



Chapter Nine

OUTDOOR ADVERTISING
CONTROL

MONTANA RIGHT-OF-WAY
OPERATIONS MANUAL

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CHAPTER NINE

OUTDOOR ADVERTISING CONTROL

9-1 SIGN CONTROL PROGRAM OVERVIEW

Statutory Requirements, Authority for Control and Administration

To comply with the Federal Highway Beautification Act enabled by Congress in 1965 (Title 23, United States Code), the Montana Legislature passed the Outdoor Advertising Act, effective June 21, 1971 (and as amended in 1975, 1979, 1991 and 1995). The act is contained in Sections 75-15-101 through 75-15-134, Montana Code Annotated (MCA). The statutes are supplemented by administrative rules promulgated by the Transportation Commission. The administrative rules are contained in Sections 18.6.201 through 18.6.272, Administrative Rules of Montana (ARM).

The Department of Transportation has the responsibility for the regulation and control of outdoor advertising along the National Highway System (NHS) and the Primary Highway System, as those systems are defined in Section 60-2-125, MCA. The Department assigned the Right-of-Way Bureau the overall administration of the program with regard to developing and administering policies and procedures. Within the Right-of-Way Bureau, it is the responsibility of the Outdoor Advertising Coordinator to perform these functions. Activities, including recommendation of permit issuance, surveillance and initiating the removal of unlawful signs, are the responsibility of the Outdoor Advertising Staff.

Scope of Sign Control Program

The Outdoor Advertising Control Program involves the regulation and control of the location, size, spacing, lighting and maintenance of signs and devices along the State's NHS and Primary Highway System. For the purpose of this chapter, these systems are referred to as controlled routes. The Program involves:

- A. The review, approval or rejections of sign permit applications.
- B. The inventory of all affected routes to determine sign owners' compliance with regulations of the program.
- C. The removal of any signs unlawfully erected or maintained.

Definitions

- A. The following statutory definitions are found in Section 75-15-103, MCA.
1. “Commercial or industrial activities” means those activities generally recognized as commercial or industrial by zoning authorities in the state, except that none of the following activities are considered commercial or industrial:
 - 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;
 - e. railroad tracks and minor sidings;
 - f. activities more than 660 feet from the nearest edge of the right of way.
 2. “Commercial or industrial zone” means an area that is used or reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances, regulations, or enabling state legislation, including highway service areas lawfully zoned as highway service zones, where the primary use of the land is or is reserved for commercial and roadside services, other than outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by an interim zoning district or interim regulation adopted as an emergency measure pursuant to 76-2-206 are not covered by this definition.
 3. “Commission” means the transportation commission of Montana.
 4. “Department” means the department of transportation.
 5. “Information center” means an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing other information that the commission may consider desirable.
 6. “Interchange” or “intersection” means those areas and their approaches where traffic is channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to another federal, state, county, city, or other route.

7. "Interstate system" means that portion of the national system of interstate and defense highways located within this state as officially designated or as may be designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".
8. "Maintain" means to allow to exist, subject to the provisions of this part.
9. "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a state suitable for use.
10. "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other structure that is designed, intended, or used to advertise or inform and that is visible from any place on the main-traveled way of the interstate or primary systems.
11. "Primary system" means that portion of connected main highway as officially designated or as may be designated by the commission and approved by the secretary pursuant of Title 23, United States Code, "Highways".
12. "Safety 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.
13. "Secretary" means the secretary of the United States department of transportation.
14. "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance that is occupied by one or more commercial or industrial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities.
15. "Urban area" means an urbanized area or place, as designated by the United States bureau of the census, that has a population of 5,000 or more and that is within boundaries fixed by the department. The boundaries must at a minimum encompass the entire urban place designated by the bureau of census.
16. "Visible" means capable of being seen and legible without visual aid by a person of normal visual acuity.

- B. The following definitions are found in ARM 18.6.202.
1. "Abandoned sign" means a sign that is not maintained as required by these rules or meets any of the following:
 - a. the sign remains in the absence of a valid lease or agreement with the landowner;
 - b. the sign is blank;
 - c. the sign is obsolete;
 - d. the sign is significantly damaged or dilapidated;
 - e. the sign structure has not been erected;
 - f. the sign face has been removed; or
 - g. the sign owner fails to pay the appropriate sign fees.
 2. "Agricultural Activity" means any activity on improved or unimproved land directly related to the production of crops, dairy products, poultry, or livestock; any activity directly related to the cultivation or harvesting of trees; or any activity directly related to fish farms.
 3. "Apron" or "base" means the area beneath the bottom molding of the front of a billboard.
 4. "Back to back" means billboard faces erected on one structure facing in opposite directions.
 5. "Blank sign" means a sign structure that has no face or has faces without 100 percent advertising cover.
 6. "Clear zone" means the total roadside border area, starting at the edge of the traveled way, that is available for an errant driver to stop or regain control of a vehicle. The area might consist of a shoulder, a recoverable slope, or a nonrecoverable, traversable slope with a clear run-out area at its toe.
 7. "Commercial advertising" means advertising of commercial interests which promotes merchandisers' goods and services and creates a potential financial benefit as a result of the exposure of the business name rather than advocating a social or political cause.

8. "Commercial variable message signs (CVMS)" means signs other than electronic billboards which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, producing the illusion of movement by means of electrical or electro-mechanical input and/or the characteristics of one or more of the following classifications:
 - a. flashing signs are animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as, more than, or less than the period of no illumination;
 - b. patterned illusionary movement signs are animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion;
 - c. environmentally activated signs are animated signs or devices motivated by wind, thermal changes or other natural environmental input, including spinners, pinwheels, pennant strings, reflective disks, rotating slats, glow cubes and/or other devices or displays that respond to naturally occurring external motivation to include light-sensitive devices;
 - d. mechanically activated signs are animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
9. "Commercial or industrial zone" is defined at 75-15-103, MCA, and has the additional meaning of those districts established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labeled. The zones are commonly categorized as commercial, industrial, business, manufacturing, highway service or highway business (when these latter are intended for highway-oriented business), retail, trade, warehouse, and similar classifications.
10. "Conforming sign" means a sign legally erected and maintained in accordance with federal, state, and local laws.
11. "Controlled route" means any route on the national highway system, which includes the interstate system, and any route on the former federal-aid primary system in existence on June 1, 1991.

12. "Customary maintenance" means the action necessary to keep a sign in good condition by replacement of parts damaged or worn by age, or painting of areas exposed to the weather.
13. "Destroyed sign" means a sign that is no longer in existence due to factors other than vandalism or other criminal or tortious acts.
14. "Dilapidated sign" means a sign which is neglected or in disrepair, or which fails to be in the same form as originally constructed, or which fails to perform its intended function of conveying a message. Characteristics of a dilapidated sign include, but are not limited to structural support failure, a sign not supported as originally constructed, panels or borders missing or falling off, or intended messages that cannot be interpreted by the motoring public.
15. "Directional sign" means a sign erected for the purpose of identifying publicly or privately owned places that feature natural phenomena or ranch locations; historical, cultural, scientific, religious, or educational opportunities; areas of scenic beauty or outdoor recreation areas; or ranch activities.
16. "Discontinued sign" means a sign no longer in existence. A discontinued sign includes a sign of which any part of a sign face is missing for more than 60 days. In some cases, a sign may be both discontinued and dilapidated.
17. "Electronic billboard (EBB)" means electronic signs on which messages may be changed on-site or remotely through hard wire or wireless communications and which have the capability to present any amount of text or symbolic imagery. The term includes, but is not limited to, "digital" signs, and "light emitting diode (LED)" signs. The term does not include commercial variable message signs.
18. "Facing" means the direction that a panel is exposed to display advertising copy.
19. "Height above ground level (HAGL)" means the distance in feet from the ground level to the lowest edge of the bottom molding of the sign display face (panel).
20. "Illegal sign" means those signs which are erected or maintained in violation of laws.

21. "Illuminated" means outdoor advertising structures with electrical equipment installed for illumination of the message at night.
22. "Interchange" means a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams, and a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.
23. "Intersection" means a system of two or more interconnecting roadways without a grade separation providing for the exchange of traffic. Only a road, street, or highway which enters directly into the main-traveled way of an interstate or primary highway is regarded as intersecting. An alley, undeveloped right-of-way other than an interstate or primary highway, a private road, or a driveway are not regarded as an intersecting street, road, or highway.
24. "Main-traveled way" means the interstate, national highway system, and federal-aid primary highway system on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. The term does not include such facilities as frontage roads, turning roadways, or parking areas.
25. "Mobile advertising device" or "car wrap" or "taxi display" means devices displayed on vehicles that may independently become part of traffic flow, or may be parked at specific locations, and which are capable of being transported over public roads and streets whether or not it is so transported. The term includes devices displayed on other portable or movable objects or animals.
26. "Multi-face sign" means a sign having more than one face (e.g., doubles, v-type, back-to-back, side-by-side and stacked).
27. "Noncommercial sign" means a sign that does not display commercial advertising. The department shall make the determination of a non-commercial sign designation on a case-by-case basis. The term does not include official signs.

28. "Nonconforming sign" is defined in 75-15-111, MCA, and also has the meaning of an outdoor advertising structure which was lawfully erected but which does not comply with the provisions of state law or state administrative rules passed at a later date, or which fails to comply with state law or state administrative rules due to changed conditions. The term does not include illegally erected or maintained signs.
29. "Obsolete sign" means a sign that identifies or advertises a business or other entity that has relocated or no longer exists, or products or services that are no longer available, or events or activities that occurred in the past.
30. "Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law, for the purposes of carrying out an official duty or responsibility. Historical markers and public utility signs authorized by state law and erected by state or local government agencies may be considered official signs.
31. "Off-premise sign" means a sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.
32. "On-premise sign" means a sign which consists solely of the name of the establishment or which identifies the establishment's principal or accessory products or services offered on the property or advertises the sale or lease of the property on which the sign is located. The sign must be located on the same premises as the establishment, activity, or property advertised.
33. "Panel" means a portion of a billboard face.
34. "Permit" means a license granted by state or local government that authorizes a sign structure to be erected and maintained at a specific site.
35. "Pictograph" means a pictorial representation used to identify a governmental jurisdiction or an area of jurisdiction.

36. "Political sign" means a sign which announces, promotes, or advertises the name, program, or political party of any candidate for public office, or an opinion regarding a political issue associated with a candidate or election.
37. "Right-of-way" means the area along a highway or arterial street that is under the control of a city, county, or state.
38. "Sign" means any outdoor display, device, figure painting, drawing, message, placard, poster, billboard, structure, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising and having the capacity of being visible from any place on the main traveled way of any interstate, national highway system, or federal-aid primary highway system. This includes any device located outside or on the outside of any building which identifies or advertises any business, enterprise, organization or project, product, or service, including all parts such as frames and supporting structures located on any premises by means of painting on or attached bills, letters, numerals, pictorial matter, or electric or other devices including any airborne device tethered to any building, structure, vehicle, or other anchor and an announcement, notice, directional matter, name, declaration, demonstration, display, mural, or insignia, whether permanent, temporary, or portable installation. The term includes the sign face(s) and the sign structure. Gravestones and dedication markers erected by governmental entities or nonprofit entities as tributes or memorials are not considered advertising devices.
39. "Sign face" means the surface of the sign that carries the advertising message and is the portion of the sign structure visible from a single direction of travel and available for advertising. It includes border and trim, but excludes the base or apron, supports, and other structural members. The total area of all sign faces may also be referred to as the "sign area." One sign structure may have more than one face.
40. "Sign structure" means an advertising device including the sign face, base or apron, supports, and other structural members.
41. "Spot-zoning" means the labeling of tracts near highway interchanges as "commercial" or "industrial" solely to permit advertising devices.

42. "Strip-zoning" means the labeling of any stretch of land adjacent to controlled highways as "commercial" or "industrial" solely to permit advertising devices.
43. "Temporary sign" means a sign intended to be displayed for a limited period of time only in conformity with ARM 18.6.240.
44. "Trim" means the moldings surrounding the face of a sign structure.
45. "Unzoned commercial or industrial area" is defined in 75-15-103, MCA, and also has the meaning of an area with no comprehensive zoning, or where a local municipality cannot zone.
46. "V-type sign" means a sign structure that consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding ten feet apart at the nearest point of each other.

9-2 AUTHORIZED SIGNS

9-2.1 Signs Requiring Permits

All outdoor advertising signs located on controlled routes that advertise activities, services or products located in areas other than the location of the sign must be permitted by the Department in accordance with applicable rules and regulations.

In rural areas, the Department's jurisdiction affects all outdoor advertising signs which are erected, with the purpose of its message being visible from the controlled route. (Ref: 75-15-111, 75-15-103(16), 75-15-112(1), MCA)

In urban areas, the Department's jurisdiction affects signs erected within 660 feet of the nearest edge of the right of way and which are visible from the controlled route. Signs which are beyond 660 feet from the nearest edge of the right of way and are visible from the controlled route shall not be permitted. Such signs shall be determined unlawful. (Ref: 75-15-111, 75-15-112(1), 75-15-103(15), MCA)

The urban areas of Montana as defined in Section 60-2-125(6), MCA, are Whitefish, Kalispell, Missoula, Anaconda, Butte, Helena, Belgrade, Bozeman, Livingston, Great Falls, Havre, Miles City, Billings, Lewistown, and Laurel.

Permittable signs may be located only in areas zoned industrial or commercial by state, county or local zoning authority, or in unzoned industrial or commercial areas as determined by the Department consistent with the rules and regulations.

Cases where a sign is visible from more than one controlled route, the sign must meet permitting requirements of all routes.

If it is determined the on-premise sign also contains advertising of products or services not conducted on the premises, the entire sign structure is subject to permitting requirements and the fees shall be based on the entire sign area.

The following signs may be permitted outside of zoned or unzoned industrial and commercial areas. (See sub-chapter 4.)

- Signs pertaining to a church, service club, or youth organization provided they meet the requirements of ARM 18.6.241.
- Signs pertaining to natural wonders, scenic and historical attractions, or ranching, grazing or farming activities provided they meet the requirements of ARM 18.6.243.

- Signs pertaining to nonprofit historical and arts organizations provided they meet the requirements of ARM 18.6.244.
- Signs displaying noncommercial messages provided they meet the requirements of ARM 18.6.245.

A Commercial and Industrial Zone is an area reserved for business, commerce or trade by local zoning ordinances, regulations, or enabling state legislation. Local spot, strip or temporary zoning will not be recognized for permitting outdoor advertising. (Ref: 75-15-103(2), MCA)

Written approval from the appropriate governing body verifying the zoning classification shall be obtained by the applicant before the application is reviewed and considered by the Department. (Ref: ARM 18.6.212(f))

An Unzoned Commercial or Industrial Area means an area not zoned by state or local law, regulation or ordinance that is occupied by one or more industrial or commercial activities, other than outdoor advertising. The permissible commercial or industrial area shall be on lands along the highway for a distance of 600 feet in either direction immediately adjacent to the activities. (Ref: 75-15-103(14), MCA)

Commercial or Industrial Activities are defined as those activities generally recognized as commercial or industrial by zoning authorities in this state. None of the following activities are considered commercial or industrial:

- Agricultural, forestry, grazing, farming and related activities, including wayside fresh produce stands;
- Transient or temporary activities;
- Activities not visible year around from the main traveled way;
- Commercial activities occupied and open to the public for less than 20 hours per week;
- Activities that have been in business less than one year;
- Activities conducted in a building principally used as a residence;
- Railroad tracks and minor siding; and
- Activities more than 660 feet from the nearest edge of the right of way.

The permanent buildings or improvements comprising a business (activity) intended to serve the traveling public must be clearly visible and easily recognizable as a commercial or industrial activity. A commercial activity shall be occupied and open to the public during regularly scheduled hours in excess of 20 hours per week. Commercial and industrial activities shall have been in business at least one year prior to being considered a qualifying activity. Signs, displays or other devices may be considered in the determination of visibility. Seasonal (but not temporary or transient) activities may be considered as qualifying activities.

The extent of the property used to qualify an activity is the active area of the business, including its buildings, parking area and incorporated landscaped area, but does not include vacant land, land used for unrelated activities, driveways or land that is separated by other ownerships or roadways.

If the activity is over 660 feet from the nearest edge of the highway right of way and is accessed by an approach and road from the highway, any sign, landscaped area or appurtenance associated with the activity adjacent to the highway approach and access road shall not qualify the activity.

Industrial or commercial activities which are located either partially or totally within a zoned area may not be used to qualify an adjacent unzoned commercial or industrial area.

A commercial or industrial activity established for the purpose of qualifying an area for the displaying of outdoor advertising will not create an unzoned commercial or industrial area. It is presumed the activity is primarily for the purpose of qualifying the area for outdoor advertising if the activity is not reasonably accessible to the public, is not connected to two or more utilities, if no business is actually conducted on the premises, or if the activity has been in business less than one year.

In the event the determination of a qualifying activity is unclear, the Outdoor Advertising Control Committee shall be contacted to provide advice and/or determination. The Committee, at their discretion, will determine qualifying activities on a case-by-case basis.

If it is determined an activity qualifies to create an unzoned commercial or industrial area, a maximum of two signs shall be permitted from the activity, and they shall be located on the same side of the highway as the qualifying activity.

Restricted Areas for Outdoor Advertising

Interstate Interchange Control Zone – The issuance of outdoor advertising permits is prohibited within 500 feet from the taper of all ramps to or from the main traveled way of the interstate highway and within 500 feet of any intersecting roadway within the interchange area. The area is determined to be a “ safety zone”. (Ref 75-15-103(6), 75-15-113 (9), MCA; ARM 18.6.202(22))

Interstate Intersection at Grade Control Zone – The issuance of outdoor advertising permits is prohibited within 500 feet of an interstate intersection at grade area. The 500 feet is measured along the interstate from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way. Areas include, but are not limited to, rest areas, parking areas, weigh stations, chain-up areas and scenic/historic areas. (Ref: 75-15-113(9), MCA; ARM 18.6.202(23))

Restricted Areas Outside of Incorporated Cities or Towns – The issuance of outdoor advertising is prohibited within 500 feet of public parks, public forests, public playgrounds, scenic areas or cemeteries. Distances shall be measured from the point where said lands are adjacent to the highway. This restriction does not apply within the incorporated boundaries of cities or towns. (Ref: 75-15-113(8), MCA)

9-2.2 Nonconforming Signs

A “nonconforming sign” means a sign which lawfully erected but which does not comply with the provisions of state law or state regulations passed at a later date, or which fails to comply with state law or state regulations due to changed conditions. **Illegally erected or maintained signs are not nonconforming signs.**

There are two categories of nonconforming signs as follows:

- **Class I** are signs which were legally conforming on April 21, 1995, but became nonconforming after that date because they no longer complied with the requirements in Section 75-15-113, MCA. Class I also includes signs that were classified nonconforming by the Department prior to April 21, 1995.
- **Class II** are signs in unzoned commercial or industrial areas that were lawfully conforming on April 21, 1995, and still meet the requirements of Section 75-15-113, MCA, but that exceed the restrictions of Section 75-15-111(1)(e), MCA.

The Department shall use the following method to determine the lawfully conforming signs in unzoned commercial and industrial areas:

- Must meet the size requirements of Section 75-15-113, MCA.
- Must be on the same side of the highway as the qualifying activity.
- Shall be the first two (2) signs by date of permit issuance.
- If the date of permit issuance cannot be determined, or if more than two signs were permitted on the same date, the two (2) signs closest to the principal place of business of the qualifying activity, when measured at right angles along the centerline of the highway will be classified lawfully conforming signs.

All other signs in unzoned commercial and industrial areas that were lawfully conforming on April 21, 1995, shall be classified as **Class II** nonconforming signs.

Although nonconforming signs are lawfully permitted, certain restrictions apply. In the event the permit is not renewed in a timely manner, or if the permit is canceled, the sign structure is required to be removed without compensation by the Department. New permits cannot be issued for nonconforming signs and signs in conforming areas which do not meet required size, lighting, height and spacing requirements under current state law and state regulations.

Additionally, restrictions on the repair and maintenance of nonconforming signs and signs in conforming areas which do not meet required size, lighting, height and spacing requirements apply as follows:

Class I signs may be repaired and maintained but only in conformity with the following limitations:

Such repair and maintenance as is reasonably necessary to maintain the sign's appearance and structural integrity may be performed. The value of new materials used in the maintenance of a sign during one calendar year may not exceed 30 percent of the value of all of the materials which would be required to replace the sign new.

Class II signs may be repaired and maintained in conformity with the following limitations:

Such repair and maintenance as is reasonably necessary to maintain the sign's appearance and structural integrity may be performed. The value of new materials used in the maintenance of a sign during one calendar year may not exceed 75 percent of the value of all of the materials which would be required to replace the sign new.

Signs which are damaged by vandalism, criminal acts or tortious acts may be repaired or replaced. Documentation, including photographs of the damage, must be submitted to the Department prior to commencing any work on the sign.

The sign owner shall be advised to check with local government authority to ensure the repairs, maintenance or illumination of sign meets any lawful ordinance, regulation or resolution.

In no case may the repair, maintenance, or re-erection of nonconforming signs (or signs in conforming areas which do not meet required size, lighting and spacing criteria) result in an increase in the area used to display advertising copy or an increase of height, width or areas over height, width or area of the sign when last permitted. In no case may the repair, maintenance or re-erection of a sign result in a substantial upgrading of the type or value of the sign. For example, a change from wood to steel structure or a change from unilluminated to illuminated would constitute a substantial upgrading. The addition of "cut outs" or "pop ups" to the sign face is considered an increase in the area used to display advertising copy and is prohibited.

The Department shall notify the sign owner of a violation and may allow a permittee who has upgraded a nonconforming sign a reasonable time to restore the sign as originally permitted. If the sign is not restored within the permitted time, or the sign is upgraded a second time, the permit will be immediately canceled. (Ref: ARM 18.6.251(12))

9-2.3 Signs Not Requiring Permits

Signs adjacent to the right of way of a controlled route and are visible from the highway, that do not require permits and are not subject to the provisions of the Outdoor Advertising Act include:

- Signs advertising the sale or lease of property upon which they are located.

- Official traffic signs located within the highway right of way.
- “On-premise” signs.
- LOGO and TODS signs located within the highway right of way and authorized by the Montana Motorist Information Act. (Ref: 60-5-501 et seq., MCA)

On-Premise Signs

On-premise” signs means a sign which consists solely of the name of the establishment or which identifies the establishment's principal or accessory products or services offered on the property or advertises the sale or lease of the property on which the sign is located. The sign must be located on the same premises as the establishment, activity, or property advertised. (Ref: ARM 18.6.202(32))

Some signs that appear to be on-premise may, in reality, be advertising signs subject to the provisions of outdoor advertising regulations. Careful inspection must be made of all signs which appear to be on-premise to determine if their status is valid.

If it is determined an “on-premise” sign also contains advertising of products or services not available on the premises, the entire sign structure is subject to permitting requirements.

A sign will be considered “on-premise” if it meets the following requirements:

LOCATION: The sign must be located on the same premises as the activity or property advertised. The premises on which the activity is conducted is determined by physical facts, rather than property lines. Generally it is defined as the land occupied by the buildings or other uses that are necessary or appurtenant to the activity, such as parking or adjacent landscaped areas.

The following will not be considered a part of the premises on which the activity is conducted, and any signs located on such land will not be considered “on-premise” signs and subject to outdoor advertising regulations.

- Land which is not used as an integral part, the principle activity. This would include, but is not limited to, land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity, and extensive undeveloped highway

frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.

- Land used for a purpose unrelated to the advertised activity. For example, land adjacent to or adjoining a service station but devoted to raising crops, residence, or farmstead uses or other commercial or industrial uses having no relationship to the service station activity would not be part of the premises of the service station, even though under the same ownership.
- Land occupied solely by structures or uses which are only incidental to the principle activity, and which serve no other purpose than to attempt to qualify the land for signing purposes.
- If the sign site is located at or near the end of a narrow strip contiguous to the activity, the sign site shall not be considered part of the premise on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which cannot be put to any reasonable use related to the activity other than for sign purposes. The strip of land shall not be considered an on-premise site if its non-buildable land such as swampland, marshland or wetlands, or if the strip is a roadway other than the entrance to or from the advertising activity.
- Sign sites on adjacent land held by easement or other lesser interests than the premises where the advertised activity is located will not be considered on-premise sites.

PURPOSE: The purpose of an on-premise sign is to identify the activity, products, services, or the sale or lease of the property on which the sign is located. The following signs would not be considered on-premise:

- If the sign produces rental income.
- If a sign exclusively contains brand or trade names incidental to the activity.

An example is a large billboard located on the corner of the property along the highway advertising candy or tobacco products available from a vending machine at the business location.

- A sign which advertises activities conducted on the premises, but which also advertises activities not conducted on premise. An example is “Carol’s Café” (the on-premise business) and also “Carol’s Motel – 3 Blocks Ahead”.
- A sale or lease sign that also advertises a product or service not located on and unrelated to the business or premises for sale or lease. An example is “This Property for Sale – More information at Carol’s Motel – 20 Air-conditioned Rooms – 3 Blocks Ahead”.

It is important to note that a sign located along the highway which advertises a business that is located over 660 feet from the highway may be considered “on-premise,” but may not be considered to qualify the business activity for off-premise signs in unzoned commercial or industrial areas. (Ref: ARM 18.6.203(a))

9-2.4 Standards For Permitted Advertising Signs

Signs may not be permitted, erected or maintained which:

- Exceed 672 square feet in area, including border and trim but excluding base or apron, supports, and other structural members;
- Exceed 48 feet in length (width);
- Exceed 30 feet in height, when measured at a right angle from the surface of the roadway at the centerline of the interstate or primary highway (if the Department is unsure of the height of a sign structure, it is the responsibility of the applicant or sign owner to prove the structure does not exceed the height restriction); or
- Exceed two facings visible and readable from the same direction on the main-traveled way. Whenever two facings are so positioned, neither may exceed 325 square feet.

Double-faced, back-to-back, and V-type signs are considered to be a single sign or structure. When two or more faces, back to back, are supported by separate structures exceeding ten feet apart at the nearest point, each is considered to be a single sign.

9-2.5 Spacing

No two signs may be spaced less than 500 feet apart adjacent to an interstate highway or limited-access primary highway.

Directional or other official traffic signs, signs advertising the sale or lease of property upon which they are located, on-premise signs, political signs, or LOGO signs shall not be considered for the purpose of determining spacing requirements. (Ref: 75-15-111, MCA; 60-5-501, et seq., MCA)

Outside of an incorporated area, signs may not be located within 500 feet of public parks, public forests, public playgrounds, scenic areas designated by the Department or other state agency having and exercising this authority, or cemeteries.

Signs may not be permitted within an Interstate Interchange or Interstate Intersection. (Ref: 75-15-113(9), MCA)

Adjacent to Primary Highways, the location of signs between streets, roads, or highways entering or intersecting the main traveled way shall conform to the following minimum spacing criteria:

- Where the distance between centerlines of intersecting streets or highways is less than 1000 feet, a minimum spacing between signs of 150 feet may be permitted between the intersecting streets or highways.
- Where the distance between centerlines of intersecting streets or highways is 1000 feet or more, minimum spacing between signs must be 300 feet.

9-2.6 Illumination

Signs may be illuminated subject to the following:

- Signs which contain, include, or are illuminated by a flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information;
- Signs which are not effectively shielded to prevent beams or rays of light from impairing the vision of a driver are prohibited;
- Signs may not be illuminated that interfere with the effectiveness of or obscure an official sign, device or signal;

- Signs may not imitate or resemble any official traffic control device or railroad sign or signal, as provided in Section 61-8-210, MCA.

9-2.7 Issuing New Sign Permits

Form RW A1, Outdoor Advertising Permit Application must be completed in full by the applicant. The application must be accompanied by an Applicant Landowner Affidavit, a local zoning certification, a business license and the nonrefundable inspection fee and initial permit fee. Specific information required prior to doing a site inspection is:

- Name, address and signature of both the landowner and sign owner;
- Description of the sign structure, including type of sign, width of sign, height of sign from centerline of the roadway, illuminated and estimated cost to construct including labor and materials;
- Location of proposed sign including county, highway number, nearest milepost, side of highway and distance and direction to the nearest off-premise sign;
- Property description or legal description of the proposed site;
- A scaled drawing with all details of the proposed site location;
- Photographs of the staked location of the proposed sign and the qualifying activity.
- A local zoning certification identifying the zoning of the proposed location;
- A business license for the qualifying activity issued by a local, county or state government authorizing the activity to operate at the qualifying location and demonstrating the activity has been in business for at least a year; and
- An Applicant Landowner Affidavit form.

The initial permit fee is based on the proposed total square footage of the sign face. If the proposed sign has multiple faces, the initial permit fee will be determined by the square footage of the combined sign faces.

The fees are as follows:

A.	Nonrefundable inspection fee	\$ 150.00
B.	Initial permit fee	
1.	32 square feet or less	\$ 10.00
2.	33 to 375 square feet	\$ 50.00
3.	376 to 672 square feet	\$ 100.00
4.	673 square feet or more	\$ 150.00

The initial permit fee is calculated by totaling the square footage of the sign face or sign faces if the sign has more than one face.

Application Analysis

Upon receipt of the application and nonrefundable application fee, the funds should be deposited and a receipt (OAC-4) completed. One copy must be placed with the application and a copy sent to the applicant along with a cover letter acknowledging receipt of the application.

Do not proceed with analysis of an application that is not completed in full, including:

- Sign owner and landowners' names, addresses, and telephone numbers. The sign owner and landowner must sign and date the application. By doing so, the landowner agrees to allow authorized Department personnel access to their property for sign inspection and/or removal purposes. (Ref: 75-15-131, MCA)

It is advisable to request a copy of any written land lease agreement between the sign owner and landowner. The parties shall be advised that the monetary terms of the agreement are not a Department requirement.

- Description of the sign structure, including the width and height of the sign face(s), and the height of the sign structure. No single sign face may exceed 672 square feet, and the height of the entire structure cannot exceed 30 feet measured at a right angle from the surface of the centerline of the roadway.

It is also important the design of the proposed sign is identified. If the proposed sign has multiple faces, each face may not exceed 672 square feet. If two faces are visible from the same direction of travel, each face may not exceed 325 square feet. The applicant must also state if the sign will be illuminated.

A reasonable estimate of the cost of construction shall be shown. The breakdown of the labor and material costs is required. If the Department is not satisfied with the estimated costs, proof of actual costs of labor and materials may be required following completion of construction. Issuance of the permit plate may be withheld pending proof of costs of construction.

- An accurate and detailed location of the proposed sign site, including the county, highway number of the adjacent highway, which side of the highway the proposed sign is located, the nearest milepost and the direction of the closest off-premise sign, including distance to the closest off-premise sign.
- A description of the property where the proposed sign site will be located. A legal description of the property is recommended.
- Form RW A1, Schedule A, must be completed in detail and attached to the application. A detailed sketch or scale drawing of the proposed sign must be included.
- Photographs showing the proposed sign site, with an easily identifiable marker at the proposed sign location, and the qualifying activity.
- A local zoning certification identifying the zoning of the proposed sign site. It is the responsibility of the applicant to secure zoning verification for the sign site from the appropriate local authority. It is imperative that the proposed sign meets local government zoning or land use control. (It is important the applicant understand that issuance of a permit is subject to more restrictive local government zoning, ordinances or regulations, and they must get the approval of the appropriate government authority prior to Department analysis of the application.) (Ref: 75-15-104, MCA)

If the proposed sign site is unzoned, it is the Department's responsibility to determine if the area qualifies for the placement of a sign and the issuance of a permit. It is the responsibility of the applicant to identify the activity presumed to qualify the area for the placement of a sign.

- A business license for the qualifying activity issued by a local, county or state government. The license must authorize the activity to operate at the qualifying location. Proof that the qualifying activity has been in business for at least one year is also required.

- An Applicant Landowner Affidavit form, provided by the Department, signed and dated by both the sign owner and landowner.

If the application is incomplete, it shall be returned to the applicant with any deficiencies explained.

Field Inspection

Following analysis of the application, the Department will complete a field inspection of the proposed sign site. It may be advisable to contact the applicant, who may want to be present during the field inspection. Completion of an OAC-2 form, along with the information in the application, will allow the Department adequate information to recommend approval or denial of the application.

Upon completion of the application analysis and field inspection, the Department shall make a recommendation to approve or deny the application and forward the recommendation, along with the original application and copies of all attendant documents, to the Outdoor Advertising Control Committee.

Determination of Approval/Denial of Permit Application

The Outdoor Advertising Control Committee shall make the final determination of approval or denial of an application for a sign permit.

In the event the applicant does not agree with the Department's determination to deny the application, they may petition the Department and request an administrative hearing, pursuant to the provisions of the Montana Administrative Procedures Act (MAPA).

The letter to the applicant denying a permit application shall advise them that a declaratory ruling may be requested pursuant to the provisions of MAPA.

9-2.8 Renewal of Sign Permits

The Department will send renewal notices on December 1st of each year. Payment is due within 30 days. Renewals should be paid by check made payable to the Montana Department of Transportation.

Although the Department sends renewal notices to remind sign owners to pay their renewal fees, failure to issue such notice will not serve to excuse the sign owner from their duty to renew a permit. Failure to submit the mandatory sign renewal fee within

30 days after expiration of the permit (or 30 days after receipt of the notice to renew the permit) may result in revocation of the permit. (Ref: ARM 18.6.214)

The sign permit shall be renewed for a three year period upon payment of the renewal fee as follows:

A. Renewal fees:

1.	32 square feet or less	\$ 15.00
2.	33 to 375 square feet	\$ 75.00
3.	376 to 672 square feet	\$ 150.00
4.	673 square feet or more	\$ 225.00

The renewal fee is calculated by totaling the square footage of the sign face or sign faces if the sign has more than one face.

Renewal Notices

The Fiscal Operations Bureau will print and send out the renewal notices identifying the appropriate renewal fee. OAC staff will follow up with sign owners to ensure the renewal fee is paid. In the event the required renewal fee is not received within the required time, the permit shall be canceled, or an extension given for cause.

Permit Attachment

It is the responsibility of the sign owner to see that the proper permit plate is continuously attached to the sign or device for which it was issued. It is not the Department's responsibility to physically attach the permit plate.

The permit plate shall be attached to the sign or the supporting structure near the lower corner of the sign, facing traffic and visible from the highway.

Permit plates that are affixed to the wrong sign or are otherwise in violation of requirements may cause permit cancellation by the Department if the deficiency continues for more than 30 days.

If the original permit plate has been lost or destroyed, a substitute permit plate must be obtained from the Department upon payment of a \$20 fee.

Transfer of Ownership

Ownership of a sign permit shall not be transferred without the expressed written consent of the permit holder(s). The document transferring the permit shall be signed by the current permit holder(s) and notarized.

Permit Cancellation

Permits shall not be cancelled except by written request of the permit holder(s) or by violations of the provisions of the outdoor advertising regulations. The document requesting cancellation of a permit shall be signed by the current permit holder(s) and notarized.

9-3 ENFORCEMENT

Route Surveys

It is important that continuing surveillance of Montana's controlled routes be conducted to properly control outdoor advertising. The Department will perform route surveys to keep a current inventory of all signs under the jurisdiction of the OAC program. The frequency of route surveys will be determined by route and district, based on the number of signs located on each route and in each district.

Route surveys are intended to identify illegal signs, update the Department's inventory of current permitted signs and identify potential violations with existing permitting signs. When illegal signs and/or violations are identified, OAC staff will take steps to correct the identified issues.

Route Survey Reviews

During a route survey, OAC staff will review and photograph each sign on the route being surveyed. The following procedure should be followed by OAC staff.

1. OAC staff will stop at each sign and photograph the structure and, if possible, the back of the face of the sign. These pictures will be added to the permit file as part of the sign inventory.
2. OAC staff will compare the permitted sign to the information in the permit file. The following items must be verified:
 - a. The right permit plate is correctly attached to the sign;
 - b. The sign structure has not changed (the number of poles, pole materials, additional supports, etc.);
 - c. The size of the sign face has not changed;
 - d. Lights have not been added to a previously unlit structure; and
 - e. The qualifying activity is still active for conforming signs.
3. If any of these items has changed, OAC staff will photograph the change and note the change in the permit file.
4. When the route survey is completed and OAC staff is back in the office, OAC will verify that no sign owner paperwork addressing the change has been submitted to the Department. If no paperwork has been submitted, the OAC staff will contact the sign owner, in writing, identifying the violation, what the sign owner needs to do to correct the violation and timeline for correction to be made.

5. All communication must be documented in the history portion of the permit file identifying contact dates and times, as well as any pertinent information about the sign and sign owner.

Removal of Unlawful Signs

When a new sign appears in an area controlled by the Department and no permit has been issued for the sign, the following procedure should be followed by OAC staff.

1. OAC staff shall prepare an OAC-3 Sign inspection Record and submit it to the Coordinator with a request to send a notice of Unlawful Advertising. The Coordinator will send the Notice to the sign owner and the landowner requesting the removal of the sign or a request for a hearing within 45 days. The Notice shall be mailed by certified mail with return receipt requested. The certified number shall be identified on the letter and the return receipt form. (Ref: 75-25-131, MCA)
2. If the Notice of Unlawful Advertising is posted on the sign, the date on the notice should correspond with the date of the certified letter.
3. If the sign is in a conforming area, OAC staff should advise the sign owner that the sign may qualify for a permit under the Outdoor Advertising Act, and the Department would consider an application if it is received before expiration of the 45 day period.
4. All communication must be documented in the history portion of the permit file identifying contact dates and times, as well as any pertinent information about the sign and sign owner.

Procedures

If no request for administrative hearing is received within the 45 day notice period, OAC staff shall transmit a memorandum, copy of the Sign Inspection Record and a photograph of the unlawful sign to the Maintenance Chief.

Prior to removal, OAC staff should contact the landowner and advise him of the fact that we are legally within our rights to enter upon his lands and remove the unlawful advertising structure. The landowner must be informed of the approximate date when maintenance personnel will be removing the sign. (Ref: 75-15-131, MCA)

If any problems arise with the landowner or the sign owner, the District may request the sheriff's office to send a deputy with the Maintenance crew so they are able to peacefully remove the sign.

Large sign removals which cannot be handled by Maintenance will be contracted out through the Department's Purchasing Services Section.

After the sign is removed, the Maintenance Chief shall inform OAC staff of the removal of the sign. The Maintenance Chief shall prepare a statement of costs of removal of the sign. It is the responsibility of OAC staff to send the statement of costs to the sign owner and landowner. It is important to state the sign owner and landowner are jointly and severally responsible for the costs of sign removal. (Ref: 75-15-131(4), MCA)

If a request for administrative hearing is received within 45 days, OAC staff shall notify the Outdoor Advertising Control Committee. The Outdoor Advertising Control Committee shall notify Legal Services by memorandum. The memorandum should give a brief history of events and reasons for the determination that the sign is unlawful. The electronic file for the unlawful sign shall be sent to the assigned attorney.

The case will then be the responsibility of Legal Services, and any action thereafter shall only be at the request of representatives of Legal Services.

9-3.1 Legal Procedures

Legal Services is responsible for making arrangements for an administrative hearing pursuant to the provisions of the Montana Administrative Procedures Act (MAPA). The hearing examiner (appointed through Department of Justice, Legal Services Division, Agency Legal Services Bureau or through an attorney, licensed in Montana, under contract with the Department) will be responsible for conducting the hearing.

After conducting an administrative hearing, the hearing examiner enters a proposed Order for Transportation Commission consideration. The sign owner and landowner will be notified of the proposed order and may contest the order by oral argument before the Commission.

Although the proposed order may provide for the removal of the unlawful advertising structure, the Department does not have the authority to remove the structure, pending final Commission action. The Commissioner's final decision (order) will be the final action under MAPA on the legality of the advertising structure and controls the procedures followed by the Department in removing the structure.

The sign owner, landowner and Outdoor Advertising Control Committee will be notified of the final Commission order. In the event the final order determines the structure is unlawful and must be removed, the sign owner and landowner will be given thirty days to remove the structure. The sign owner and landowner may petition for judicial review with the appropriate District Court, within that time period. Action shall not be taken to remove the sign without the approval of the Outdoor Advertising Control Committee and assurance that the sign owner or landowner has not petitioned the District Court for judicial review.

If a petition for judicial review has been filed, the Department will refrain from removing the unlawful advertising structure until a final decision of the District Court is entered and all rights of appeal exhausted.

9-3.2 Sign Structures that are Blank, Abandoned or in Disrepair

- Sign structures that have no face or have faces without 100 percent advertising copy shall be considered a blank sign. Blank sign is defined as a sign structure that has no face or has faces without 100 percent advertising cover. The sign owner is not prohibited from noticing the sign for rent or lease; however, the sign shall be considered blank if the notice does not cover the sign face completely.
- Sign structures are considered abandoned if the sign has not been erected, has been removed, or the sign owner fails to pay the appropriate sign permit fee.
- A sign may be determined in disrepair if the structure is unsafe or if the sign face is unreadable or not visible to the traveling public.

When a sign has been blank, abandoned or in disrepair for a period of six months, the Department shall notify the sign owner of the violation and require remedial action within 45 days.

If such action is not taken, the permit will be canceled and action for the removal of the sign will be taken pursuant to 75-15-131, MCA.

When a sign is observed to be blank, abandoned or in disrepair, OAC staff shall take a photograph (dated) and complete an OAC-3 inspection report. Six months from the date the sign was observed, another inspection shall be made, and if the sign is still blank, abandoned or in disrepair, OAC staff shall prepare a notice of violation and send it to the sign owner and landowner by certified mail with return receipt requested.

If following 45 days from the sign owner and landowner's receipt of the notice of violation, remedial action has not been taken, the permit shall be canceled. The sign owner and landowner will be sent a notice of unlawful advertising. The procedures described in Section 9-3.1 and 9-3.2 will be followed.

9-3.3 New Signs Not Erected Within 90 Days of Permit Issuance

The sign owner, within 90 days of the date of issuance of the permit, will:

- Erect the sign structure.
- Attach the permit plate to the sign structure.
- Attach advertising materials or copy to the sign face.
- Attach the sign owner's name plaque to the structure.
- Provide written and photographic verification of the sign erection.

If the provisions above have not been accomplished, the permit will be canceled. In such cases, the cancellation is final and the sign owner does not have rights of appeal through the Montana Administrative Procedures Act.

In the event the sign owner has not accomplished the requirements of ARM 18.6.221, the agent shall send the sign owner a letter of permit cancellation by certified mail with return receipt requested.

When erection of a sign structure has been delayed at no fault of the applicant, an extension of time may be granted upon written request from the sign owner. The sign owner must explain the reason for the delay. Extensions will be granted on a case by case basis by the Outdoor Advertising Control Committee.

9-3.4 Violation of Access Control Fence

Erection or maintenance of a sign through, over or across an access control fence or line is prohibited. When such activity is discovered and documented, the permit may be canceled and the sign owner and landowner shall be notified by certified mail with return receipt requested. A written history and photographs of the violation are required prior to sending the notice. The procedures described in Sections 9-2.1 and 9-2.3 will be followed.

9-3.5 Encroaching Signs

It is important to recognize that the Department must elect between treating the unlawful outdoor advertising structure as either an encroachment under the encroachment statutes or unlawfully advertising under the Outdoor Advertising Act. If the facts of the case clearly establish an encroachment, then the structure should be treated as an encroachment and not unlawful advertising. Similarly, if the facts do not establish an encroachment, the Department has no remedy for removal of the structure unless the facts clearly establish the structure is unlawful advertising under the Outdoor Advertising Act. Once the Department elects to treat a structure as either an encroachment or unlawful advertising, the Department must pursue the remedy to its conclusion. The Department may not pursue the remedies of encroachment and unlawful advertising at the same time.

Once the department determines that the unlawful sign will be treated as an encroachment, the remedy will be pursued under the provisions of Title 60, Chapter 6, Part I, MCA.

9-4 OTHER SIGNS

9-4.1 Special Signs

Special signs identified in Sub-chapter 4 are allowed outside of zoned and unzoned commercial and industrial areas, subject to the provisions set forth in this sub-chapter. With the exception of slat-type rural/residential directory signs (signs not to exceed 36" x 8") and political signs, all signs in this sub-chapter are subject to permit requirements, including payment of nonrefundable inspection fees set forth in ARM 18.6.211(3). The renewal fees set forth in ARM 18.6.211(4) are waived.

Although there are not specific spacing requirements in the regulations for special signs, it is important that visibility and safety requirements are addressed prior to permit approval.

Requiring permits on special signs allows the Department to inventory all signs visible from the controlled routes.

The following signs are prohibited:

- Signs advertising activities that are illegal under federal or state laws and regulations.
- Signs that obscure or interfere with official traffic signs or which obstruct or interfere with the driver's view of approaching, merging or intersecting traffic.
- Signs erected or maintained on trees, or painted or drawn on rocks or other natural features.
- Signs which are obsolete, unsafe, or in disrepair, or which move or have moving parts.
- Signs located in rest areas, parklands or scenic areas.

A. Community Welcome to Signs

A community, county, or sovereign nation may erect welcome to signs within its territorial jurisdiction or zoning jurisdiction, as long as the community, county, or sovereign nation exercises some form of governmental authority over the area upon which the sign is located (e.g., city limits). Welcome to signs must not be

erected by other types of governmental entities including states or tourist area regions.

Qualifying communities, counties, or sovereign nations may develop their own welcome to sign designs, and may also use their own pictographs and a brief jurisdiction-wide program slogan, providing the sign design complies with all provisions of this rule, and has been approved by the department before the sign is granted a permit or erected.

Welcome to signs must not contain any form of commercial advertising, including any promotion of commercial products or services through slogans and information on where to obtain the products and services. Welcome to signs must not identify any private or public organizations or affiliations.

Qualifying welcome to sign applicants must first thoroughly explore all options to erect the sign off public right-of-way, and may request placement within the right-of-way only as the option of last resort. Welcome to signs must not be placed along interstate routes.

Welcome to signs may only be placed in qualifying locations which meet all the following requirements:

1. Within state-controlled right-of-way limits along controlled routes, except for interstate routes, upon verification by the sign owner that specific locations outside the right-of-way have been considered, but were unavailable;
2. On private or other government-owned property adjacent to controlled routes, with permission of the landowner;
3. Outside of key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions;
4. Within five miles of a community for community signs, or within five miles of a county line for county signs, with no more than one welcome to sign in each direction.

B. Church and Service Club Signs

A church, service club, or youth organization which conducts regular meetings may erect and maintain signs which give the name of the organization and the

time and place at which regularly scheduled meetings are held, subject to the following criteria:

- Not more than a total of four signs may be erected by any one group, of which no more than three signs can face the same direction of travel.
- Signs may not be located more than 5 miles from where the meetings or functions are regularly held.
- The size of each sign shall not exceed 8 square feet.
- The activity must be a regularly scheduled daily, weekly, monthly, or quarterly meeting, function or gathering which members of the traveling public will be likely to want to attend.

This part is not intended to cover advertising of annual events, such as county fairs, or activities which are continuously in existence, such as colleges or hospitals. Further, it is not intended to cover advertising of sports events or other activities for which an admission fee is charged.

A permit must be obtained for each sign, and payment of the initial nonrefundable application fee is required. The renewal fees for such signs are waived.

C. Directional Signs

Signs or displays advertising natural wonders, scenic and historical attractions, or ranching, grazing or farming activities may be erected and maintained within 660 feet of the nearest edge of the right of way of a controlled route, subject to the following standards:

- Not more than one sign, pertaining to the same activity, facing the same direction of travel, erected along a single route.
- Signs must be located within 75 air miles from the activity, if adjacent to the interstate system.
- Signs must be located within 50 air miles from the activity, if adjacent to the primary system.

- The size of each sign shall not exceed 32 square feet, with a maximum height of 8 feet and length of 8 feet.
- The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

A permit must be obtained for each sign, and payment of the initial nonrefundable application fee is required. The renewal fees for such signs are waived.

D. Cultural Signs

Signs or displays advertising nonprofit historical or arts organizations (nonprofit museums or art exhibits) may be erected and maintained within 660 feet of the nearest edge of the right of way of a controlled route, subject to the following standards:

- Not more than a total of three signs, pertaining to the same activity, facing the same direction of travel, erected along a single route.
- Signs must be located within 75 air miles from the activity, if adjacent to the interstate system.
- Signs must be located within 50 air miles from the activity, if adjacent to the primary system.
- The size of each sign shall not exceed 150 square feet, with a maximum height of 20 feet and length of 20 feet.
- The message on cultural signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

- Privately owned activities or attractions eligible, privately owned attractions or activities must be nationally or regionally known and of outstanding interest to the traveling public.

The Department will make the determination of eligibility for each attraction or activity. In making the determination, the department will, when it is deemed necessary, avail itself of the experience and knowledge of selected groups in the specific type of attraction or activity being considered. These groups shall include, but not limited to, commission, boards, other agencies and/or other state departments.

The Department's determination of eligibility is subject to review by the State Transportation Commission upon written request of any interested person. Such request must be made within 30 days of the notification of the determination by the Department to the privately owned activity or attraction. The Commission shall provide the interested person or persons at least a 30 day notice of the time and place where determination of eligibility will be reviewed and shall permit oral or written comments to be submitted.

A permit must be obtained for each sign, and payment of the initial nonrefundable application fee is required. The renewal fees for such signs are waived.

E. Noncommercial Signs

Signs displaying noncommercial messages may be erected and maintained adjacent to controlled routes. If a noncommercial sign is located on the real property of the sign owner, it shall be subject only to the following size, height and length provisions.

- Not be erected or maintained that exceed 32 square feet in area, including border and trim, but excluding base and apron, supports and other structural members.
- Not exceed 10 feet in length or 15 feet in height when measured at a right angle from the surface of the roadway at its centerline.

A permit must be obtained for each noncommercial sign not located on property owned by the sign owner. The application must be accompanied by a

nonrefundable inspection fee. There is no initial permit fee or renewal fee for noncommercial signs.

A nonconforming noncommercial sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming noncommercial sign removed as a result of an eminent domain acquisition may be relocated along a controlled route, but cannot be reestablished at a new location as a nonconforming use.

F. Political Signs

Signs promoting political candidates or issues shall not:

- Be erected or maintained within the highway right of way, on right of way fences, or on public utility poles;
- Be placed within 100 feet of any entrance of a polling location;
- Be removed within 14 days following the applicable election.

Because of the temporary nature of political signs, there are no application or fee requirements.

In the event political signs are observed in violation of this part, they shall be immediately removed. In the event signs are removed by Department personnel, an attempt should be made to contact the candidate or group advising them of the sign removal and where they may be retrieved

G. Official Signs

Official signs must be erected pursuant to direction or authorization contained in federal, state, or local law, such that the office must be directed by statute or must have the specific authority by statute to erect and maintain signs and notices. Official signs may be erected and maintained within 660 feet of the nearest edge of the right of way of a controlled route, subject to the following standards:

- The size of each sign shall not exceed 150 square feet, with a maximum height of 20 feet and length of 20 feet.

- The sign must be erected within the territorial jurisdiction or zoning jurisdiction of the public office or agency, such that the office or agency must exercise some form of governmental authority over the area upon which the sign is located.
- The sign must be erected outside the right of way and maintained by a public office or agency.

A permit must be obtained for each sign, and payment of the initial nonrefundable application fee is required. The renewal fees for such signs are waived