

Bond Case Briefs

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BILLBOARDS - UTAH

Outfront Media, LLC v. Salt Lake City Corporation

Supreme Court of Utah - October 23, 2017 - P.3d - 2017 WL 4783908 - 2017 UT 74

Billboard owner sought judicial review under the Municipal Land Use, Development, and Management Act of city's decisions to deny owner's request to relocate its billboard to adjacent lot and to grant another billboard owner's request to relocate its billboard to the lot that owner was vacating.

The District Court upheld the city's decisions. Owner appealed.

The Supreme Court of Utah held that:

- Supreme Court reviews a local agency's interpretation of its ordinances for correctness, abrogating *Carrier v. Salt Lake County*, 104 P.3d 1208;
- Eminent domain statutes did not apply to city's denial of billboard owner's request to relocate its billboard, and thus, city's mayor was not required to seek approval of city council before denying owner's request;
- City's decision to deny billboard owner's request to relocate its billboard did not violate city's billboard ordinance, which prohibited existing billboards from being relocated except as mandated by the requirements of state law; and
- City's decisions were not arbitrary and capricious.

Eminent domain statutes did not apply to city's denial of billboard owner's request to relocate its billboard to adjacent lot, and thus, city's mayor was not required to seek approval of city council before denying owner's request. Although city was considered to have initiated acquisition of billboard structure by eminent domain under billboard compensation statute, that statute treated denial under billboard relocation statute as acquisition for compensation purposes only, even though denial itself was not acquisition, and billboard compensation statute never explicitly cross-referenced the eminent domain statutes.

City's decision to deny billboard owner's request to relocate its billboard to adjacent lot did not violate city's billboard ordinance, which prohibited existing billboards from being relocated except as mandated by the requirements of state law. Ordinance did not mandate that certain relocation requests be granted, ordinance spoke only to conditions under which relocation would not be allowed, and even if ordinance required city to grant relocation requests where denying them would require just compensation, the ordinance would be preempted by billboard relocation statute.

City's decisions to deny billboard owner's request to relocate its billboard to adjacent lot and to grant another billboard owner's request to relocate its billboard to lot that owner was vacating were not arbitrary and capricious. City's mayor had policy of reducing the number of billboards in the city, although that policy was not in writing, executive branch of city government could make decisions in accordance with informal goals and objectives, and policy of reducing the number of billboards was consistent with goal of city's billboard ordinance to limit the number of billboards to no greater than the current number.

