or both without compensation to the sign or site owner as provided in Section 72-7-508 of the Act.

R933-2-14. Removal of Illegal Signs.

(1) Illegal or abandoned sign(s) removal from private property. The department shall provide the responsible party with a Notice

of Agency Action prior to removing any illegal or abandoned sign(s) from private property.

(2) Signs placed within the state right-of-way may be removed without prior written notice.

(3) Permitted sign(s) affixed to private property that encroach on the state right-of-way may be given written notice to remove the installation from the right-of-way.

(4) The cost for the removal by department of an illegal or abandoned sign shall be assessed jointly and severally against the sign owner, landowner, occupant of the land or other responsible person, or any combination thereof, in accordance with Section 72-7-508.

(5) Storage Charges. Illegal or abandoned signs that have been removed by the department shall be stored at the nearest department shed. An appropriate fee shall be charged for storage. The storage charges shall be in addition to the costs of the removal of the illegal or abandoned sign.

(6) Redemption and Disposal. If the illegal or abandoned sign has not been claimed and redeemed within 60 calendar days from the date of removal a designated department official shall proceed to dispose of the stored illegal or abandoned sign by either utilizing the material contained therein for department purposes or destroying the sign. A statement of the sign disposal shall be made and filed with a designated person at the department.

R933-2-15. Directional Signs.

(1) Directional signs allowed under Section 72-7-504 shall conform to federal standards under 23 CFR Section 750.154.

R933-2-16. Official Signs.

(1) Prerequisites for erection and maintenance.

(a) Prior to erection of an official sign the public agency shall submit to the Outdoor Advertising Control Program, a completed permit application on an approved departmental form (Outdoor Advertising Permit Application). The form shall be completed in accordance with the instructions on the application.

(b) The sign shall be erected off the highway right-of-way, owned and maintained by the political subdivision, and located within the zoning jurisdiction of the political subdivision.

(2) Standards, Criteria and Restrictions.

(a) Only information of general interest to the traveling public may be placed on an official sign. Commercial advertising of a particular service, product or facility is prohibited.

(b) The sign shall be within the zoning jurisdiction of the city, town, or other public agency designated by the sign.

(c) No city, town or other political subdivision of the state may erect or maintain more than one sign at each approach to the off-ramp, facing oncoming traffic at the nearest point of turn off to a city, town or other political subdivision and in no event may more than two official signs, one for each direction of travel upon the controlled highway, be erected and maintained by or for the purpose of designating a city or town or other subdivision.

(d) No official sign may be located within 2,000 feet of an

interchange or intersection at grade along the interstate highway system, measured from the nearest point of pavement widening at the exit from the main traveled way.

(e) No official sign may be so illuminated as to interfere with the effectiveness of, or obscure, an official traffic sign, device, or signal.

(f) Signs that are not effectively shielded so as to prevent light from being directed at any portion of the traveled way of a controlled route, or that cause glare or impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

(g) Any official sign erected or maintained under the Act and this rule may at any time be removed for cause and without compensation after a Notice of Agency Action is issued, if required. The owner of any official sign shall remove the sign at its own cost and expense.

(h) Official signs shall remain static and not be permitted or converted to digital display formats such as CEVMS signs.

(i) An Outdoor Advertising Permit for an Official Sign may not be transferred and may not display off-premises advertising.

R933-2-17. Department Hearings.

Any hearing regarding an application or conformance to the rule or statute for a sign shall be held in accordance with the Act, and in accordance with the Utah Administrative Procedures Act and Rule R907-1.

KEY: signs

Date of Enactment or Last Substantive Amendment: September 23, 2015

Notice of Continuation: November 14, 2011

Authorizing, and Implemented or Interpreted Law: Title 72, Chapter 7, Part 5; 72-1-201

Part 5

Utah Outdoor Advertising Act

72-7-501 Purpose of part -- Utah-Federal Agreements ratified.

- (1) The purpose of this part is to provide the statutory basis for the regulation of outdoor advertising consistent with zoning principles and standards and the public policy of this state in providing public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in highways, to preserve the natural scenic beauty of lands bordering on highways, and to ensure that outdoor advertising shall be continued as a standardized medium of communication throughout the state so that it is preserved and can continue to provide general information in the specific interest of the traveling public safely and effectively.
- (2) It is the purpose of this part to provide a statutory basis for the reasonable regulation of outdoor advertising consistent with the customary use, zoning principles and standards, the protection of private property rights, and the public policy relating to areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and the national highway systems highways.
- (3) The agreement entered into between the governor of the state of Utah and the Secretary of Transportation of the United States dated January 18, 1968, regarding the size, lighting, and spacing of outdoor advertising which may be erected and maintained within areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and national highway systems highways which are zoned commercial or industrial or in other unzoned commercial or industrial areas as defined pursuant to the terms of the agreement is hereby ratified and approved, subject to subsequent amendments.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-502 Definitions.

As used in this part:

- (1) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on the main traveled way of a street or highway within the visibility area.
- (2) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following are commercial or industrial activities:
 - (a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;
 - (b) transient or temporary activities;
 - (c) activities not visible from the main-traveled way;
 - (d) activities conducted in a building principally used as a residence; and
 - (e) railroad tracks and minor sidings.
- (3)
 - (a) "Commercial or industrial zone" means only:
 - (i) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;
 - (ii) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

- (iii) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns that:
 - (A) are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under comprehensive local zoning ordinances or regulations or enabling state legislation; and
 - (B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way; or
- (iv) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes.
- (b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of allowing outdoor advertising.
- (4) "Comprehensive local zoning ordinances or regulations" means a municipality's comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by Section 10-9a-501, and the county master plan authorized by Sections 17-27a-401 and 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor advertising.
- (5) "Directional signs" means signs containing information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department considers to be in the interest of the traveling public.
- (6)
 - (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being.
 - (b) "Erect" does not include any activities defined in Subsection (6)(a) if they are performed incident to the change of an advertising message or customary maintenance of a sign.
- (7) "Highway service zone" means a highway service area where the primary use of the land is used or reserved for commercial and roadside services other than outdoor advertising to serve the traveling public.
- (8) "Information center" means an area or site established and maintained at rest areas for the purpose of informing the public of:
 - (a) places of interest within the state; or
 - (b) any other information that the department considers desirable.
- (9) "Interchange or intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes, or feeder systems, from or to another federal, state, county, city, or other route.
- (10) "Maintain" means to allow to exist, subject to the provisions of this chapter.
- (11) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of God.
- (12) "Main-traveled way" means the through traffic lanes, including auxiliary lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each direction.

- (13) "Major sponsor" means a sponsor of a public assembly facility or of a team or event held at the facility where the amount paid by the sponsor to the owner of the facility, to the team, or for the event is at least \$100,000 per year.
- (14) "Official signs and notices" means signs and notices erected and maintained by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out official duties or responsibilities in accordance with direction or authorization contained in federal, state, or local law.
- (15) "Off-premise signs" means signs located in areas zoned industrial, commercial, or H-1 and in areas determined by the department to be unzoned industrial or commercial that advertise an activity, service, event, person, or product located on premises other than the premises at which the advertising occurs.
- (16) "On-premise signs" means signs used to advertise the major activities conducted on the property where the sign is located.
- (17) "Outdoor advertising" means any outdoor advertising structure or outdoor structure used in combination with an outdoor advertising sign or outdoor sign within the outdoor advertising corridor which is visible from a place on the main-traveled way of a controlled route.
- (18) "Outdoor advertising corridor" means a strip of land 350 feet wide, measured perpendicular from the edge of a controlled highway right-of-way.
- (19) "Outdoor advertising structure" or "outdoor structure" means any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.
- (20) "Point of widening" means the point of the gore or the point where the intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never be greater than 2,640 feet from the center line of the intersecting highway of the interchange or intersection at grade.
- (21) "Public assembly facility" means a convention facility as defined under Section 59-12-602 and that:
- (a) includes all contiguous interests in land, improvements, and utilities acquired, constructed, and used in connection with the operation of the public assembly facility, whether the interests are owned or held in fee title or a lease or easement for a term of at least 40 years, and regardless of whether the interests are owned or operated by separate governmental authorities or districts;
 - (b) is wholly or partially funded by public money;
 - (c) requires a person attending an event at the public assembly facility to purchase a ticket or that otherwise charges for the use of the public assembly facility as part of its regular operation; and
 - (d) has a minimum and permanent seating capacity of at least 10,000 people.
- (22) "Public assembly facility sign" means a sign located on a public assembly facility that only advertises the public assembly facility, major sponsors, events, the sponsors of events held or teams playing at the facility, and products sold or services conducted at the facility.
- (23) "Relocation" includes the removal of a sign from one situs together with the erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.
- (24) "Relocation and replacement" means allowing all outdoor advertising signs or permits the right to maintain outdoor advertising along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system highways to be maintained in a commercial or industrial zoned area to accommodate the displacement, remodeling, or widening of the highway systems.

- (25) "Remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this part and that is located in a commercial or industrial area.
- (26) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.
- (27) "Scenic or natural area" means an area determined by the department to have aesthetic value.
- (28) "Traveled way" means that portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- (29)
 - (a) "Unzoned commercial or industrial area" means:
 - (i) those areas not zoned by state law or local law, regulation, or ordinance that are occupied by one or more industrial or commercial activities other than outdoor advertising signs;
 - (ii) the lands along the highway for a distance of 600 feet immediately adjacent to those activities; and
 - (iii) lands covering the same dimensions that are directly opposite those activities on the other side of the highway, if the department determines that those lands on the opposite side of the highway do not have scenic or aesthetic value.
 - (b) In measuring the scope of the unzoned commercial or industrial area, all measurements shall be made from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be along or parallel to the edge of pavement of the highway.
 - (c) All signs located within an unzoned commercial or industrial area become nonconforming if the commercial or industrial activity used in defining the area ceases for a continuous period of 12 months.
- (30) "Urbanized county" means a county with a population of at least 125,000 persons.
- (31) "Visibility area" means the area on a street or highway that is:
 - (a) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and
 - (b) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:
 - (i) perpendicular to the street or highway; and
 - (ii) 500 feet from the base of the billboard.

Amended by Chapter 346, 2011 General Session

72-7-503 Advertising -- Permit required -- Penalty for violation.

- (1) It is unlawful for any person to place any form of advertising upon any part of the public domain, or within 300 feet of a public highway, except within the corporate limits of a city or town, and except upon land in private ownership situated along the highway, without first receiving a permit from the department, if a state highway, or from the county executive, if a county road.
- (2) Any person who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

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

- (1) As used in this section, "specific service trailblazer sign" means a guide sign that provides users with business identification or directional information for services and eligible activities that are advertised on a logo advertising sign authorized under Subsection (3)(a)(i).
- (2) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:
 - (a) directional and other official signs and notices authorized or required by law, including signs and notices pertaining to natural wonders and scenic and historic attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers, and above ground utility closure signs;
 - (b) signs advertising the sale or lease of property upon which they are located;
 - (c) signs advertising activities conducted on the property where they are located, including signs on the premises of a public assembly facility as provided in Section 72-7-504.5;
 - (d) signs located in a commercial or industrial zone;
 - (e) signs located in unzoned industrial or commercial areas as determined from actual land uses; and
 - (f) logo advertising under Subsection (3).
- (3)
 - (a) The department may itself or by contract erect, administer, and maintain informational signs:
 - (i) on the main-traveled way of an interstate or primary system, as it existed on June 1, 1991, specific service signs for the display of logo advertising and information of interest, excluding specific service trailblazer signs as defined in rules adopted in accordance with Section 41-6a-301, to the traveling public if:
 - (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the sign or sign space; and
 - (B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3); and
 - (ii) only on rural conventional roads as defined in rules adopted in accordance with Section 41-6a-301 in a county of the fourth, fifth, or sixth class for tourist-oriented directional signs that display logo advertising and information of interest to the traveling public if:
 - (A) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the tourist-oriented directional sign or sign space; and
 - (B) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (3).
 - (b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the signs or sign spaces.
 - (c)
 - (i) Any sign erected pursuant to this Subsection (3) which was existing as of March 1, 2015, shall be permitted as if it were in compliance with this Subsection (3).
 - (ii) A noncompliant sign shall only be permitted for the contract period of the advertising contract.
 - (iii) A new advertising contract may not be issued for a noncompliant sign.
 - (d) The department may consult the Governor's Office of Economic Development in carrying out this Subsection (3).
- (4)
 - (a) Revenue generated under Subsection (3) shall be:

- (i) applied first to cover department costs under Subsection (3); and
- (ii) deposited in the Transportation Fund.
- (b) Revenue in excess of costs under Subsection (3)(a) shall be deposited in the General Fund as a dedicated credit for use by the Governor's Office of Economic Development no later than the following fiscal year.
- (5) Outdoor advertising under Subsections (2)(a), (d), (e), and (f) shall conform to the rules made by the department under Sections 72-7-506 and 72-7-507.

Amended by Chapter 402, 2015 General Session

72-7-504.5 Public assembly facility signs -- Restrictions.

- (1) Signs on the premises of a public assembly facility that do not bring rental income to the owner of the public assembly facility may advertise:
 - (a) the name of the facility, including identifiable venues or stores within the facility; and
 - (b) principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 C.F.R. Section 750.709, including:
 - (i) events being conducted in the facility or upon the premises, including the sponsor of the current event; and
 - (ii) products or services sold at the facility and activities conducted on the property that produce significant income to the operation of the facility.
- (2) An advertising structure described in Subsection (1):
 - (a) shall be located on a public assembly facility or on a parcel contiguous to the public assembly facility;
 - (b) shall be under the same ownership as the public assembly facility; and
 - (c) may not be separated from the public assembly facility by a public road.
- (3) An advertising structure described in Subsection (1) may only promote a maximum of seven major sponsors and the sponsor of a current event at any one time.
- (4) An advertising structure described in Subsection (1) may not be located on narrow land held by easement or anything other than a fee interest unless it is a part of a public assembly facility.
- (5) A public assembly facility is exempt from the requirement under this part to have a state outdoor advertising permit.

Amended by Chapter 346, 2011 General Session

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

- (1)
 - (a) Except as provided in Subsection (2), a sign face within the state may not exceed the following limits:
 - (i) maximum area - 1,000 square feet;
 - (ii) maximum length - 60 feet; and
 - (iii) maximum height - 25 feet.
 - (b) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed the maximum allowed square footage.
 - (c) Two or more advertising messages on a sign face and double-faced, back-to-back, stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces enjoy common ownership.

- (d) A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.
 - (e) An illumination standard adopted by any jurisdiction shall be uniformly applied to all signs, public or private, on or off premise.
- (2)
- (a) An outdoor sign structure located inside the unincorporated area of a nonurbanized county may have the maximum height allowed by the county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.
 - (b) An outdoor sign structure located inside an incorporated municipality or urbanized county may have the maximum height allowed by the municipality or urbanized county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.
- (3) Except as provided in Section 72-7-509:
- (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection 72-7-504(2) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign adjacent to an interstate highway or limited access primary highway, except that signs may be erected closer than 500 feet if the signs on the same side of the interstate highway or limited access primary highway are not simultaneously visible.
 - (b) Signs may not be located within 500 feet of any of the following which are adjacent to the highway, unless the signs are in an incorporated area:
 - (i) public parks;
 - (ii) public forests;
 - (iii) public playgrounds;
 - (iv) areas designated as scenic areas by the department or other state agency having and exercising this authority; or
 - (v) cemeteries.
 - (c)
 - (i)
 - (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate highway or limited access highway on the primary system within 500 feet of an interchange, or intersection at grade, or rest area measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.
 - (B) Interchange and intersection distance limitations shall be measured separately for each direction of travel. A measurement for each direction of travel may not control or affect any other direction of travel.
 - (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way, if:
 - (A) the sign is replacing an existing outdoor advertising use or structure which is being removed or displaced to accommodate the widening, construction, or reconstruction of an interstate, federal aid primary highway existing as of June 1, 1991, or national highway system highway; and
 - (B) it is located in a commercial or industrial zoned area inside an urbanized county or an incorporated municipality.

- (d) The location of signs situated on nonlimited access primary highways in commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the primary highway shall not exceed the following minimum spacing criteria:
 - (i) Where the distance between centerlines of intersecting streets, roads, or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.
 - (ii) Where the distance between centerlines of intersecting streets, roads, or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.
- (e) All outdoor advertising shall be erected and maintained within the outdoor advertising corridor.
- (4) Subsection (3)(c)(ii) may not be implemented until:
 - (a) the Utah-Federal Agreement for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system is modified to allow the sign placement specified in Subsection (3)(c)(ii); and
 - (b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state and the United States Secretary of Transportation.

Amended by Chapter 402, 2015 General Session

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

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules no more restrictive than this chapter to:
 - (a) control the erection and maintenance of outdoor advertising along the interstate and primary highway systems;
 - (b) provide for enforcement of this chapter;
 - (c) establish the form, content, and submittal of applications to erect outdoor advertising; and
 - (d) establish administrative procedures.
- (2) In addition to all other statutory notice requirements:
 - (a) the department shall give reasonably timely written notice to all outdoor advertising permit holders of any changes or proposed changes in administrative rules made under authority of this part; and
 - (b) any county, municipality, or governmental entity shall, upon written request, give reasonably timely written notice to all outdoor advertising permit holders within its jurisdiction of any change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances.

Amended by Chapter 382, 2008 General Session

72-7-507 Advertising -- Permits -- Application requirements -- Duration -- Fees.

- (1)
 - (a) Outdoor advertising may not be maintained without a current permit.
 - (b) Applications for permits shall be made to the department on forms furnished by it.
 - (c) A permit must be obtained prior to installing each outdoor sign.
 - (d) The application for a permit shall be accompanied by an initial fee established under Section 63J-1-504.
- (2)

- (a) Each permit issued by the department is valid for a period of up to five years and shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination of the right to use the property, whichever is sooner.
- (b) Upon renewal, each permit may be renewed for periods of up to five years upon the filing of a renewal application and payment of a renewal fee established under Section 63J-1-504.
- (3) Sign owners residing outside the state shall provide the department with a continuous performance bond in the amount of \$2,500.
- (4) Fees may not be prorated for fractions of the permit period. Advertising copy may be changed at any time without payment of an additional fee.
- (5)
 - (a) Each sign shall have its permit continuously affixed to the sign in a position visible from the nearest traveled portion of the highway.
 - (b) The permit shall be affixed to the sign structure within 30 days after delivery by the department to the permit holder, or within 30 days of the installation date of the sign structure.
 - (c) Construction of the sign structure shall begin within 180 days after delivery of the permit by the department to the permit holder and construction shall be completed within 365 days after delivery of the permit.
- (6) The department may not accept any applications for a permit or issue any permit to erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the permit holder or the permit holder's assigns until the permit has expired or has been terminated pursuant to the procedures under Section 72-7-508.
- (7) Permits are transferrable if the ownership of the permitted sign is transferred.
- (8) Conforming, permitted sign structures may be altered, changed, remodeled, and relocated subject to the provisions of Subsection (6).

Amended by Chapter 183, 2009 General Session

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

- (1) Outdoor advertising is unlawful when:
 - (a) erected after May 9, 1967, contrary to the provisions of this chapter;
 - (b) a permit is not obtained as required by this part;
 - (c) a false or misleading statement has been made in the application for a permit that was material to obtaining the permit; or
 - (d) the sign for which a permit was issued is not in a reasonable state of repair, is unsafe, or is otherwise in violation of this part.
- (2) The establishment, operation, repair, maintenance, or alteration of any sign contrary to this chapter is also a public nuisance.
- (3) Except as provided in Subsection (4), in its enforcement of this section, the department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.
- (4)
 - (a) The district courts shall have jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.
 - (b) Venue for judicial review of final orders of the department shall be in the county in which the sign is located.

- (5) If the department is granted a judgment, the department is entitled to have any nuisance abated and recover from the responsible person, firm, or corporation, jointly and severally:
- (a) the costs and expenses incurred in removing the sign; and
 - (b)
 - (i) \$500 for each day the sign was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201;
 - (ii) \$750 for each day the sign was maintained following the expiration of 40 days after notice of agency action was filed and served under Section 63G-4-201;
 - (iii) \$1,000 for each day the sign was maintained following the expiration of 70 days after notice of agency action was filed and served under Section 63G-4-201; and
 - (iv) \$1,500 for each day the sign was maintained following the expiration of 100 days after notice of agency action was filed and served under Section 63G-4-201.
- (6)
- (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces, destroys, or uses any sign controlled under this chapter without the owner's permission is liable to the owner of the sign for treble the amount of damage sustained and all costs of court, including a reasonable attorney's fee, and is guilty of a class C misdemeanor.
 - (b) This Subsection (6) does not apply to the department, its agents, or employees if acting to enforce this part.
- (7) The following criteria shall be used for determining whether an existing sign within an interstate outdoor advertising corridor has as its purpose unlawful off-premise outdoor advertising:
- (a) whether the sign complies with this part;
 - (b) whether the premise includes an area:
 - (i) from which the general public is serviced according to normal industry practices for organizations of that type; or
 - (ii) that is directly connected to or is involved in carrying out the activities and normal industry practices of the advertised activities, services, events, persons, or products;
 - (c) whether the sign generates revenue:
 - (i) arising from the advertisement of activities, services, events, or products not available on the premise according to normal industry practices for organizations of that type;
 - (ii) arising from the advertisement of activities, services, events, persons, or products that are incidental to the principal activities, services, events, or products available on the premise; and
 - (iii) including the following:
 - (A) money;
 - (B) securities;
 - (C) real property interest;
 - (D) personal property interest;
 - (E) barter of goods or services;
 - (F) promise of future payment or compensation; or
 - (G) forbearance of debt;
 - (d) whether the purveyor of the activities, services, events, persons, or products being advertised:
 - (i) carries on hours of operation on the premise comparable to the normal industry practice for a business, service, or operation of that type, or posts the hours of operation on the premise in public view;
 - (ii) has available utilities comparable to the normal industry practice for an entity of that type; and

- (iii) has a current valid business license or permit under applicable local ordinances, state law, and federal law to conduct business on the premise upon which the sign is located;
 - (e) whether the advertisement is located on the site of any auxiliary facility that is not essential to, or customarily used in, the ordinary course of business for the activities, services, events, persons, or products being advertised; or
 - (f) whether the sign or advertisement is located on property that is not contiguous to a property that is essential and customarily used for conducting the business of the activities, services, events, persons, or products being advertised.
- (8) The following do not qualify as a business under Subsection (7):
- (a) public or private utility corridors or easements;
 - (b) railroad tracks;
 - (c) outdoor advertising signs or structures;
 - (d) vacant lots;
 - (e) transient or temporary activities; or
 - (f) storage of accessory products.
- (9) The sign owner has the burden of proving, by a preponderance of the evidence, that the advertised activity is conducted on the premise.

Amended by Chapter 346, 2011 General Session

72-7-509 Existing outdoor advertising not in conformity with part -- When removal required -- When relocation allowed.

- (1) Any outdoor advertising lawfully in existence along the interstate or the primary systems on May 9, 1967, and which is not then in conformity with its provisions is not required to be removed until five years after it becomes nonconforming or pursuant to the provisions of Section 72-7-510.
- (2) Any existing outdoor advertising structure that does not comply with Section 72-7-505, but that is located in an industrial and commercial area, an unzoned industrial and commercial area, or an area where outdoor advertising would otherwise be permitted, may be remodeled and relocated on the same property in a commercial or industrial zoned area, or another area where outdoor advertising would otherwise be permitted under this part.

Renumbered and Amended by Chapter 270, 1998 General Session

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

- (1) As used in this section, "nonconforming sign" means a sign that has been erected in a zone or area other than commercial or industrial or where outdoor advertising is not permitted under this part.
- (2)
 - (a) The department may acquire by gift, purchase, agreement, exchange, or eminent domain, any existing outdoor advertising and all property rights pertaining to the outdoor advertising which were lawfully in existence on May 9, 1967, and which by reason of this part become nonconforming.
 - (b) If the department, or any town, city, county, governmental entity, public utility, or any agency or the United States Department of Transportation under this part, prevents the maintenance as defined in Section 72-7-502, or requires that maintenance of an existing

sign be discontinued, the sign in question shall be considered acquired by the entity and just compensation will become immediately due and payable.

- (c) Eminent domain shall be exercised in accordance with the provision of Title 78B, Chapter 6, Part 5, Eminent Domain.
- (3)
 - (a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to the same, including the right of the landowner upon whose land a sign is located, acquired through the processes of eminent domain.
 - (b) For the purposes of this part, just compensation shall include the consideration of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign company's interest, which remaining properties, together with the properties actually condemned, constituted an economic unit.
 - (c) The department is empowered to remove signs found in violation of Section 72-7-508 without payment of any compensation.
- (4) Except as specifically provided in this section or Section 72-7-513, this part may not be construed to permit a person to place or maintain any outdoor advertising adjacent to any interstate or primary highway system which is prohibited by law or by any town, city, or county ordinance. Any town, city, county, governmental entity, or public utility which requires the removal, relocation, alteration, change, or termination of outdoor advertising shall pay just compensation as defined in this part and in Title 78B, Chapter 6, Part 5, Eminent Domain.
- (5) Except as provided in Section 72-7-508, no sign shall be required to be removed by the department nor sign maintenance as described in this section be discontinued unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section and unless at that time the federal funds required to be contributed under 23 U.S.C., Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated and are immediately available to this state.
- (6)
 - (a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:
 - (i) on the same property;
 - (ii) on adjacent property;
 - (iii) on the same highway within 5280 feet of the previous location, which may be extended 5280 feet outside the areas described in Subsection 72-7-505(3)(c)(i)(A), on either side of the same highway; or
 - (iv) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.
 - (b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.
 - (c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.
 - (d) The relocated and remodeled use or structure may be:
 - (i) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
 - (ii) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;

(iii) relocated to a comparable vehicular traffic count.

- (7)
- (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a) shall pay the costs related to the relocation, remodeling, or acquisition.
 - (b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).

Amended by Chapter 3, 2008 General Session

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

- (1) If the view and readability of an outdoor advertising sign, including a sign that is a nonconforming sign as defined in Section 72-7-510, a noncomplying structure as defined in Sections 10-9a-103 and 17-27a-103, or a nonconforming use as defined in Sections 10-9a-103 and 17-27a-103 is obstructed due to a noise abatement or safety measure, grade change, construction, directional sign, highway widening, or aesthetic improvement made by an agency of this state, along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway or by an improvement created on real property subsequent to the department's disposal of the property under Section 72-5-111, the owner of the sign may:
 - (a) adjust the height of the sign; or
 - (b) relocate the sign to a point within 500 feet of its prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone.
- (2) A height adjusted sign under this section does not constitute a substantial change to the sign.
- (3) The county or municipality in which the outdoor advertising sign is located shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance.
- (4)
 - (a) The height adjusted sign:
 - (i) may be erected:
 - (A) to a height to make the entire advertising content of the sign clearly visible; and
 - (B) to an angle to make the entire advertising content of the sign clearly visible; and
 - (ii) shall be the same size as the previous sign.
 - (b) The provisions of Subsection (4)(a) are an exception to the height requirements under Section 72-7-505.

Amended by Chapter 170, 2009 General Session

72-7-511 Violation of part -- Misdemeanor.

A person who violates any provision of this part is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-512 Appeals by attorney general.

The attorney general may take such appeals as are provided for in 23 U.S.C., Sec. 131.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-513 Relocation on state highways.

- (1) As used in this section, "state highway" means those highways designated as state highways in Title 72, Chapter 4, Designation of State Highways Act, on July 1, 1999, and any subsequently designated state highway.
- (2) If any outdoor advertising use or structure may not be continued because of the widening, construction, or reconstruction along a state highway, the owner shall have the option to relocate and remodel the use or structure to another location:
 - (a) on the same property;
 - (b) on adjacent property;
 - (c) within 2640 feet of the previous location on either side of the same highway; or
 - (d) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.
- (3) The relocation under Subsection (2) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.
- (4) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.
- (5) The relocated and remodeled use or structure may be:
 - (a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
 - (b) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;
 - (c) relocated to a comparable vehicular traffic count.
- (6)
 - (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (2) shall pay the costs related to the relocation, remodeling, or acquisition.
 - (b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (2) (a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3).

Amended by Chapter 72, 1999 General Session

72-7-514 Landscape control program.

- (1) As used in this section, "landscape control" means trimming or removal of seedlings, saplings, trees and vegetation along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system right-of-way to provide clear visibility of outdoor advertising.
- (2)
 - (a) The department shall establish a landscape control program as provided under this section.
 - (b) Except as provided in this section, a person, including an outdoor advertising sign owner or business owner may not perform or cause landscape control to be performed.
- (3)
 - (a) An outdoor advertising sign owner or business owner may submit a request for landscape control to the department.
 - (b) Within 60 days of the request under Subsection (3)(a), the department shall:
 - (i) conduct a field review of the request with a representative of the sign or business owner, the department, and the Federal Highway Administration to consider the following issues listed in their order of priority:
 - (A) safety;
 - (B) protection of highway features, including right-of-way and landscaping;

- (C) aesthetics; and
- (D) motorists' view of the sign or business; and
- (ii) notify the sign or business owner what, if any, trimming, removal, restoration, banking, or other landscape control shall be allowed as decided by the department, after consultation with the Federal Highway Administration.
- (c) If the sign or business owner elects to proceed, in accordance with the decision issued under this subsection, the department shall issue a permit that describes what landscape control may be allowed, assigns responsibility for costs, describes the safety measures to be observed, and attaches any explanatory plans or other information.
- (4) The department shall establish an appeals process within the department for landscape control decisions made under Subsection (3).
- (5)
 - (a) A person who performs landscape control in violation of this section is guilty of a class C misdemeanor, and is liable to the owner for treble the amount of damages sustained to the landscape.
 - (b) Each permit issued under this section shall notify the permit holder of the penalties under Subsection (5)(a).

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-515 Utah-Federal Agreement -- Severability clause.

- (1) As used in this section, "Utah-Federal Agreement" means the agreement relating to outdoor advertising that is described under Section 72-7-501, and it includes any modifications to the agreement that are signed on behalf of both the state and the United States Secretary of Transportation.
- (2) The provisions of this part are subject to and shall be superseded by conflicting provisions of the Utah-Federal Agreement.
- (3) If any provision of this part or its application to any person or circumstance is found to be unconstitutional, or in conflict with or superseded by the Utah-Federal Agreement, the remainder of this part and the application of the provision to other persons or circumstances shall not be affected by it.

Amended by Chapter 21, 1999 General Session

72-7-516 Relocating outdoor advertising structure to maintain required distance from high voltage overhead lines.

- (1) If an outdoor advertising structure needs to be moved away from a high voltage power line or lines so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building Code, a regulation, standard, or directive of the Occupational Safety and Health Administration or any other similar applicable regulation, then the owner shall have the option to remodel the structure at the same location or relocate and remodel the structure to another location within the same jurisdiction:
 - (a) on the same property;
 - (b) on adjacent property;
 - (c) within 2,640 feet of the previous location on either side of the same highway; or

- (d) mutually agreed upon by the owner and the county or municipality in which the structure is located.
- (2) The relocation under Subsection (1) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.
- (3) The county or municipality in which the structure is located shall, if necessary, provide for the relocation or remodeling by ordinance for a special exception to its zoning ordinance.
- (4) The relocated and remodeled structure may be:
 - (a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
 - (b) the same size and at least the same height as the previous structure, but the relocated structure may not exceed the size and height permitted under this part; and
 - (c) relocated to a location with a comparable traffic vehicular count.
- (5) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (1) (a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3).

Amended by Chapter 330, 2006 General Session



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

December 8, 2015

Leslie Van Frank
Cohne Kinghorn P.C.
111 East Broadway, 11th floor
SLC, UT 84111
leslie@cohnekinghorn.com

Dear Mr. Van Frank,

GRAMA REQUEST #15-253 Requesting copies of all records in the possession or control of UDOT concerning outdoor advertising permit 2-1317 (billboard located at 280 West 500 South in Salt Lake City), including but not limited to applications, permits, changes in ownership, communications, suspensions, payments, etc.
Copy of UDOT's required policies and procedures when a change in sign or permit ownership occurs.

Pursuant to Utah Code Annotated Section 63G-2-101, your request has been reviewed and the finding of your request is all responsive documents for your request have been provided in the attachments included with this letter.

If you have any further questions you may reach me at: 801-965-4715.

Respectfully,

A handwritten signature in cursive script, appearing to read "Brandi Trujillo".

Brandi Trujillo
GRAMA Coordinator/ Program Specialist
Utah Department of Transportation