



Out of Home Advertising Association of America

Just Compensation Compendium

Introduction

Basic fairness calls for government to compensate property owners if government uses its extraordinary powers to take private property. Federal Law (Highway Beautification Act of 1965, as amended) protects property rights along federal highways by requiring payment of just compensation for taking of legal billboards.

Likewise, most states have similar property rights protections along non-federal roads

In addition to the fundamental property rights established by the Fifth Amendment to the U.S. Constitution and parallel state constitutional provisions, there are other state and federal statutory remedies that specifically protect the rights of sign owners and land owners for the payment of just compensation.

This document contains a compendium of state just compensation laws, including statutory citations and relevant text. These laws are divided into the following four categories:

- States with statutes specifically directed to outdoor advertising requiring localities to pay just compensation upon removal of signs on state and other roads not otherwise subject to the federal Highway Beautification Act
- States with statutes of general applicability that provide for continuation of nonconforming uses or payment of compensation upon their removal
- States with statutes limited to outdoor advertising signs on Federal-aid Primary and Interstate and National Highway System
- States where there are no billboards or where billboards were removed

States with statutes specifically directed to outdoor advertising requiring localities to pay just compensation upon removal of signs on state and other roads not otherwise subject to the federal Highway Beautification Act.

1. Alabama

Alabama Code §23-1-280

“Notwithstanding any provision of law to the contrary, no removing authority shall remove or cause to be removed, or, cause alteration in any manner of, any lawfully erected sign along any public street or highway within the state without paying just compensation.”

2. Arkansas

Ark.Code Ann. §§27-74-208 and 14-56-421

“No municipality, county, or other political subdivision shall remove or cause to be removed any legal outdoor advertising except such outdoor advertising that encroaches upon the right-of-way, without paying just compensation therefore.”

SECTION 1. Arkansas Code § 14-56-421, pertaining to the enforcement of zoning ordinances and regulations, is amended to add a new subsection to read as follows:

(c) This chapter shall not be construed to authorize the legislative body of any city, incorporated town, or county to adopt any ordinance, law, or regulation that requires the taking, elimination, alteration, or diminishment of a legally erected outdoor advertising sign without first making the payment of just monetary compensation for the sign.

3. California

Cal. Bus and Prof Code §§5412 and 5412.6

“Notwithstanding any other provision of this chapter, no advertising display which was lawfully erected anywhere within this state shall be compelled to be removed, nor shall its customary maintenance or use be limited, whether or not the removal or limitation is pursuant to or because of this chapter or any other law, ordinance, or regulation of any governmental entity, without payment of compensation, as defined in the Eminent Domain Law (Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure), except as provided in Sections 5412.1, 5412.2, and 5412.3. The compensation shall be paid to the owner or owners of the advertising display and the owner or owners of the land upon which the display is located.

This section applies to all displays which were lawfully erected in compliance with state laws and local ordinances in effect when the displays were erected if the

displays were in existence on November 6, 1978, or lawfully erected after November 6, 1978, regardless of whether the displays have become nonconforming or have been provided an amortization period. This section does not apply to on-premise displays as specified in Section 5272 or to displays which are relocated by mutual agreement between the display owner and the local entity.

"Relocation," as used in this section, includes removal of a display and construction of a new display to substitute for the display removed. It is a policy of this state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds while allowing the continued maintenance of private investment and a medium of public communication. Cities, counties, cities and counties, and all other local entities are specifically empowered to enter into relocation agreements on whatever terms are agreeable to the display owner and the city, county, city and county, or other local entity, and to adopt ordinances or resolutions providing for relocation of displays.

5412.6. The requirement by a governmental entity that a lawfully erected display be removed as a condition or prerequisite for the issuance or continued effectiveness of a permit, license, or other approval for any use, structure, development, or activity other than a display constitutes a compelled removal requiring compensation under Section 5412, unless the permit, license, or approval is requested for the construction of a building or structure which cannot be built without physically removing the display."

4. Delaware

17 Delaware Laws, Section 1122

(a) "Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays and devices:

(1) Those lawfully in existence on July 14, 1969;

(2) Those lawfully on any highway made a part of the interstate or federal-aid primary system on or after July 14, 1969; and

(3) Those lawfully erected on or after July 14, 1969.

5. Florida

F.S. Section 70.20 (enacted 2002)

(2) "Except as otherwise provided in this section, no municipality, county or other governmental entity may remove or cause to be removed, any lawfully erected sign located along any portion of the interstate, federal-aid primary or other highway system, or any other road without first paying just compensation for such

removal as determined by agreement between the parties or through eminent domain proceedings. Except as otherwise provided in this section, no municipality, county, or other government entity may cause in any way the alteration of any lawfully erected sign located along any portion of the interstate, federal-aid primary or other highway system or any other road without first paying just compensation for such alteration as determined by agreement between the parties or eminent domain proceedings. The provisions of this section shall not apply to any ordinance the validity, constitutionality, and enforceability of which the owner has by written agreement waived all right to challenge.

(6) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be removed or altered as a condition precedent to the issuance or continued effectiveness of a development order constitutes a compelled removal that is prohibited without prior payment of just compensation under subsection (2). This subsection shall not apply when the owner of the land on which the sign is located is seeking to have the property re-designated on the future land use map of the applicable comprehensive plan for exclusively single-family residential use.

(7) The requirement by a municipality, county, or other governmental entity that a lawfully erected sign be altered or removed from the premises upon which it is located incident to the voluntary acquisition of such property by a municipality, county, or other governmental entity constitutes a compelled removal that is prohibited without payment of just compensation under subsection (2).

(12) Subsection (6) shall not apply when the development order permits construction of a replacement sign that cannot be erected without the removal of the lawfully erected sign being replaced.”

6. Georgia

Georgia Code Ann. §32-6-83

“Any municipal corporation or county is authorized to acquire by purchase, gift, or condemnation and to pay just compensation for any property rights in outdoor advertising signs, displays, and devices which were lawfully erected but which do not conform with the provisions of any lawful ordinance, regulation, or resolution or which at a later date fail to comply with the provisions of any lawful ordinance, regulation, or resolution due to changed conditions beyond the control of the sign owner. No municipal corporation or county shall remove or cause to be removed any such nonconforming outdoor advertising sign, display, or device without paying just compensation. Such compensation shall be paid in accordance with the conditions stated in Code Section 32-6-84. For the purposes of this Code section, the term "devices" means light, lighting fixtures, or other fixtures which are permanently attached to an advertising sign or display.”

7. Idaho

Idaho Code, Section 40-1910A

(1) "No governmental entity, including the state, or any municipality, county or other political subdivision shall remove or cause to be removed any legally placed off-premises outdoor advertising without paying compensation in cash or other method of payment mutually agreed upon, to the owner of the off-premises outdoor advertising based upon the fair market value of the off-premises outdoor advertising removed or proposed to be removed."

(2) As used in this section;

(a) "Off-premises outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaques, poster, billboard or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any highway, or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.

(b) "Fair market value of the off-premises outdoor advertising" means the value of the off-premises outdoor advertising which shall include consideration of the income derived (Idaho continued)

from the same and which shall otherwise be determined in the same manner as provided in section 7-711, Idaho Code.

(c) "Legally placed" means, in reference to off-premises outdoor advertising, off-premises outdoor advertising which was erected in compliance with state laws and local ordinances, in effect at the time of erection or which was subsequently brought into compliance with state laws and local ordinances, except that the term does not apply to any off-premises outdoor advertising whose use is modified after erection in a manner which causes it to become illegal. Nothing herein shall require the payment of compensation for the removal by a governmental entity of any off-premises or other outdoor advertising which is, without authorization, erected or located in or upon a public right-of-way unless the same was legally placed thereon prior to the premises becoming a public right-of-way.

(d) "Relocation" means removal of off-premises outdoor advertising and construction within the same market area of new off-premises outdoor advertising to substitute for the off-premises outdoor advertising removed.

(3) It is a policy of this state to encourage governmental entities and owners of off-premises outdoor advertising to enter into relocation agreements in lieu and instead of paying the compensation provided herein, to continue development in a planned manner without expenditures of public funds while allowing continued maintenance of private investment and a medium of public communication. The

state, cities, counties and all other political subdivisions are specifically empowered to enter into relocation agreements and whatever terms are agreeable to the off-premises outdoor advertising owner and the governmental entity and to adopt rules, ordinances or resolutions providing for relocation of off-premises outdoor advertising, provided that nothing herein shall require compensation other than the actual cost of relocation unless the said owner is reasonably unable to acquire an alternate permissible location of comparable cost and value within the same market area. Notwithstanding anything to the contrary herein this section shall not be construed to prohibit a governmental entity from entering into any relocation agreement upon such terms as shall be otherwise lawful.

(4) The requirement by a local governmental entity that legally placed off-premises advertising be removed as a condition or prerequisite for the issuance or continued effectiveness of a permit, license or other approval for any use, structure, development or activity other than off-premises outdoor advertising constitutes a compelled removal requiring compensation under this section unless the permit, license or approval is requested for the construction of a building or structure which cannot be built without physically removing the off-premises outdoor advertising.”

8. Illinois

Ill. Comp. Stat. §7-101

“Private property shall not be taken or damaged for public use without just compensation, and in all cases in which compensation is not made by the state in its corporate capacity, or political subdivision of the state, or municipality in its respective corporate capacity, such compensation shall be ascertained by a jury, as hereinafter prescribed. Where compensation is so made by the state, a political subdivision of the state, or municipality, any party upon application may have a trial by jury to ascertain the just compensation to be paid. Such demand on the part of the state, a political subdivision of the state, or municipality, shall be filed with the complaint for condemnation of the state, a political subdivision of the state, or municipality. Where the state, a political subdivision of the state, or municipality is plaintiff, a defendant desirous of a trial by jury must file a demand therefore on or before the return date of the summons served on him or her or fixed in the publication in case of defendants served by publication. In the event no party in the condemnation action demands a trial by jury as provided for by this section, then the trial shall be before the court without a jury. The right to just compensation as provided in this Article applies to the owner or owners of any lawfully erected off-premises outdoor advertising sign that is compelled to be altered or removed under this Article or any other statute, or under any ordinance or regulation of any municipality or other unit of local government, and also applies to the owner or owners of the property on which that sign is erected.”

9. Indiana

Ind. Code Ann. §8-23-20-16

(b) "Before an outdoor advertising sign, display or device is removed, taken or appropriated through the use of zoning or any other power or authority possessed by the state:

(1) The value of the sign, display or device shall be determined by the taking entity without the use of any amortization schedule; and

(2) The owners of the sign, display or device as well as the owners of the real property upon which the sign, display or device is situated must be paid full and just compensation for the taking."

10. Iowa

Iowa Code §306C.24

"Political subdivisions of this state shall not remove, take, alter, or cause to be removed, taken, or altered a lawfully erected off-premises advertising device without paying just compensation in cash to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in Section 306C.16. The department shall not remove, take, alter or cause to be removed, taken, or altered a lawfully erected off-premises advertising device subject to control under Chapter 306B or 306C without paying just compensation when required under 23 U.S.C., Section 131(g) to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16."

11. Kansas

Kan. Stat. Ann. § 2238.

(a) "From and after March 31, 1972, just compensation shall be paid upon the removal of any of the following signs which are not then in conformity with the provisions of this act, and whether or not removed pursuant to or because of this act'.

(1) Signs lawfully in existence prior to March 31, 1972; and

(2) Signs lawfully existing or lawfully erected on or after March 31, 1972.

(b) Just compensation shall be paid for the taking: (1) From the owner of such sign, all right, title and interest in and to such sign, and his or her leasehold related thereto; and (2) from the owner of the real property on which such sign is located immediately prior to its removal, the right to erect and maintain signs thereon, other than those signs described in subsections (a), (b) and (e) of section 3 K.S.A. 1978 Supp. 68-2233; and full compensation therefore shall be included in the amounts paid to the respective owners.

(c) The requirement for payment of just compensation upon the removal of signs under this section shall be binding upon all municipalities, counties, local zoning authorities or other political subdivisions of this state.

12. Kentucky

KY. Rev. Stat. Ann. §177.880

“Nothing in KRS 177.830 to 177.890 shall be construed to abrogate or affect the provisions of any municipal ordinance, regulation or resolution which is more restrictive concerning advertising devices than the provisions of KRS 177.830 to 177.890 or of the regulations adopted hereunder: provided that no city, county or urban county government and no commission, agency or department of any of the forgoing or any person acting under authority directly or indirectly conferred by any municipal ordinance, regulation, or resolution shall have any authority to require any sign or other advertising device which is within its jurisdiction, which was lawfully erected or installed and which is maintained in good repair to be removed without payment of just compensation as provided under KRS 177.867 (2).”

13. Louisiana

La. R.S., §48:461.6(a) [4], (a) [5]

"For the purposes of this Section just compensation shall mean payment in cash. The use of amortization for whatever period shall not constitute just compensation.”

La. R.S., 48:461.6(a) [5]

"Notwithstanding any provision of the law to the contrary, should the state or any of its political subdivisions expropriate any off-premise advertising signs legally in existence as of August 11, 1978 just compensation as defined herein shall be paid."

14. Maryland

Md. Code Ann §25:122E

“Unless the county or municipality pays the fair market value of an outdoor advertising sign, in accordance with the just compensation schedule of the state department of transportation, a county or municipality may not remove or require the removal of any off premises outdoor advertising sign that was lawfully erected under state, county, or municipal law or ordinance.”

15. Mississippi

Miss. Code Ann §49-23-17

(1) “The state highway commission is authorized to acquire by purchase, gift or condemnation, all advertising devices and property rights pertaining thereto,

when such advertising devices are required to be removed under the provisions of section 49-23-15. Just compensation shall be paid for the acquisition and for the removal of any outdoor advertising lawfully erected as defined in section 131 of Title 23, United States Code, as amended, that is required to be removed under the provisions of section 49-23-15. The use of amortization for whatever period shall not constitute just compensation.

(2) If any political subdivision or other governmental agency required the removal of any off-premise outdoor advertising sign lawfully erected, just compensation shall be paid for the acquisition and for the removal thereof. The use of amortization for whatever period shall not constitute just compensation.

(3) Damages resulting from any taking in eminent domain shall be ascertained in the manner presently provided by law, or in such manner as the legislature may hereafter provide, and shall be limited to:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold and interest in such sign, display, or device and,

(b) The taking from the owner of the real property on which the sign, display or device is located, of the right to erect and maintain such signs, displays and devices thereon, less enhancement of the property remaining by reason of removal of such sign, display or device and special benefits resulting there from.”

16. Missouri

Mo. Rev. Stat. §226.527

(4) “In addition to any applicable regulations set forth in sections 226.500 through 226.6000, signs within an area subject to control by a local zoning authority and wherever located within such area shall be subject to reasonable regulations of that local zoning authority relative to size, lighting, spacing, and location; provided, however, that no local zoning authority shall have authority to require any sign within its jurisdiction which was lawfully erected and which is maintained in good repair to be removed without the payment of just compensation.”

17. Nevada

Nev. Rev. Stat. §278.0215

1. “If a city or county, through the adoption, operation or enforcement of any ordinance or code, requires the removal of a nonconforming outdoor advertising structure, the city or county shall:

(a) Pay just compensation for the loss of the nonconforming outdoor advertising structure to the owner of the nonconforming outdoor advertising structure and to the owner of the real property upon which the nonconforming outdoor advertising structure is located; or

(b) Authorize the owner of the nonconforming outdoor advertising structure to relocate that structure to a site which is determined to be a comparable site by the owner of the nonconforming outdoor advertising structure and which is approved by the city or county as an appropriate site for the structure.

2. If a city or county prohibits the owner of a nonconforming outdoor advertising structure from engaging in routine maintenance of the nonconforming outdoor advertising structure, the city or county shall provide just compensation or authorize a comparable alternative location for the nonconforming outdoor advertising structure in the same manner as if the city or county had required the removal of the nonconforming outdoor advertising structure pursuant to subsection 1.

3. A city or county shall not require the removal of a nonconforming outdoor advertising structure to occur pursuant to an amortization schedule, regardless of the length of the period set forth in the amortization schedule.

4. The requirements of subsection 1 do not apply to a nonconforming outdoor advertising structure that is:

(a) Required to be removed as a result of the owner of the real property upon which the nonconforming outdoor advertising structure is located terminating the lease that governs the placement of the nonconforming outdoor advertising structure on that property pursuant to the terms of that lease; or

(b) Destroyed or damaged in excess of 50 percent of its material structural value as a result of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm and snowstorm.

5. A city or county shall not require the removal of a nonconforming outdoor advertising structure as a condition to the development or redevelopment of the property upon which the nonconforming outdoor advertising structure is located without first holding a public hearing at which the owner of the nonconforming outdoor advertising structure has an opportunity to be heard. The requirements of subsection 1 do not apply if, after the public hearing required by this subsection, a city or county requires the removal of the nonconforming outdoor advertising structure.

6. If the owner of a nonconforming outdoor advertising structure or the owner of the real property upon which the nonconforming outdoor advertising structure is located disagrees with the amount of just compensation the city or county determines should be paid to him, the owner may appeal the determination to a court of competent jurisdiction. In determining the amount of just compensation that should be paid to an owner pursuant to subsection 1, the court shall consider:

- (a) The uniqueness of the location of the property upon which the nonconforming outdoor advertising structure is erected;
- (b) Whether the nonconforming outdoor advertising structure can be relocated to a comparable site;
- (c) The amount of income generated by the nonconforming outdoor advertising structure; and
- (d) The length of time remaining on any applicable term of a lease governing the nonconforming outdoor advertising structure.

7. As used in this section:

- (a) “Amortization schedule” means an extended period over which a person is required to remove a nonconforming outdoor advertising structure.
- (b) “Just compensation” means the most probable price that a nonconforming outdoor advertising structure would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus.
- (c) “Material structural value” means the cost of labor and materials necessary to erect an outdoor advertising structure. The term does not include any revenue or expenses related to the lease of real property upon which the outdoor advertising structure is located.
- (d) “Nonconforming outdoor advertising structure” means an outdoor advertising structure which is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the outdoor advertising structure and which does not conform subsequently because of a change to the local ordinances or codes. The term does not include an outdoor advertising structure that is authorized by a special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land if, when the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was first approved, the special use permit, conditional use permit, variance, waiver, condition of zoning or other approval for the use of land was limited by a specific condition which allowed or required the governing body of the city or county to conduct a review of the structure.
- (e) “Outdoor advertising structure” means any sign, display, billboard or other device that is designed, intended or used to advertise or inform readers about services rendered or goods produced or sold on property other than the property upon which the sign, display, billboard or other device is erected.
- (f) “Routine maintenance” means normal repair and upkeep of the structural integrity and appearance of a nonconforming outdoor advertising structure. The term does not include any increase in the size or height of the structure or any

addition or enhancement to the structure that increases the visual effect of the structure or increases the impact on the use of the land in the area around the structure.”

18. New Mexico

N.M. Rev. Stat. Ann. §42A-1-34

“No municipal, county or local zoning authority or any other political subdivision of the state shall remove or cause to be removed any lawfully erected and maintained advertising structure without paying just compensation. As used in this act, “advertising structure” means and includes any outdoor sign, display, figure, painting, poster, billboard or similar thing designed, intended or used to advertise or inform the public of goods or services sold either on or off the premises where the advertising structure is located.”

19. New York

NY Highway Law Sec.88; General Municipal Law, Section 74-c

Section 88: “Notwithstanding the provisions of this section or any other general, special or local law, no outdoor advertising sign for which compensation must be paid pursuant to this subdivision, nor any outdoor advertising sign in a commercial or industrial zone or area which is controlled pursuant to this section, shall be removed, or required to be removed, by the state or any agency thereof or any municipal corporation or subdivision, without the payment of such compensation in accordance with the provisions of article five of the eminent domain procedure law, provided, however, that this prohibition shall not apply to any city having a population of one million or more.

Section 74-c. Taking of billboards.

1. If any local law, ordinance or resolution adopted by a municipal corporation in the exercise of its police power shall require the removal of any legally erected and maintained billboard or like outdoor advertising device, which is leased or rented for profit in areas zoned industrial or manufacturing, just compensation for said taking shall be determined in accordance with the provisions of article five of the eminent domain procedure law; provided, however, section five hundred two of such law shall not be applicable in any such proceeding.

3. The provisions of this section shall not apply to any city having a population of one million or more.”

20. North Carolina

N.C. Gen. Stat. § 153A-143

SECTION 1 Chapter 153A of the General Statutes is amended by adding a new section to read:

Regulation of outdoor advertising

(e) Monetary compensation is the fair market value of the off-premises outdoor advertising in place immediately prior to its removal and without consideration of the effect of the ordinance or any diminution in value caused by the ordinance requiring its removal. Monetary compensation shall be determined based on:

(1) The factors listed in G.S. 105-317.1(a);
and

(2) The listed property tax value of the property and any documents regarding value submitted to the taxing authority.

(f) If the parties are unable to reach an agreement on monetary compensation to be paid by the county to the owner of the nonconforming off-premises outdoor advertising sign for its removal, and the county elects to proceed with the removal, the county may bring an action in superior court for a determination of the monetary compensation to be paid. In determining monetary compensation, the court shall consider the factors set forth in subsection (e) of this section. Upon payment of monetary compensation for the sign, the county shall own the sign.

21. North Dakota

N.D. Code §24-17-05

"No municipalities, county or local zoning authorities, or political subdivision shall remove or cause to be removed any advertising structures, except such structures that encroach upon the right of way, without paying compensation in accordance with this section."

22. Oklahoma

69 Okla. St. §1280

A. "Outdoor advertising and property rights pertaining thereto may be acquired by the department of transportation under agreement between the department, the owner of the outdoor advertising and the owner of the land upon which the outdoor advertising is lawfully in existence pursuant to sections 1274 and 1275 of this title and located within areas prohibited to advertising by the Highway Advertising Control Act of 1968. The compensation must be based on fair market value."

B. "Outdoor advertising is a trade fixture, and owners shall be awarded just and fair compensation for its taking."

C. "If the department and the owners are unable to agree upon the amount of compensation to be paid by the department, the department may acquire by condemnation such outdoor advertising and property rights pertaining thereto. This right of eminent domain or condemnation shall be exercised in the manner provided by law."

G. “Regardless of any local regulation or ordinance requiring amortization, the compensation provided in subsections (a) through (c) of this section shall be the exclusive remedy for taking such outdoor advertising and property rights pertaining thereto.”

23. South Carolina

S.C. Code Ann. §39-14-30

Section 39-14-30 (A) A local governing body may require the removal of an off-premises outdoor advertising sign that is nonconforming under a local ordinance and may regulate the use of off-premises outdoor advertising signs within the jurisdiction of the local governing body in accordance with the applicable provisions of this chapter.

(B) A local governing body may enact or amend an ordinance of general applicability to require the removal of any nonconforming, lawfully erected off-premises outdoor advertising sign only if the ordinance requires the payment of just compensation to the sign owners, except as provided in this subsection. The payment of just compensation is not required if the:

- (1) local governing body and the owner of the nonconforming off-premises outdoor advertising sign enter into a relocation agreement pursuant to subsections (D) and (F);
- (2) local governing body and the owner of the nonconforming off-premises outdoor advertising sign enter into an agreement pursuant to subsection (I);
- (3) off-premises outdoor advertising sign is adjudicated to be a public nuisance or detrimental to the health or safety of the populace; or
- (4) removal is required for opening, widening, extending or improving streets or sidewalks, or for establishing, extending, enlarging, or improving a public enterprise, and the local governing body allows the off-premises outdoor advertising sign to be relocated to a comparable or better location as determined by the criteria as provided in Section 39-14-30(D)(1)(a) through (c) and the local governing body pays the costs of the relocation of the sign as provided in Section 39-14-30(D)(2)(a) through (d).

(C) A local governing body shall give written notice of its intent to require removal of an off-premises outdoor advertising sign by sending a letter by certified mail to the last known address of the sign owner and the owner of the property on which the off-premises outdoor advertising sign is located.

(D) If a local governing body requires removal of an off-premises outdoor advertising sign, the local governing body may enter into an agreement with the

owner of a nonconforming off-premises outdoor advertising sign to relocate and reconstruct the sign. The relocated sign must comply with the provisions of Title 57. The agreement must include provisions for:

- (1) relocation of the sign to a site reasonably comparable to or better than the existing location. In determining whether a location is comparable or better, the following factors must be taken into consideration, the:
 - (a) size and format of the sign;
 - (b) characteristics of the proposed relocation site, including visibility, traffic count, area demographics, zoning, and any uncompensated differential in the sign owner's cost to lease the replacement site; and
 - (c) timing of the relocation.
- (2) payment by the local governing body of the reasonable costs of relocating and reconstructing the sign including:
 - (a) the actual cost of removing the sign;
 - (b) the actual cost of necessary repairs to the real property for damages caused in the removal of the sign;
 - (c) the actual cost of installing the sign at the new location; and
 - (d) an amount of money equivalent to the income received from the lease of the sign for a period of up to thirty days if income is lost during the relocation of the sign.

(E) For the purposes of relocating and reconstructing a nonconforming off-premises outdoor advertising sign pursuant to subsection (D), a local governing body, consistent with the welfare and safety of the community as a whole, may adopt a resolution or adopt or modify its ordinances to provide for the issuance of a permit or other approval, including conditions as appropriate, or to provide for dimensional, spacing, setback, or use variances as it considers appropriate as long as it does not affect the provisions of. **Section 57-25-190(E)**

(F) If a local governing body has offered to enter into an agreement to relocate a nonconforming off-premises outdoor advertising sign pursuant to subsection (D), and within one hundred twenty days after the initial notice by the local governing body the parties have not been able to agree that the site or sites offered by the local governing body for relocation of the sign are reasonably comparable to or better than the existing site, the parties, by mutual agreement, may enter into binding arbitration to determine the comparability of the site offered for relocation. Unless a different method of arbitration is agreed upon by the parties, the arbitration must be conducted by a panel of three arbitrators.

Each party shall select one arbitrator and the two arbitrators chosen by the parties shall select the third member of the panel. The American Arbitration Association rules apply to the arbitration unless the parties agree otherwise. Unless the parties agree otherwise, each party shall pay his respective share of the costs for the arbitration, including the costs of the services of his attorneys and witnesses, plus his proportionate share of the costs associated with the arbitration.

(G) If the arbitration proceeding pursuant to the provision of subsection (F) results in a determination that the site or sites offered by the local governing body for relocation of the nonconforming sign are not comparable to or better than the existing site, and the local governing body elects to proceed with the removal of the sign, the parties shall determine just compensation pursuant to Section 39-14-20(3) to be paid to the sign owner. If the parties are unable to reach an agreement regarding just compensation within thirty days of the receipt of the arbitrators' determination regarding relocation, and the local governing body elects to proceed with the removal of the sign, the parties, by mutual agreement, may enter into binding arbitration to determine the amount of just compensation to be paid pursuant to the factors provided in Section 39-14-20(3). Unless a different method of arbitration is agreed upon by the parties, the arbitration must be conducted by a panel of three arbitrators. Each party shall select one arbitrator, and the two arbitrators chosen by the parties shall select the third member of the panel. The American Arbitration Association rules apply to the arbitration unless the parties agree otherwise. Unless the parties agree otherwise, each party shall pay his respective share of the costs for the arbitration, including the costs of the services of his attorneys and witnesses, plus his proportionate share of the costs associated with the arbitration.

(H) If the parties choose not to enter into binding arbitration for the purposes of either relocation or just compensation and the local governing body elects to proceed with the removal of the sign, the local governing body shall bring an action in circuit court for a determination of the just compensation to be paid by the local governing body to the sign owner for the removal of the sign. In determining just compensation, the court shall consider the factors as provided in Section 39-14-20(3). The court also shall determine and award reasonable attorneys' fees and expert witness fees incurred by the sign owner in the proceedings to determine the amount of just compensation.

(I) Notwithstanding the provisions of this section, a local governing body and sign owner may enter into a voluntary agreement allowing for the removal of the sign after a set period of time instead of just compensation.

(J) A local governing body shall not prevent the repositioning of a nonconforming sign on the same parcel of land to facilitate the development of the parcel so long as the repositioning of the sign does not increase the degree of the sign's nonconformity.

(K) The requirement by a local governing body that a lawfully erected sign be removed or altered as a condition precedent to the issuance or continued effectiveness of a zoning ordinance or issuance of a license or permit constitutes a compelled removal that is prohibited without prior payment of just compensation.

(L) An off-premises outdoor advertising sign may not be removed until the owner of the property on which it is located has been compensated fully by the local governing body requiring the sign's removal for a loss which may be suffered as a result of the removal of the off-premises outdoor advertising sign through the termination of a lease or other financial arrangement with the sign owner. The compensation must include damage to the landowner's property occasioned by removal of the off-premises outdoor advertising sign.

(M) The provisions of this section may not be used to interpret, construe, alter, or otherwise modify the exercise of the power of eminent domain by an entity pursuant to Article 3, Chapter 25, Title 57 or the manner in which outdoor advertising is valued by the South Carolina Department of Transportation.

(N) Nothing in this section limits a local governing body's authority to use amortization as a means of phasing out nonconforming uses other than off-premises outdoor advertising.

Section 39-14-40.

If a local governing body requires the removal of an off-premises outdoor advertising sign pursuant to the provisions of this chapter and through a voluntary agreement, arbitration, or a court proceeding is required to pay just compensation to a sign owner, the local governing body is authorized to elect to pay the amount due to the sign owner in regular mutually agreed upon installments over three years before the final removal of the sign."

24. South Dakota

S.D. Codified Laws §31-29-75.

"No outdoor advertising sign, display or device may be removed by an amortization schedule, nor may its value be so determined, and the owners thereof and the owners of the real property on which the same are situated shall be guaranteed just compensation, including through condemnation procedures, as provided in Sections 31-29-61 to 31-29-83, inclusive."

25. Texas

Tex. Transp. Code Ann. §395.005.

COMPENSATION FOR SIGNS.

(a) If the governing body requires the removal of a sign:

(1) the owner of the sign is entitled to compensation for the cash value for the tangible physical property constituting the sign structure; and

(2) the owner of the real property on which the sign is located is entitled to compensation for the decrease in the value of the real property.

(b) Compensation under this section is determined under the standards and procedures applicable to a proceeding under Chapter 21, Property Code.

(c) The governing body may use only a method or a combination of methods described by this subchapter to pay compensation.

26. Utah

Utah Code Ann. §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 78, Chapter 34, 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 78, Chapter 34, 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).”

27. Virginia

Va. Code §§33.1, 370(E) and (F)

E. Notwithstanding any other provision of law, lawfully erected and maintained nonconforming signs, advertisements, and advertising structures shall not be removed or eliminated by amortization under state law or local ordinances without compensation as described in subsection F of this section.

F. The Commonwealth Transportation Commissioner is authorized to acquire by purchase, gift or the power of eminent domain and to pay just compensation upon the removal of nonconforming signs, advertisements or advertising structures lawfully erected and maintained under state law or state regulations. Provided, however, subsequent to November 6, 1978, whenever any local ordinance which is more restrictive than state law requires the removal of such signs, advertisements, or advertising structures, the local governing body shall initiate the removal of such signs, advertisements, or advertising structures with the Commissioner, who shall have complete authority to administer the removal of such signs, advertisements, or advertising structures. Upon proof of payment presented to the local governing bodies, the local governing bodies shall reimburse the Commissioner the funds expended which are associated with the removal of such signs, advertisements, or advertising structures required by local ordinances, less any federal funds received for such purposes. Notwithstanding the above, nothing shall prohibit the local governing bodies from removing signs, advertisements, or advertising structures which are made nonconforming solely by local ordinances so long as those ordinances require the local governing bodies to pay 100 percent of the cost of removing them and just compensation upon their removal.

Such compensation is authorized to be paid only for the taking from the owner of such sign or advertisement of all right, title, leasehold and interest in such sign or advertisement, and the taking from the owner of the real property on which the sign or advertisement is located, of the right to erect and maintain such sign or advertisement thereon.

The Commonwealth Transportation Commissioner shall not be required to expend any funds under this section unless and until federal-aid matching funds are made available for this purpose.

28. Washington

Rev. Code Wash. §47.42.107

(1) “Just compensation shall be paid upon the removal of any sign pursuant to the provisions of any resolution or ordinance of any county, city, or town of the state of Washington by such county, city, or town if:

(a) Such sign was lawfully in existence on May 10, 1971 (the effective date of the Scenic Vistas Act of 1971); or

(b) Such sign was erected subsequent to May 10, 1971 (the effective date of the Scenic Vistas Act of 1971), in compliance with existing state and local law.

(2) Such compensation shall be paid in the same manner as specified in RCW 47.42.102 (2) for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.”

29. Wisconsin

Wis. Stat., §84.30(6)

JUST COMPENSATION—“The department shall pay just compensation upon the removal or relocation on or after March 18, 1972, of any of the following signs which are not then in conformity with this section, regardless of whether the sign was removed because of this section:

(a) Signs lawfully in existence on March 18, 1972.

(b) Signs lawfully in existence on land adjoining any highway made an interstate or primary highway after March 18, 1972

(c) Signs lawfully erected on or after March 18, 1972.”

29. Wyoming

Wyo. Stat. Ann. §16-8-101

(a) “No municipality, county or other political subdivision shall remove or cause to be removed any legally placed outdoor advertising without paying due compensation to the owner of the outdoor advertising.

(b) As used in this section "outdoor advertising" means any outdoor sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform and which is visible from any street, road or highway.”

States with statutes of general applicability that provide for continuation of nonconforming uses payment of compensation upon their removal.

1. Arizona

Ariz. Rev. Stat. §§28-2105 and 9-462.02

Ariz. Rev. Stat. §28-2105

Authority to acquire outdoor advertising and property rights; compensation; removal

- A. The director shall acquire by gift, agreement, purchase, exchange, eminent domain or other lawful means, all right, title, leasehold, and interest in any outdoor advertising together with the right of the owner of the real property on which such outdoor advertising is located to erect and maintain such outdoor advertising thereon, when the outdoor advertising is prohibited by this Article. Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.
- B. If compensation is required by federal law, and if federal participation in such compensation is required by federal law, nonconforming outdoor advertising shall not be required to be removed until federal funds for the federal share of compensation therefore as required by such federal law have been made available to the Department.

Ariz. Rev. Stat. §9-462.02

"The municipality may acquire only by purchase, or condemnation or gift private property for the removal of nonconforming uses and structures. The elimination of such nonconforming uses and structures in a zoned district is for a public purpose. Nothing in an ordinance or regulation authorized by this article shall affect existing property or the right to its continued use for the purpose used at the time the ordinance or regulation takes effect, including the continuation of nonconforming uses and structures on any parcels on which other development or other construction subsequently occurs, nor to any reasonable repairs or alterations in buildings or property used for such existing purpose."

2. Connecticut

Conn. Gen. Stat. §1248-8-2 8-2

“Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations.”

3. Colorado

Colo. Rev. Stat. §§38-1-101; 43-1-414

Section 38-1-101

(1) Private property shall not be taken or damaged for public or private use without just compensation.

(2) In all cases in which compensation is not made by the state in its corporate capacity, such compensation shall be ascertained by a board of commissioners of not less than three disinterested and impartial freeholders pursuant to section 38-1-105 (1) or by a jury when required by the owner of the property as prescribed in section 38-1-106. All questions and issues, except the amount of compensation, shall be determined by the court unless all parties interested in the action stipulate and agree that the compensation may be so ascertained by the court. In the event of such stipulation and agreement, the court shall proceed as provided in this article for the trial of such causes by a board of commissioners or jury.

(3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE AN ORDINANCE, RESOLUTION, OR REGULATION THAT REQUIRES A NONCONFORMING PROPERTY USE THAT WAS LAWFUL AT THE TIME OF ITS INCEPTION TO BE TERMINATED OR ELIMINATED BY AMORTIZATION;

43-1-414

(1) The department may remove any nonconforming advertising device and may acquire all real and personal property rights pertaining to the nonconforming advertising device by gift, purchase, agreement, exchange, or eminent domain. All proceedings in eminent domain shall be conducted as may be provided by law. The department may adopt appraisal concepts and acquisition procedures which are appropriate to the evaluation and removal of nonconforming advertising devices.

(2) Just compensation shall be paid for each lawfully permitted nonconforming advertising device. Where the nonconforming advertising device has been modified with approval of the department, just compensation shall be determined as if no changes had been made, unless the changes shall have resulted in a decrease in value. Just compensation shall be paid for the taking, from the owner of such advertising device, of all right, title, leasehold, and interest in such advertising device and for the taking from the owner of real property on which

such advertising device is located and of the right to maintain such advertising device.

(3) No advertising device shall be required to be removed until the federal share of the compensation required to be paid upon acquisition of such device becomes available to the state. Nothing in this subsection (3) shall be construed to prevent the department from acquiring any advertising device when the federal share of the compensation required to be paid for such device becomes available to the state, and no state funds shall be used to pay just compensation for any advertising device located along a secondary highway in this state until the federal share of such compensation becomes available to the state.

(4) The department shall promulgate reasonable rules and regulations governing acquisition procedures for the advertising devices, appraisal of advertising devices, and the administration and enforcement of this section. Rules for the appraisal of advertising devices shall take into account normal depreciation.

4. Michigan

MCLA 125:583a, Sec. 3a.

“The lawful use of land or a structure exactly as such existed at the time of the enactment of the ordinance affecting them, may be continued, except as hereinafter provided, although such use or structure does not conform with the provisions of such ordinance. The legislative body may in its discretion provide by ordinance for the resumption, restoration, reconstruction, extension or substitution of non-conforming uses or structures upon such terms and conditions as may be provided in the ordinance. In addition to the power granted in this section, cities and villages may acquire by purchase, condemnation or otherwise private property for the removal of non-conforming uses and structures; provided, the property shall not be used for public housing. The legislative body may in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district. The elimination of such nonconforming uses and structures on a zoned district as herein provided is hereby declared to be for a public purpose and for a public use. The legislative body shall have authority to institute and prosecute proceedings for the condemnation of non-conforming uses and structures under the power of eminent domain in accordance with the laws of the state or provisions of any city or village charter relative to condemnation.”

5. Minnesota

MN. Stat. §394.21(a); 462.357(b), (c), (d)

(a) Amortization prohibited. Except as otherwise provided in this subdivision, a county, regardless of population, under this chapter or under a special or local law, must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its

inception. This subdivision does not apply to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(c) Amortization prohibited. Except as otherwise provided in this subdivision, a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception. This subdivision does not apply to adults-only bookstores, adults-only theaters, or similar adults-only businesses, as defined by ordinance.

(d) Nuisance. Subdivision 1c does not prohibit a municipality from enforcing an ordinance providing for the prevention or abatement of nuisances, as defined in section 561.01, or eliminating a use determined to be a public nuisance, as defined in section 617.81, subdivision 2, paragraph (a), clauses (1) to (9), without payment of compensation.”

6. Nebraska

Neb. RS. §23-173.01

“The use of a building, structure, or land existing and lawful at the time of the adoption of a zoning regulation, or at the time of an amendment of a regulation, may, except as provided in this section, be continued, although such use does not conform with provisions of such regulation or amendment; and such as may be extended throughout the same building if no structural alteration of such building is proposed or made for the purpose of such extension. If such nonconforming use is in fact discontinued for a period of twelve months, such right to the nonconforming use shall be forfeited and any future use of the building and premises shall conform to the regulation. The municipal legislative body may provide in any zoning regulation for the restoration, reconstruction, extension, or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning regulations. The municipal legislative body may, in any zoning regulation, provide for the termination of nonconforming uses, either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery of amortization of the investment in the nonconformance, except that in the case of a legally erected outdoor advertising sign, display, or device, no amortization schedule shall be used.”

7. New Hampshire

N.H. Rev. Stat. Ann. §674:28

Nonconforming Buildings, Land, or Uses under Interim Zoning Ordinance.

- I. “All nonconforming properties in active use when an interim ordinance is passed and adopted may continue indefinitely in their present use.
- II. Any and all nonconforming property may be altered and expanded as the business and conditions warrant; providing, however, that any such

expansion does not make any existing conforming structure nonconforming within the terms of the interim ordinance; nor shall such expansion bring any building within 35 feet of an abutter's building; nor shall the height exceed the limits as defined in RSA 674:25, IV, (d); nor shall the use of such property be materially altered in purpose.

- III. Any and all nonconforming property which is partially or totally destroyed by reason of obsolescence, fire or other act of God may be restored, remodeled and operated if done within 2 years; providing, however, that proximity to a lot line or right-of-way may be no nearer than the lesser of the original building and the setbacks defined in RSA 674:25, IV, (a)-(c), and the height does not exceed the limits set forth in RSA 674:25, IV, (d).”

8. New Jersey

NJ. S.A. §40:55D-68

“Any nonconforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the building so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.”

9. Ohio

Ohio Rev. Code §5516.08.

(A) The director of transportation, or a state, county, municipal, or other local zoning authority, may order the removal of nonconforming advertising devices that are lawfully maintained pursuant to section 5516.07 of the Revised Code, or under a zoning ordinance or regulation. Each such removal ordered by the director or zoning authority shall be deemed to constitute a taking of all right, title, and interest in such advertising device, including any leasehold interest, of the owner of the advertising device and of the right of the owner of the real property on which the advertising device is located to erect and maintain such advertising device thereon. The director or zoning authority shall pay just compensation for all such interests in any such taking, in the same manner as other property is acquired pursuant to Chapter 163 of the Revised Code, notwithstanding the right or obligation of the owner of such advertising device, as against the owner of the real property on which the advertising device is located, to remove such device at any time. The director, or a state, county, municipal, or other local zoning authority is authorized to acquire by gift, purchase, or appropriation, devices ordered removed under this section.

10. Oregon

ORS Chapter 215, Section 215.130(5)

(5) “The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section.

Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change in ownership or occupancy shall be permitted.”

11. Pennsylvania

Pa. Cons. Stat. §1-617.1

“Monetary Just Compensation; Attempted Avoidance – Where a condemnor attempts to avoid the payment of monetary Just Compensation, to which the condemnee otherwise would be entitled by use of a substitute for monetary compensation and the condemnee incurs expenses, including appraisal, attorney and engineering fees, in securing an adjudication that such substitute is not adequate, the condemnee shall be reimbursed by the condemnor for all such expenses incurred.”

12. Rhode Island

R.I. Gen. Laws, Section 45-24-39(a)

(a) “Any city or town adopting or amending a zoning ordinance under this chapter shall make provision for any use, activity, structure, building, or sign or other improvement, lawfully existing at the time of the adoption or amendment of the zoning ordinance, but which is nonconforming by use or nonconforming by dimension. The zoning ordinance may regulate development which is nonconforming by dimension differently than that which is non-conforming by use.”

13. Tennessee

Tenn. Code Ann. §13-7-208

“In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions' imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted provided that no change in the use of the land is undertaken by such industry or business.”

14. West Virginia

WVa. Code §§7-22-3 and 8-24-50

Section 7-22-3

“Except as provided in this article, no outdoor advertising sign, display, or device shall be erected or maintained within six-hundred and sixty feet of the nearest edge of and visible as to informative content from the right-of-way of any road within the state road system designated and classified for purposes of allocation of federal highway funds as part of the federal-aid interstate or primary systems: Provided, however, that no outdoor advertising sign, display or device lawfully in existence adjacent to the federal-aid interstate or primary systems on September first, one-thousand nine hundred sixty-five, which does not conform to the requirements of this article, shall be required to be removed until July first, one thousand nine hundred seventy: provided further, that no other sign, display, or device lawfully erected which does not conform to the requirements of this article shall be required to be removed until the end of the fifth year after such sign, display or devices becomes nonconforming.”

Section 8-24-50

“Such zoning ordinance or ordinances shall not prohibit the continuance of the use of any land, building or structure for the purpose for which such land, building or structure is used at the time such ordinance or ordinances take effect, but any alteration or addition to any land or any alteration, addition or replacement of or to any existing building or structure for the purpose of carrying on any use prohibited under the zoning rules and regulations applicable to the district may be prohibited: provided, that no such prohibition shall apply to alterations or additions to or replacement of buildings or structures by any farm, industry or manufacturer, or to the use of land presently owned by any farm, industry or manufacturer but not used for agricultural, industrial or manufacturing purposes, or to the use or acquisition of additional land which may be required for the protection, continuing development or expansion of any agricultural, industrial or manufacturing operation or any present or future satellite agricultural, industrial or manufacturing use. If a nonconforming use has been abandoned, any future use of such land, building or structure shall be in conformity with the provisions of the ordinance regulating the use in the district in which such land, building or structure may be located: provided, however, that abandonment of any particular agricultural, industrial or manufacturing process, shall not be construed as abandonment of agricultural, industrial or manufacturing use.”

Puerto Rico

The Commonwealth of Puerto Rico in Article II, Section 9, provides a broad property rights and just compensation guarantee. “Property rights shall not be taken or deemed for public use except upon payment of just compensation and in the manner provided by law.”

States with statutes limited to outdoor advertising signs on Federal-aid Primary and Interstate and National Highway Systems (no protection on local roads)

- Massachusetts
- Montana

Four States Ban Billboards

Alaska

State did not have a standardized outdoor advertising industry.

Hawaii

Billboards removed in the early 1900's.

Maine

All legal billboards removed with just (cash) compensation.

Vermont

All legal billboards removed with just (cash) compensation.

State Table by Category

State	All State Roadways	All nonconforming uses	HBA	State-wide bans
Alabama	X		X	
Alaska				X
Arkansas	X		X	
Arizona		X	X	
California	X		X	
Colorado		X	X	
Connecticut		X	X	
Delaware	X		X	
Florida	X		X	
Georgia	X		X	
Hawaii				X
Idaho	X		X	
Illinois	X		X	
Indiana	X		X	
Iowa	X		X	
Kansas	X		X	
Kentucky	X		X	
Louisiana	X		X	
Maine			X	X
Maryland	X		X	
Massachusetts			X	
Michigan		X	X	
Minnesota		X	X	
Mississippi	X		X	
Missouri	X		X	
Montana			X	
Nebraska		X	X	
Nevada	X		X	
New Hampshire		X	X	
New Jersey		X	X	
New Mexico	X		X	
New York	X		X	
North Carolina		X	X	
North Dakota	X		X	
Ohio		X	X	
Oklahoma	X		X	
Oregon		X	X	
Pennsylvania		X	X	
Rhode Island		X	X	
South Carolina		X	X	
South Dakota	X		X	
Tennessee		X	X	
Texas			X	
Utah	X		X	
Vermont			X	X
Virginia	X		X	
Washington	X		X	
West Virginia		X	X	
Wisconsin	X		X	
Wyoming	X		X	

**States without Just Compensation Laws
(For the 46 states that allow billboards)**

Massachusetts, Montana

