

CODE OF FEDERAL REGULATIONS

Subpart B -- National Standards for Directional and Official Signs

Authority: 23 U.S.C. 131, 315, 49 U.S.C. 1651; 49 CFR 1.48(b).

§ 750.151 Purpose.

- (a) In section 131 of title 23 U.S.C., Congress has declared that:
- (1) The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote safety and recreational value of public travel, and to preserve natural beauty.
 - (2) Directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, shall conform to national standards authorized to be promulgated by the Secretary, which standards shall contain provisions concerning the lighting, size, number and spacing of signs, and such other requirements as may be appropriate to implement the section.
- (b) The standards in this part are issued as provided in section 131 of title 23 U.S.C.

[38 FR 16044, June 30, 1973, as amended at 40 FR 21934, May 20, 1975]

§ 750.152 Application.

The following standards apply to directional and official signs and notices located within six hundred and sixty (660) feet of the right-of-way of the Interstate and Federal-aid primary systems and to those located beyond six hundred and sixty (660) feet of the right-of-way of such systems, outside of urban areas, visible from the main traveled way of such systems and erected with the purpose of their message being read from such main traveled way. These standards do not apply to directional and official signs erected on the highway right-of-way.

[40 FR 21934, May 20, 1975]

§ 750.153 Definitions.

For the purpose of this part:

- (a) Sign means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Federal-aid primary highway.
- (b) Main traveled way means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes, and ramps.
- (c) Interstate System means the National System of Interstate and Defense Highways described in section 103(d) of title 23 U.S.C.
- (d) Primary system means the Federal-aid highway system described in section 103(b) of title 23 U.S.C.
- (e) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (f) Maintain means to allow to exist.
- (g) Scenic area means any area of particular scenic beauty or historical significance as determined by the Federal, State, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.
- (h) Parkland means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.
- (i) Federal or State law means a Federal or State constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to a Federal or State constitution or statute.
- (j) Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.
- (k) Freeway means a divided arterial highway for through traffic with full control of access.
- (l) Rest area means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.
- (m) Directional and official signs and notices includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.
- (n) 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 authorized

by State law and erected by State or local government agencies or nonprofit historical societies may be considered official signs.

- (o) Public utility signs means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.
- (p) Service club and religious notices means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.
- (q) Public service signs means signs located on school bus stop shelters, which signs:
 - (1) Identify the donor, sponsor, or contributor of said shelters;
 - (2) Contain public service messages, which shall occupy not less than 50 percent of the area of the sign;
 - (3) Contain no other message;
 - (4) Are located on school bus shelters which are authorized or approved by city, county, or State law, regulation, or ordinance, and at places approved by the city, county, or State agency controlling the highway involved; and
 - (5) May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.
- (r) Directional signs means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
- (s) State means any one of the 50 States, the District of Columbia, or Puerto Rico.
- (t) Urban area means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized areas in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

[38 FR 16044, June 30, 1973, as amended at 40 FR 21934, May 20, 1975]

§ 750.154 Standards for directional signs.

The following apply only to directional signs:

- (a) General. The following signs are prohibited:
 - (1) Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the location of those signs or at the location of those activities.
 - (2) Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
 - (3) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
 - (4) Obsolete signs.
 - (5) Signs which are structurally unsafe or in disrepair.
 - (6) Signs which move or have any animated or moving parts.
 - (7) Signs located in rest areas, parklands or scenic areas.
- (b) Size.
 - (1) No sign shall exceed the following limits:
 - (i) Maximum area--150 square feet.
 - (ii) Maximum height -- 20 feet.
 - (iii) Maximum length -- 20 feet.
 - (2) All dimensions include border and trim, but exclude supports.
- (c) Lighting. Signs may be illuminated, subject to the following:
 - (1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
 - (2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
 - (3) No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
- (d) Spacing.
 - (1) Each location of a directional sign must be approved by the State highway department.
 - (2) No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).
 - (3) No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.
 - (4)
 - (i) No two directional signs facing the same direction of travel shall be spaced less than 1 mile apart;
 - (ii) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;
 - (iii) Signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and
 - (iv) Signs located adjacent to the primary system shall be within 50 air miles of the activity.

- (e) Message content. 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.
- (f) Selection method and criteria.
 - (1) Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.
 - (2) To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.
 - (3) Each State shall develop specific selection methods and criteria to be used in determining whether or not an activity qualifies for this type of signing. A statement as to selection methods and criteria shall be furnished to the Secretary of Transportation before the State permits the erection of any such signs under section 131(c) of title 23 U.S.C., and this part.

§ 750.155 State standards.

This part does not prohibit a State from establishing and maintaining standards which are more restrictive with respect to directional and official signs and notices along the Federal-aid highway systems than these national standards.

[38 FR 16044, June 20, 1973, as amended at 40 FR 21934, May 20, 1975]

Subpart G -- Outdoor Advertising Control

Authority: 23 U.S.C. 131 and 315; 49 CFR 1.48.
 Source: 40 FR 42844, Sept. 16, 1975, unless otherwise noted.

§ 750.701 Purpose.

This subpart prescribes the Federal Highway Administration (FHWA) policies and requirements relating to the effective control of outdoor advertising under 23 U.S.C. 131. The purpose of these policies and requirements is to assure that there is effective State control of outdoor advertising in areas adjacent to Interstate and Federal-aid primary highways. Nothing in this subpart shall be construed to prevent a State from establishing more stringent outdoor advertising control requirements along Interstate and Primary Systems than provided herein.

§ 750.702 Applicability.

The provisions of this subpart are applicable to all areas adjacent to the Federal-aid Interstate and Primary Systems, including toll sections thereof, except that within urban areas, these provisions apply only within 660 feet of the nearest edge of the right-of-way. These provisions apply regardless of whether Federal funds participated in the costs of such highways. The provisions of this subpart do not apply to the Federal-aid Secondary or Urban Highway System.

§ 750.703 Definitions.

The terms as used in this subpart are defined as follows:

- (a) Commercial and industrial zones are those districts established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labeled. They 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.
- (b) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (c) Federal-aid Primary Highway means any highway on the system designated pursuant to 23 U.S.C. 103(b).
- (d) Interstate Highway means any highway on the system defined in and designated, pursuant to 23 U.S.C. 103(e).
- (e) Illegal sign means one which was erected or maintained in violation of State law or local law or ordinance.
- (f) Lease means an agreement, license, permit, or easement, oral or in writing, by which possession or use of land or interests therein is given for a specified purpose, and which is a valid contract under the laws of a State.
- (g) Maintain means to allow to exist.
- (h) Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.
- (i) Sign, display or device, hereinafter referred to as "sign," means an outdoor advertising sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate or Primary Systems, whether the same be permanent or portable installation.
- (j) State law means a State constitutional provision or statute, or an ordinance, rule or regulation, enacted or adopted by a State.

- (k) Unzoned area means an area where there is no zoning in effect. It does not include areas which have a rural zoning classification or land uses established by zoning variances or special exceptions.
- (l) Unzoned commercial or industrial areas are unzoned areas actually used for commercial or industrial purposes as defined in the agreements made between the Secretary, U.S. Department of Transportation (Secretary), and each State pursuant to 23 U.S.C. 131(d).
- (m) Urban area is as defined in 23 U.S.C. 101(a).
- (n) Visible means capable of being seen, whether or not readable, without visual aid by a person of normal visual acuity.

§ 750.704 Statutory requirements.

- (a) 23 U.S.C. 131 provides that signs adjacent to the Interstate and Federal-aid Primary Systems which are visible from the main-traveled way and within 660 feet of the nearest edge of the right-of-way, and those additional signs beyond 660 feet outside of urban areas which are visible from the main-traveled way and erected with the purpose of their message being read from such main-traveled way, shall be limited to the following:
 - (1) Directional and official signs and notice which shall conform to national standards promulgated by the Secretary in subpart B, part 750, chapter I, 23 CFR, National Standards for Directional and Official Signs;
 - (2) Signs advertising the sale or lease of property upon which they are located;
 - (3) Signs advertising activities conducted on the property on which they are located;
 - (4) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under the authority of State law;
 - (5) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are unzoned commercial or industrial areas, which areas are determined by agreement between the State and the Secretary; and
 - (6) Signs lawfully in existence on October 22, 1965, which are determined to be landmark signs.
- (b) 23 U.S.C. 131(d) provides that signs in § 750.704(a) (4) and (5) must comply with size, lighting, and spacing requirements, to be determined by agreement between the State and the Secretary.
- (c) 23 U.S.C. 131 does not permit signs to be located within zoned or unzoned commercial or industrial areas beyond 660 feet of the right-of-way adjacent to the Interstate or Federal-aid Primary System, outside of urban areas.
- (d) 23 U.S.C. 131 provides that signs not permitted under § 750.704 of this regulation must be removed by the State.

§ 750.705 Effective control.

In order to provide effective control of outdoor advertising, the State must:

- (a) Prohibit the erection of new signs other than those which fall under § 750.704(a)(1) through (6);
- (b) Assure that signs erected under § 750.704(a)(4) and (5) comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement between the Secretary and the State;
- (c) Assure that signs erected under § 750.704(a)(1) comply with the national standards contained in subpart B, part 750, chapter I, 23 CFR;
- (d) Remove illegal signs expeditiously;
- (e) Remove nonconforming signs with just compensation within the time period set by 23 U.S.C. 131 (subpart D, part 750, chapter I, 23 CFR, sets forth policies for the acquisition and compensation for such signs);
- (f) Assure that signs erected under § 750.704(a)(6) comply with § 750.710, Landmark Signs, if landmark signs are allowed;
- (g) Establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of an Interstate or primary highway, except where State law makes such criteria unnecessary. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply;
- (h) Develop laws, regulations, and procedures to accomplish the requirements of this subpart;
- (i) Establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal; and
- (j) Submit regulations and enforcement procedures to FHWA for approval.

[40 FR 42844, Sept. 16, 1975; 40 FR 49777, Oct. 24, 1975]

§ 750.706 Sign control in zoned and unzoned commercial and industrial areas.

The following requirements apply to signs located in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way adjacent to the Interstate and Federal-aid primary highways.

- (a) The State by law or regulation shall, in conformity with its agreement with the Secretary, set criteria for size, lighting, and spacing of outdoor advertising signs located in commercial or industrial zoned or unzoned areas, as defined in the agreement, adjacent to Interstate and Federal-aid primary highways. If the agreement between the Secretary and the State includes a grandfather clause, the criteria for size, lighting, and spacing will govern only those signs erected subsequent to the date specified in the agreement. The States may adopt more restrictive criteria than are presently contained in agreements with the Secretary.

- (b) Agreement criteria which permit multiple sign structures to be considered as one sign for spacing purposes must limit multiple sign structures to signs which are physically contiguous, or connected by the same structure or cross-bracing, or located not more than 15 feet apart at their nearest point in the case of back-to-back or "V" type signs.
- (c) Where the agreement and State law permits control by local zoning authorities, these controls may govern in lieu of the size, lighting, and spacing controls set forth in the agreement, subject to the following:
 - (1) The local zoning authority's controls must include the regulation of size, of lighting and of spacing of outdoor advertising signs, in all commercial and industrial zones.
 - (2) The regulations established by local zoning authority may be either more restrictive or less restrictive than the criteria contained in the agreement, unless State law or regulations require equivalent or more restrictive local controls.
 - (3) If the zoning authority has been delegated, extraterritorial, jurisdiction under State law, and exercises control of outdoor advertising in commercial and industrial zones within this extraterritorial jurisdiction, control by the zoning authority may be accepted in lieu of agreement controls in such areas.
 - (4) The State shall notify the FHWA in writing of those zoning jurisdictions wherein local control applies. It will not be necessary to furnish a copy of the zoning ordinance. The State shall periodically assure itself that the size, lighting, and spacing control provisions of zoning ordinances accepted under this section are actually being enforced by the local authorities.
 - (5) Nothing contained herein shall relieve the State of the responsibility of limiting signs within controlled areas to commercial and industrial zones.

§ 750.707 Nonconforming signs.

- (a) General. The provisions of § 750.707 apply to nonconforming signs which must be removed under State laws and regulations implementing 23 U.S.C. 131. These provisions also apply to nonconforming signs located in commercial and industrial areas within 660 feet of the nearest edge of the right-of-way which come under the so-called grandfather clause contained in State-Federal agreements. These provisions do not apply to conforming signs regardless of when or where they are erected.
- (b) Nonconforming signs. A nonconforming sign is a sign which was lawfully erected but does not comply with the provisions of State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Changed conditions include, for example, signs lawfully in existence in commercial areas which at a later date become noncommercial, or signs lawfully erected on a secondary highway later classified as a primary highway.
- (c) Grandfather clause. At the option of the State, the agreement may contain a grandfather clause under which criteria relative to size, lighting, and spacing of signs in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way apply only to new signs to be erected after the date specified in the agreement. Any sign lawfully in existence in a commercial or industrial area on such date may remain even though it may not comply with the size, lighting, or spacing criteria. This clause only allows an individual sign at its particular location for the duration of its normal life subject to customary maintenance. Preexisting signs covered by a grandfather clause, which do not comply with the agreement criteria have the status of nonconforming signs.
- (d) Maintenance and continuance. In order to maintain and continue a nonconforming sign, the following conditions apply:
 - (1) The sign must have been actually in existence at the time the applicable State law or regulations became effective as distinguished from a contemplated use such as a lease or agreement with the property owner. There are two exceptions to actual existence as follows:
 - (i) Where a permit or similar specific State governmental action was granted for the construction of a sign prior to the effective date of the State law or regulations and the sign owner acted in good faith and expended sums in reliance thereon. This exception shall not apply in instances where large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a State control law.
 - (ii) Where the State outdoor advertising control law or the Federal-State agreement provides that signs in commercial and industrial areas may be erected within six (6) months after the effective date of the law or agreement provided a lease dated prior to such effective date was filed with the State and recorded within thirty (30) days following such effective date.
 - (2) There must be existing property rights in the sign affected by the State law or regulations. For example, paper signs nailed to trees, abandoned signs and the like are not protected.
 - (3) The sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be reestablished at a new location as a nonconforming use.
 - (4) The sign must have been lawful on the effective date of the State law or regulations, and must continue to be lawfully maintained.
 - (5) The sign must remain substantially the same as it was on the effective date of the State law or regulations. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would terminate nonconforming rights. Each State shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.
 - (6) The sign may continue as long as it is not destroyed, abandoned, or discontinued. If permitted by State law and reerected in kind, exception may be made for signs destroyed due to vandalism and other criminal or tortious acts.
 - (i) Each state shall develop criteria to define destruction, abandonment and discontinuance. These criteria may provide that a sign which for a designated period of time has obsolete advertising matter or is without

advertising matter or is in need of substantial repair may constitute abandonment or discontinuance. Similarly, a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

- (ii) Where an existing nonconforming sign ceases to display advertising matter, a reasonable period of time to replace advertising content must be established by each State. Where new content is not put on a structure within the established period, the use of the structure as a nonconforming outdoor advertising sign is terminated and shall constitute an abandonment or discontinuance. Where a State establishes a period of more than one (1) year as a reasonable period for change of message, it shall justify that period as a customary enforcement practice within the State. This established period may be waived for an involuntary discontinuance such as the closing of a highway for repair in front of the sign.
- (e) Just compensation. The States are required to pay just compensation for the removal of nonconforming lawfully existing signs in accordance with the terms of 23 U.S.C. 131 and the provisions of subpart D, part 750, chapter I, 23 CFR. The conditions which establish a right to maintain a nonconforming sign and therefore the right to compensation must pertain at the time it is acquired or removed.

§ 750.708 Acceptance of state zoning.

- (a) 23 U.S.C. 131(d) provide that signs “ may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas . . . which are zoned industrial or commercial under authority of State law.” Section 131(d) further provides, “ The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act.”
- (b) State and local zoning actions must be taken pursuant to the State's zoning enabling statute or constitutional authority and in accordance therewith. Action which is not a part of comprehensive zoning and is created primarily to permit outdoor advertising structures, is not recognized as zoning for outdoor advertising control purposes.
- (c) Where a unit of government has not zoned in accordance with statutory authority or is not authorized to zone, the definition of an unzoned commercial or industrial area in the State-Federal agreement will apply within that political subdivision or area.
- (d) A zone in which limited commercial or industrial activities are permitted as an incident to other primary land uses is not considered to be a commercial or industrial zone for outdoor advertising control purposes.

§ 750.709 On-property or on-premise advertising.

- (a) 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 is an on-property sign.
- (b) When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner, it shall be considered the business of outdoor advertising and not an on-property sign.
- (c) A sale or lease sign which also advertises any product or service not conducted upon and unrelated to the business or selling or leasing the land on which the sign is located is not an on-property sign.
- (d) Signs are exempt from control under 23 U.S.C. 131 if they solely advertise the sale or lease of property on which they are located or advertise activities conducted on the property on which they are located. These signs are subject to regulation (subpart A, part 750, chapter I, 23 CFR) in those States which have executed a bonus agreement, 23 U.S.C. 131(j). State laws or regulations shall contain criteria for determining exemptions. These criteria may include:
 - (1) A property test for determining whether a sign is located on the same property as the activity or property advertised; and
 - (2) A purpose test for determining whether a sign has as its sole purpose the identification of the activity located on the property or its products or services, or the sale or lease of the property on which the sign is located.
 - (3) The criteria must be sufficiently specific to curb attempts to improperly qualify outdoor advertising as “ on-property” signs, such as signs on narrow strips of land contiguous to the advertised activity when the purpose is clearly to circumvent 23 U.S.C. 131.

§ 750.710 Landmark signs.

- (a) 23 U.S.C. 131(c) permits the existence of signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which is consistent with the purpose of 23 U.S.C. 131.
- (b) States electing to permit landmark signs under 23 U.S.C. 131(c) shall submit a one-time list to the Federal Highway Administration for approval. The list should identify each sign as being in the original 1966 inventory. In the event a sign was omitted in the 1966 inventory, the State may submit other evidence to support a determination that the sign was in existence on October 22, 1965.
- (c) Reasonable maintenance, repair, and restoration of a landmark sign is permitted. Substantial change in size, lighting, or message content will terminate its exempt status.

§ 750.711 Structures which have never displayed advertising material.

Structures, including poles, which have never displayed advertising or informative content are subject to control or removal when advertising content visible from the main-traveled way is added or affixed. When this is done, an " outdoor advertising sign" has then been erected which must comply with the State law in effect on that date.

§ 750.712 Reclassification of signs.

Any sign lawfully erected after the effective date of a State outdoor advertising control law which is reclassified from legal-conforming to nonconforming and subject to removal under revised State statutes or regulations and policy pursuant to this regulation is eligible for Federal participation in just compensation payments and other eligible costs.

§ 750.713 Bonus provisions.

23 U.S.C. 131(j) specifically provides that any State which had entered into a bonus agreement before June 30, 1965, will be entitled to remain eligible to receive bonus payments provided it continues to carry out its bonus agreement. Bonus States are not exempt from the other provisions of 23 U.S.C. 131. If a State elects to comply with both programs, it must extend controls to the Primary System, and continue to carry out its bonus agreement along the Interstate System except where 23 U.S.C. 131, as amended, imposes more stringent requirements.

ARTICLE 11.
Outdoor Advertising Control Act.

§ 136-126. Title of Article.

This Article may be cited as the Outdoor Advertising Control Act (1967, c. 1248, s. 1.)

§ 136-127. Declaration of policy.

The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways but that the erection and maintenance of outdoor advertising signs and devices in areas in the vicinity of the right-of-way of the interstate and primary highway systems within the State should be controlled and regulated in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the State highways and to promote the reasonable, orderly and effective display of such signs, displays and devices. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for the regulation and control of outdoor advertising. (1967, c. 1248, s. 2; 1999-404, s. 6.)

§ 136-128. Definitions.

As used in this Article:

- (1) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.
- (1a) "Illegal sign" means one which was erected and/or maintained in violation of State law.
- (1b) "Information center" means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the Department of Transportation may consider desirable.(2) "Interstate system" means that portion of the National System of Interstate and Defense Highways located within the State, as officially designated, or as may hereafter be so designated, by the Department of Transportation, or other appropriate authorities and are also so designated by interstate numbers. As to highways under construction so designated as interstate highways pursuant to the above procedures, the highway shall be a part of the interstate system for the purposes of this Article on the date the location of the highway has been approved finally by the appropriate federal authorities.
- (2a) "Nonconforming sign" shall mean a sign which was lawfully erected but which does not comply with the provisions of State law or State rules and regulations passed at a later date or which later fails to comply with State law or State rules or regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs.
- (3) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the interstate or primary system, whether the same be permanent or portable installation.
- (4) "Primary systems" means the federal-aid primary system in existence on June 1, 1991, and any highway which is not on that system but which is on the National Highway System. As to highways under construction so designated as primary highways pursuant to the above procedures, the highway shall be a part of the primary system for purposes of this Article on the date the location of the highway has been approved finally by the appropriate federal or State authorities.
- (5) "Safety rest area" means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.
- (6) "State law" means a State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to a State Constitution or statute.
- (7) "Unzoned area" shall mean an area where there is no zoning in effect.
- (8) "Urban area" shall mean an area within the boundaries or limits of any incorporated municipality having a population of five thousand or more as determined by the latest available federal census.
- (9) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity. (1967, c. 1248, s. 3; 1973, c. 507, s. 5; 1975, c. 568, ss. 1-4; 1977, c. 464, s. 7.1; 1997-456, s. 27; 1999-404, s. 7.)

§ 136-129. Limitations of outdoor advertising devices.

No outdoor advertising shall be erected or maintained within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway systems in this State so as to be visible from the main-traveled way thereof after the effective date of this Article as determined by G.S. 136-140, except the following:

- (1) Directional and other official signs and notices, which signs and notices shall include those authorized and permitted by Chapter 136 of the General Statutes, which include but are not limited to official signs and notices pertaining to natural wonders, scenic and historic attractions and signs erected and maintained by a public utility, electric or telephone membership corporation, or municipality for the purpose of giving warning of or information as to the location of an underground cable, pipeline or other installation.
- (2) Outdoor advertising which advertises the sale or lease of property upon which it is located.
- (2a) Outdoor advertising which advertises the sale of any fruit or vegetable crop by the grower at a roadside stand or by having the purchaser pick the crop on the property on which the crop is grown provided: (i) the sign is no more than two feet long on any side; (ii) the sign is located on property owned or leased by the grower where the crop is grown; (iii) the grower is also the seller; and (iv) the sign is kept in place by the grower for no more than 30 days.
- (3) Outdoor advertising which advertises activities conducted on the property upon which it is located.
- (4) Outdoor advertising, in conformity with the rules and regulations promulgated by the Department of Transportation, located in areas which are zoned industrial or commercial under authority of State law.
- (5) Outdoor advertising, in conformity with the rules and regulations promulgated by the Department of Transportation, located in unzoned commercial or industrial areas. (1967, c. 1248, s. 4; 1972, c. 507, s. 5; 1975, c. 568, s. 5; 1977, c. 464, s. 7.1; 1991 (Reg. Sess., 1992), c. 946, s. 1; 1999-404, s. 8.)

§ 136-129.1. Limitations of outdoor advertising devices beyond 660 feet.

No outdoor advertising shall be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of the interstate or primary highway systems in this State outside of the urban areas so as to be visible and intended to be read from the main-traveled way except the following:

- (1) Directional and other official signs and notices, which signs and notices shall include those authorized and permitted by Chapter 136 of the General Statutes, which include but are not limited to official signs and notices pertaining to natural wonders, scenic and historic attractions and signs erected and maintained by a public utility, electric or telephone membership corporation, or municipality for the purpose of giving warning of or information as to the location of an underground cable, pipeline or other installation.
- (2) Outdoor advertising which advertises the sale or lease of property upon which it is located.
- (3) Outdoor advertising which advertises activities conducted on the property upon which it is located. (1975, c. 568, s. 6; 1999-404, s. 9.)

§ 136-129.2. Limitation of outdoor advertising devices adjacent to scenic highways, State and National Parks, historic areas and other places.

(a) In addition to the limitations contained in G.S. 136-129 and G.S. 136-129.1, in order to further the purposes set forth in Article 10 of this Chapter and to promote the reasonable, orderly, and effective display of outdoor advertising devices along highways adjacent to scenic and historical areas, while protecting the public investment in these highways and promoting the safety and recreational value of public travel, and to preserve natural beauty, no outdoor advertising sign shall be erected adjacent to any highway which is either:

- (1) a. A scenic highway or scenic byway designated by the Board of Transportation;
 - b. Within 1,200 feet, on the same side of the highway, of the boundary line of a North Carolina State Park, a National Park, a State or national wildlife refuge, or a designated wild and scenic river; or
 - c. Within 500 feet, on the same side of the highway, of the boundary lines of any historic districts and other properties listed in the National Register of Historic Places or State rest areas, or within the boundary lines of any historic district; except as permitted under G.S. 136-129(1), (2), (2a), or (3); or
- (2) Within one-third of the applicable distances under sub-subdivision (a)(1)b. and (a)(1)c. of this section, along the opposite side of the highway from any of the properties designated in sub-subdivision (a)(1)b. and (a)(1)c. of this section, except as permitted under G.S. 136-129(1), (2), (2a), (3), (4), or (5).

(b) The distances set forth in this section shall be measured horizontally in linear feet extending in each direction along the edge of the pavement of the highway from any point on the boundary of the subject property, or any point on the opposite side of the highway perpendicular to any point on the boundary line of the subject property.

(c) As used in sub-subdivision (a)(1)b. and (a)(1)c. of this section, the term "highway" means a highway that is designated as a part of the interstate or federal-aid primary highway system as of June 1, 1991, or any highway which is or becomes a part of the National Highway System. (1993, c. 524, s.1.)

§ 136-130. Regulation of advertising.

The Department of Transportation is authorized to promulgate rules and regulations in the form of ordinances governing:

- (1) The erection and maintenance of outdoor advertising permitted in G.S. 136-129,
- (2) The erection and maintenance of outdoor advertising permitted in G.S. 136-129.1,
- (2a) The erection and maintenance of outdoor advertising permitted in G.S. 136-129.2,
- (3) The specific requirements and procedures for obtaining a permit for outdoor advertising as required in G.S. 136-133 and for the administrative procedures for appealing a decision at the agency level to refuse to grant or in revoking a permit previously issued, and
- (4) The administrative procedures for appealing a decision at the agency level to declare any outdoor advertising illegal and a nuisance as pursuant to G.S. 136-134, as may be necessary to carry out the policy of the State declared in this Article. (1967, c. 1248, s. 5; 1973, c. 507, s. 5; 195, c. 568, s. 7; 1977, c. 464, ss. 7.1, 31; 1993, c. 524, s. 2.)

§ 136-131. Removal of existing nonconforming advertising.

The Department of Transportation is authorized to acquire by purchase, gift, or condemnation all outdoor advertising and all property rights pertaining thereto which are prohibited under the provisions of G.S. 136-129, 136-129.1 or 136-129.2, provided such outdoor advertising is in lawful existence on the effective date of this Article as determined by G.S. 136-140, or provided that it is lawfully erected after the effective date of this Article as determined by G.S. 136-140.

In any acquisition, purchase or condemnation, just compensation to the owner of the outdoor advertising, where the owner of the outdoor advertising does not own the fee, shall be limited to the fair market value at the time of the taking of the outdoor advertising owner's interest in the real property on which the outdoor advertising is located and such value shall include the value of the outdoor advertising.

In any acquisition, purchase or condemnation, just compensation to the owner of the fee or other interest in the real property upon which the outdoor advertising is located where said owner does not own the outdoor advertising located thereon shall be limited to the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Department of Transportation of the right to maintain such outdoor advertising thereon and in arriving at the fair market value after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration. In any acquisition, purchase or condemnation, just compensation to the owner of the fee in the real property upon which the outdoor advertising is located, where said owner also owns the outdoor advertising located thereon, shall be limited to the fair market value of the outdoor advertising plus the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Department of Transportation of the right to maintain such outdoor advertising thereon and in arriving at the fair market value after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration. (1967, c. 1248, s. 6; 1973, c. 507, s. 5; 1975, c. 568, ss. 8-10; 1977, c. 464, s. 7.1; 1993, c. 524, s. 3.)

§ 136-131.1. (Expires June 30, 2002 -- See editor's note) Just compensation required for the removal of billboards on federal-aid primary highways by local authorities.

No municipality, county, local or regional zoning authority, or other political subdivision, shall, without the payment of just compensation in accordance with the provisions that are applicable to the Department of Transportation as provided in paragraphs 2, 3, and 4 of G.S. 136-131, remove or cause to be removed any outdoor advertising adjacent to a highway on the National System of Interstate and Defense Highways or a highway on the Federal-aid Primary Highway System for which there is in effect a valid permit issued by the Department of Transportation pursuant to the provisions of Article 11 of Chapter 136 of the General Statutes and regulations promulgated pursuant thereto. (1981 (Reg. Sess., 1982), c. 1147, ss. 1, 2; 1983, c. 318, s. 1; 1987 (Reg. Sess., 1988), c. 1024, s. 1; 1989, c. 166, s. 1; 1993 (Reg. Sess., 1994), c. 725, s. 1; 1998-23, s. 7; 1998-212, s. 27.5(a).)

§136-132. Condemnation procedure.

For the purpose of this Article, the Department of Transportation shall use the procedure for condemnation of real property as provided by Article 9 of Chapter 136 of the General Statutes. (1967, c. 1248, s. 7; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

§ 136-133. Permits required.

(a) No person shall erect or maintain any outdoor advertising within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129, subdivisions (2) and (3) in this Article, or beyond 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system, except those allowed under G.S. 136-129.1, subdivisions (2) and (3), without first obtaining a permit from the Department of Transportation or its

agents pursuant to the procedures set out by rules adopted by the Department of Transportation. The permit shall be valid until revoked for nonconformance with this Article or rules adopted by the Department of Transportation. Any person aggrieved by the decision of the Department of Transportation or its agents in refusing to grant or in revoking a permit may appeal the decision in accordance with the rules adopted by the Department of Transportation pursuant to this Article to the Secretary of Transportation who shall make the final decision on the agency appeal. The Department of Transportation shall have the authority to charge permit fees to defray the costs of administering the permit procedures under this Article. The fees for directional signs as set forth in G.S. 136-129(1) and G.S. 136-129.1(1) shall not exceed a forty dollar (\$40.00) initial fee and a thirty dollar (\$30.00) annual renewal fee. The fees for outdoor advertising structures, as set forth in G.S. 136-129(4) and (5) shall not exceed a one hundred twenty dollar (\$120.00) initial fee and a sixty dollar (\$60.00) annual renewal fee.

(b) If outdoor advertising is under construction and the Department of Transportation determines that a permit has not been issued for the outdoor advertising, the Department may require that all work on the outdoor advertising cease until the owner of the outdoor advertising shows that the outdoor advertising does not violate this section. The stopwork order shall be prominently posted on the outdoor advertising structure, and no further notice of the stopwork order is required. The failure of an owner of outdoor advertising to comply immediately with the stopwork order shall subject the outdoor advertising to removal by the Department of Transportation or its agents. Outdoor advertising is under construction when it is in any phase of construction prior to the attachment and display of the advertising message in final position for viewing by the traveling public. The cost of removing outdoor advertising by the Department of Transportation or its agents pursuant to this section shall be assessed against the owner of the unpermitted outdoor advertising by the Department of Transportation. No stopwork order may be issued when the Department of Transportation process agent has been served with a court order allowing the sign to be constructed. (1967, c. 1248, s. 8; 1973, 507, s. 5; 1975, c. 568, s. 11; 1977, c. 464, ss. 7.1, 32; 1983, c. 604, s. 2; 1989, c. 677; 1999-404, s. 1.)

§ 136-134. Illegal advertising.

Any outdoor advertising erected or maintained adjacent to the right-of-way of the interstate or primary highway system after the effective date of this Article as determined by G.S.136-140, in violation of the provisions of this Article or rules adopted by the Department of Transportation, or any outdoor advertising maintained without a permit regardless of the date of erection shall be illegal and shall constitute a nuisance. The Department of Transportation or its agents shall give 30 days' notice to the owner of the illegal outdoor advertising with the exception of the owner of unlawful portable outdoor advertising for which the Department of Transportation shall give five days' notice, if such owner is known or can by reasonable diligence be ascertained, to remove the outdoor advertising or to make it conform to the provisions of this Article or rules adopted by the Department of Transportation hereunder. The Department of Transportation or its agents shall have the right to remove the illegal outdoor advertising at the expense of the owner if the owner fails to remove the outdoor advertising or to make it conform to the provisions of this Article or rules issued by the Department of Transportation within 30 days after receipt of such notice or five days for owners of portable outdoor advertising. The Department of Transportation or its agents may enter upon private property for the purpose of removing the outdoor advertising prohibited by this Article or rules adopted by the Department of Transportation hereunder without civil or criminal liability. The costs of removing the outdoor advertising, whether by the Department of Transportation or its agents, shall be assessed against the owner of the illegal outdoor advertising by the Department of Transportation. Any person aggrieved by the decision declaring the outdoor advertising structure illegal shall be granted the right to appeal the decision in accordance with the terms of the rules and regulations enacted by the Department of Transportation pursuant to this Article to the Secretary of Transportation who shall make the final decision on the agency appeal. (1967, c. 1248, s. 9; 1973, c. 507, s. 5; 1975, c. 568, s. 12; 1977, c. 464, ss. 7.1, 32; 1999-404, s. 2.)

§136-134.1. Judicial review.

Any person who is aggrieved by a final decision of the Secretary of Transportation after exhausting all administrative remedies made available to him by rules and regulations enacted pursuant to this Article is entitled to judicial review of such decision under this Article. In order to obtain judicial review of the Secretary of Transportation's decision under this Article, the person seeking review must file a petition in the Superior Court of Wake County within 30 days after written copy of the decision of the Secretary of Transportation is served upon the person seeking review. Failure to file such a petition within the time stated shall operate as a waiver of the right of such person to review under this Chapter.

The petition shall state explicitly what exceptions are taken to the decision of the Secretary of Transportation and what relief petitioner seeks. Within 10 days after the petition is filed with the court, the person seeking the review shall serve copies of the petition by registered mail, return receipt requested, upon the Department of Transportation. Within 30 days after receipt of the copy of the petition for review, or within such additional time as the court may allow, the Department of Transportation shall transmit to the reviewing court a certified copy of the written decision.

At any time before or during the review proceeding, the aggrieved party may apply to the reviewing court for an order staying the operation of the decision of the Secretary of Transportation pending the outcome of the review. The court may grant or deny the stay in its discretion upon such terms as it deems proper. The review of the decision of the Secretary of Transportation under this Article shall be conducted by the court without a jury and shall hear the matter de novo pursuant to the rules of evidence as applied in the General Court of Justice. The court, after hearing the matter may affirm, reverse or modify the decision if the decision is:

- (1) In violation of constitutional provisions; or

- (2) Not made in accordance with this Article or rules or regulations promulgated by the Department of Transportation;
or
- (3) Affected by other error of law.

The party aggrieved shall have the burden of showing that the decision was violative of one of the above.

A party to the review proceedings, including the agency, may appeal to the appellate division from the final judgment of the Superior Court under the rules of procedure applicable in civil cases. The appealing party may apply to the Superior Court for a stay for its final determination or a stay of the administrative decision, whichever shall be appropriate, pending the outcome of the appeal to the appellate division. (1975, c. 568, s. 13; 1977, c. 464, ss. 32, 33.)

§ 136-134.2. Notification requirements.

When the Department of Transportation notifies a permit applicant, permit holder, or the owner of an outdoor advertising structure that the application is denied, the permit revoked, or the structure is in violation of this Article or rules issued pursuant to this Article, it shall do so in writing by certified mail, return receipt requested, and shall include a copy of this Article and all rules issued pursuant to this Article.

If the Department of Transportation fails to include a copy of this Article and the rules, the time period during which the permit applicant, permit holder, or owner of the outdoor advertising structure has to request a review hearing shall be tolled until the Department of Transportation provides the required materials. (1999-404, s. 3.)

§ 136-135. Enforcement provisions.

Any person, firm, corporation or association, placing, erecting or maintaining outdoor advertising along the interstate system or primary system in violation of this Article or rules adopted by the Department of Transportation shall be guilty of a Class 1 misdemeanor. In addition thereto, the Department of Transportation may seek injunctive relief in the Superior Court of Wake County or of the county where the outdoor advertising is located and require the outdoor advertising to conform to the provisions of this Article or rules adopted pursuant hereto, or require the removal of the said illegal outdoor advertising. (1967, c. 1248, s. 10; 1973, c. 507, s. 5; 1975, c. 568, s. 14; 1977, c. 464, s. 32; 1993, c. 539, s. 998; 1994, Ex. Sess., c. 24, s. 14(c); 1999-404, s. 4.)

§ 136-136. Zoning changes.

All zoning authorities shall give written notice to the Department of Transportation of the establishment or revision of any commercial and industrial zones within 660 feet of the right-of-way of interstate or primary highway systems. Notice shall be by registered mail sent to the offices of the Department of Transportation in Raleigh, North Carolina, within 15 days after the effective date of the zoning change or establishment. (1967, c. 1248, s. 11; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1; 1999-404, s. 10.)

§136-137. Information directories.

The Department of Transportation is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas and to establish information centers at safety rest areas and install signs on the right-of-way for the purpose of informing the public of facilities for food, lodging and vehicle services and of places of interest and for providing such other information as may be considered desirable. (1967, c. 1248, s. 12; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

§136-138. Agreements with United States authorized.

The Department of Transportation is authorized to enter into agreements with other governmental authorities relating to the control of outdoor advertising in areas adjacent to the interstate and primary highway systems, including the establishment of information centers and safety rest areas, and to take action in the name of the State to comply with the terms of the agreements. (1967, c. 1248, s. 13; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

§136-139. Alternate control.

In addition to any other control provided for in this Article, the Department of Transportation may regulate outdoor advertising in accordance with the standards provided by this Article and regulations promulgated pursuant thereto, by the acquisition by purchase, gift, or condemnation of easements or any other interests in real property prohibiting or controlling the erection and maintenance of advertising within 660 feet of the right-of-way line of the interstate and primary system of the State. (1967, c. 1248, s. 14; 1973, c. 507, s. 5; 1977, c. 464, s. 7.1.)

§136-140. Availability of federal aid funds.

The Department of Transportation shall not be required to expend any funds for the regulation of outdoor advertising under this Article, nor shall the provisions of this Article, with the exception of G.S. 136-138 hereof, have any force and effect until federal funds are made available to the State for the purpose of carrying out the provisions of this Article, and the Department of Transportation has entered into an agreement with the United States Secretary of Transportation as authorized by G.S. 136-138 hereof and as provided by the Highway Beautification Act of 1965 or subsequent amendment thereto. (1967, c. 1248, s. 15; 1973, c. 507, s. 5; 1975, c. 568, s. 15; 1977, c. 464, s. 7.1.)

OUTDOOR ADVERTISING CONTROL

EXHIBITS

- Exhibit 1 Interchange Examples**
- Exhibit 2 Sign Locations within Zoned or Unzoned
Commercial or Industrial Areas**
- Exhibit 3 Example Size of Signs**
- Exhibit 4 List of District Offices**
- Exhibit 5 Sample Application, Form OA-1**
- Exhibit 6 Map of NC Federal-aid Primary System (FAP)**
- Exhibit 7 Map of NHS (National Highway System)**

Exhibit 1 Interchange Examples Outside the Corporate Limits of Towns and Cities

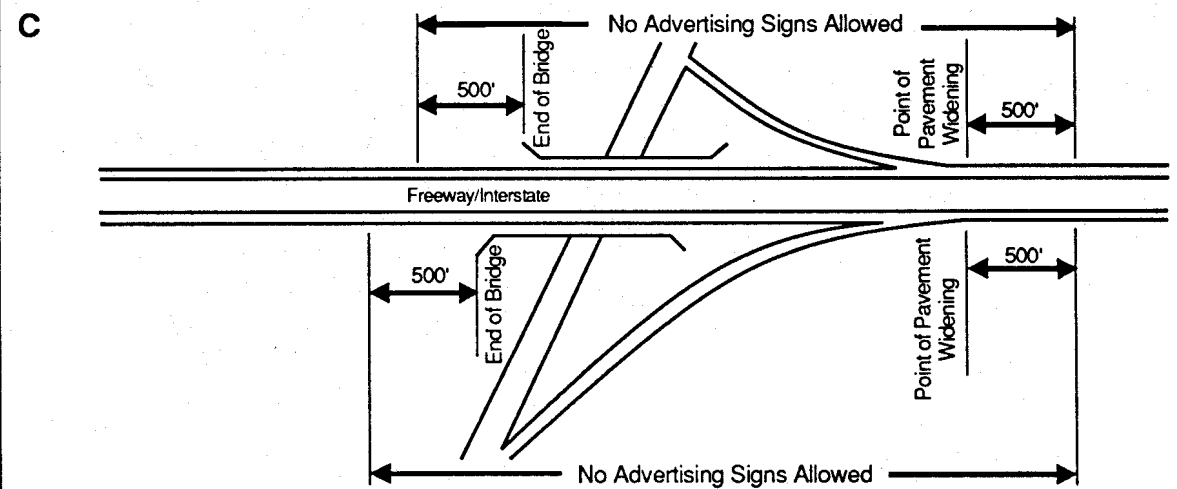
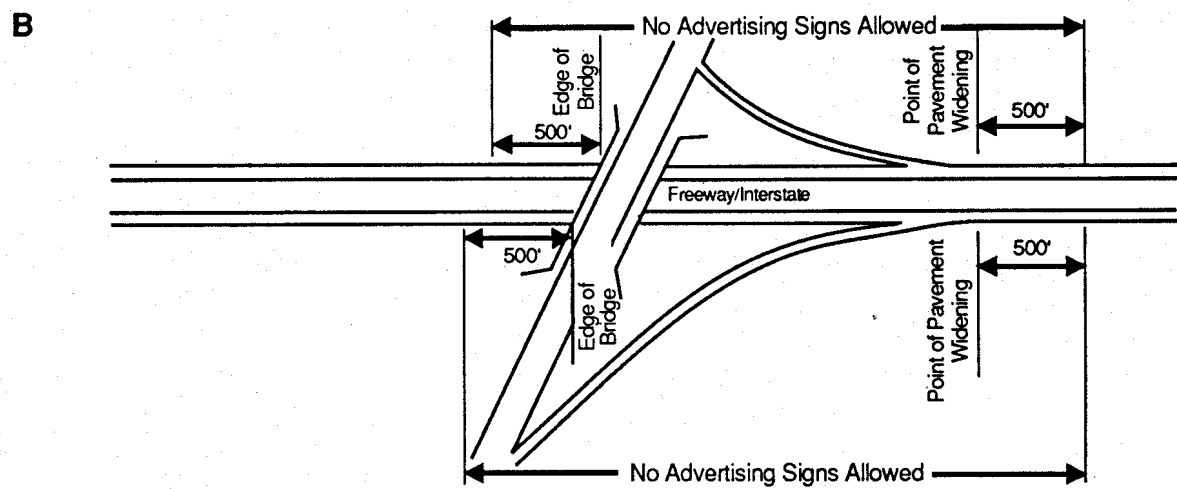
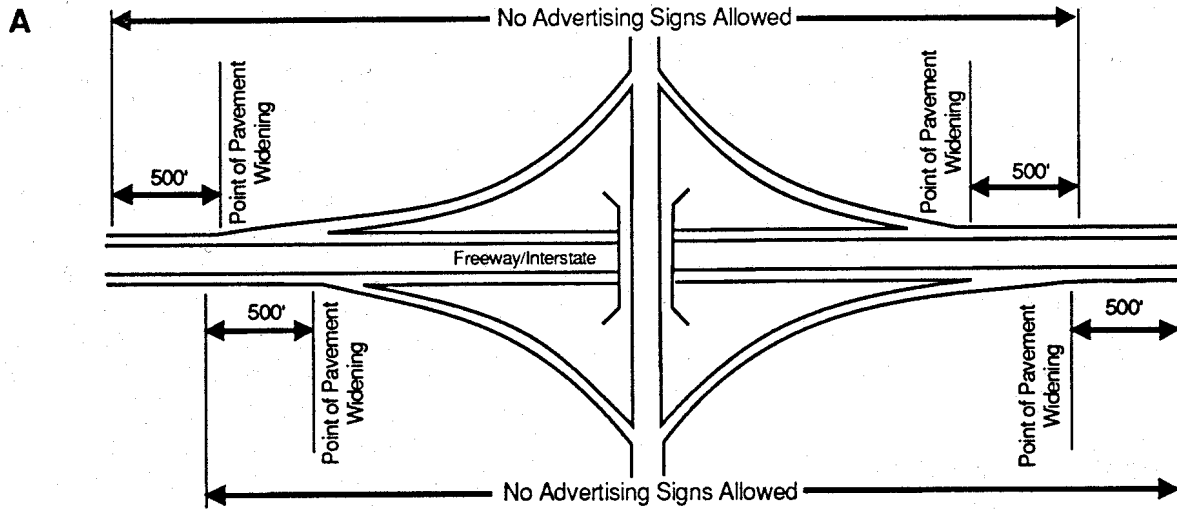
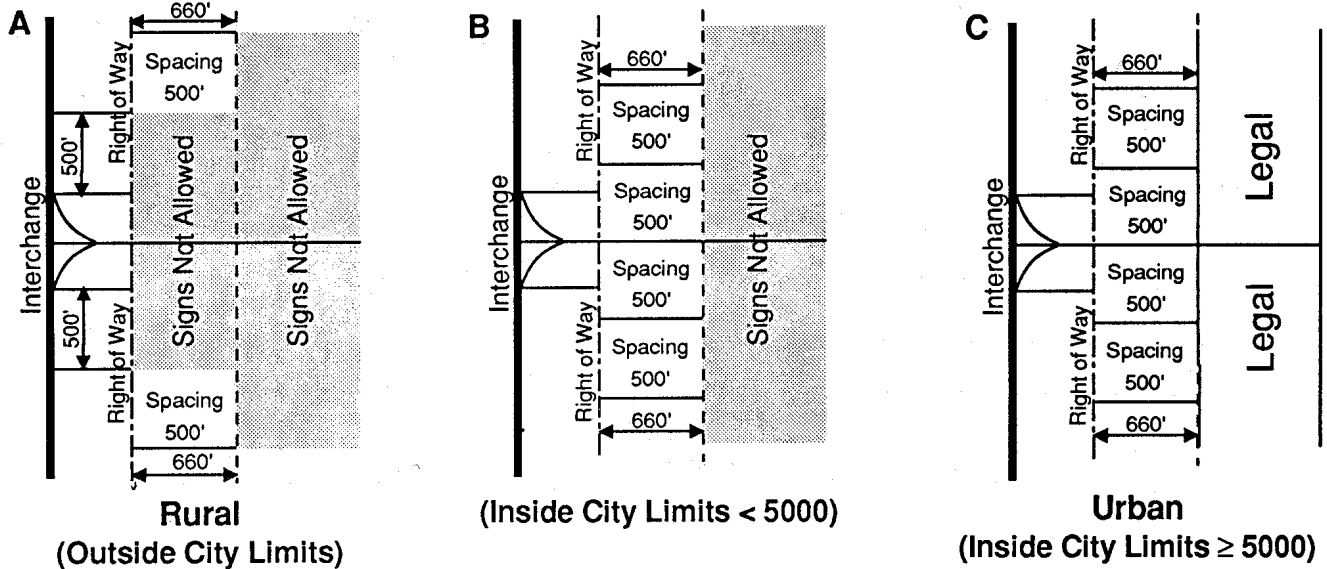
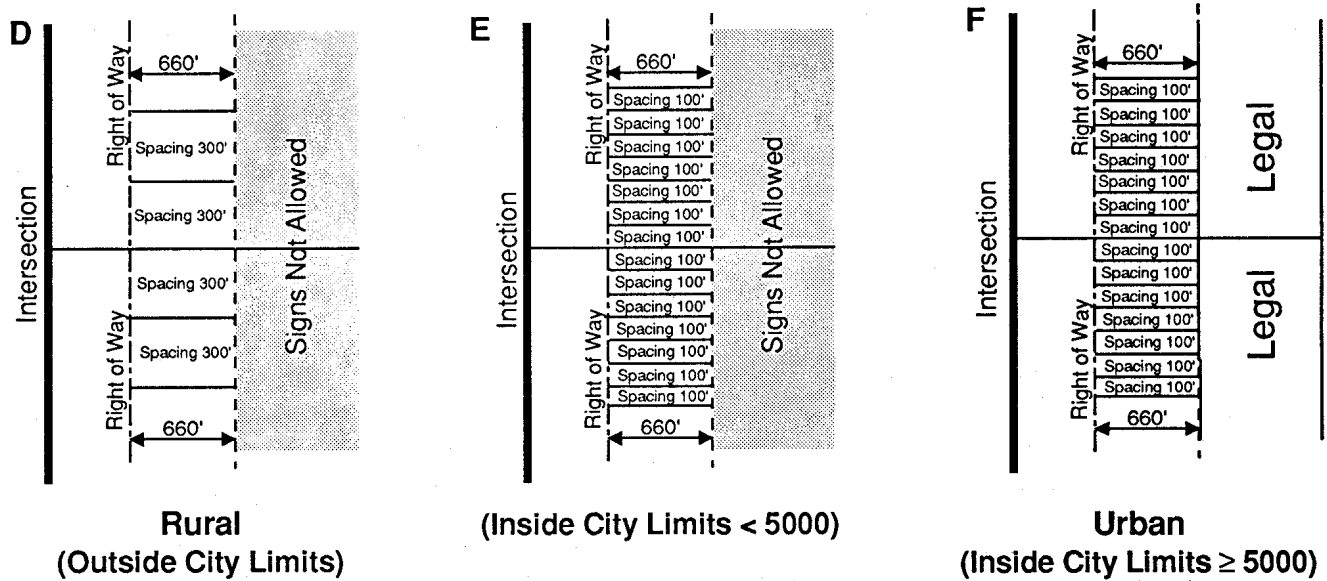


Exhibit 2 Sign Locations Within Zoned or Unzoned Commercial or Industrial Areas

Interstate or Federal-aid Primary Highways with Fully Controlled Access or Freeways



Non-Freeway or Federal-aid Primary Highways without Fully Controlled Access

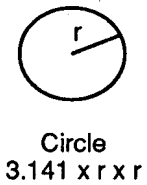
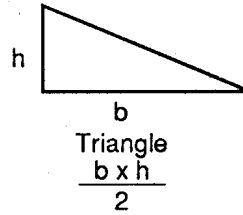
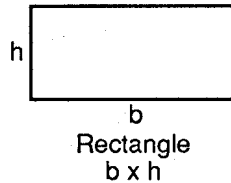
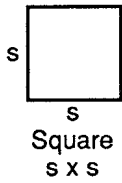


Note: "Legal" means signs are allowed by NCDOT regulations.

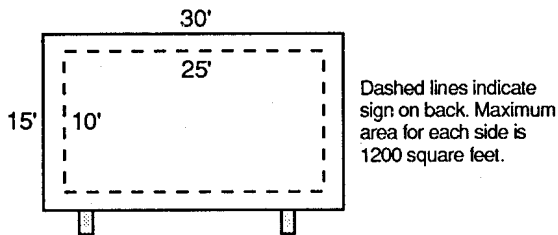
Exhibit 3 Example Size of Signs

The following information should be of assistance in determining the correct information to be entered into the SIGN DESCRIPTION section of the APPLICATION FOR OUTDOOR ADVERTISING PERMIT.

Areas



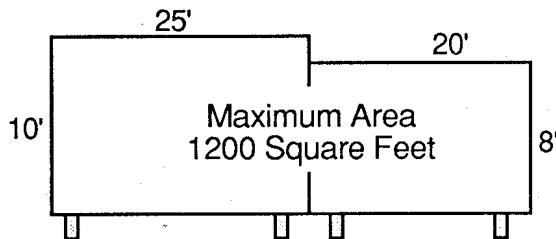
Back-to-Back



Round to the nearest square foot.

Length Height Area

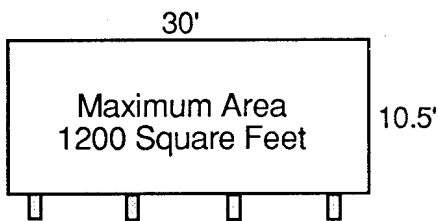
Side by Side



Round to the nearest square foot.

Length Height Area

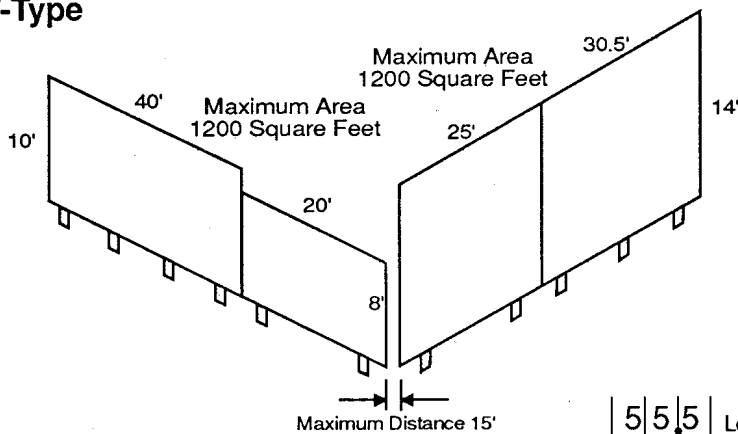
Single Face



Round to the nearest square foot.

Length Height Area

V-Type



Round to the nearest square foot.

Length Height Area

Exhibit 4

NCDOT - Division of Highways, District Offices

County	Mailing Address	Telephone
Alamance	PO Box 776, Graham, NC 27253	336-570-6833
Alexander	124 Prison Camp Rd., Statesville, NC 28625	704-876-3947
Alleghany	PO Box 558, Elkin, NC 28621	336-835-4241
Anson	130 S. Sutherland, Monroe, NC 28112	704-289-1397
Ashe	PO Box 250, North Wilkesboro, NC 28659	336-667-9117
Avery	PO Box 1460, Boone, NC 28607	828-265-5380
Beaufort	1701 W. 5 th St., Washington, NC 27889	252-946-3689
Bertie	PO Box 748, Ahoskie, NC 27910	252-332-4021
Bladen	PO Box 27, Whiteville, NC 28472	910-642-3760
Brunswick	300 Division Dr., Wilmington, NC 28401	910-251-2655
Buncombe	PO Box 3279, Asheville, NC 28802	828-298-2741
Burke	3931 NC 226S, Marion, NC 28752	828-652-3344
Cabarrus	615 Concord Rd., Albemarle, NC 28001	704-982-0104
Caldwell	PO Box 1460, Boone, NC 28607	828-265-5380
Camden	PO Box 1405, Elizabeth City, NC 27909	252-331-4737
Carteret	209 S. Glenburnie Rd., New Bern, NC 28560	252-514-4716
Caswell	PO Box 2513, Reidsville, NC 27323-2513	336-634-5644
Catawba	124 Prison Camp Rd., Statesville, NC 28625	704-876-3947
Chatham	PO Box 1164, Asheboro, NC 27204	336-629-1423
Cherokee	PO Box 1551, Andrews, NC 28901	828-321-4105
Chowan	PO Box 928, Plymouth, NC 27962	252-793-4568
Clay	PO Box 1551, Andrews, NC 28901	828-321-4105
Cleveland	PO Box 47, Shelby, NC 28151-0047	704-480-5402
Columbus	PO Box 27, Whiteville, NC 28472	910-642-3760
Craven	209 S. Glenburnie Rd., New Bern, NC 28560	252-514-4716
Cumberland	PO Box 1150, Fayetteville, NC 28302	910-486-1496
Currituck	PO Box 1405, Elizabeth City, NC 27909	252-331-4737
Dare	PO Box 1405, Elizabeth City, NC 27909	252-331-4737
Davidson	4770 South Main St., Salisbury, NC 28147	704-639-7560
Davie	2135 Cloverdale Ave., Winston-Salem, NC 27103	336-631-1360
Duplin	220 North Blvd., Clinton, NC 28328	910-592-6174
Durham	815 Stadium Dr., Durham, NC 27704-2713	919-560-6854
Edgecombe	PO Box 98, Halifax, NC 27839	252-583-5861
Forsyth	2135 Cloverdale Ave., Winston-Salem, NC 27103	336-631-1360
Franklin	PO Box 205, Henderson, NC 27536	252-492-0111
Gaston	PO Box 47, Shelby, NC 28151-0047	704-480-5402
Gates	PO Box 1405, Elizabeth City, NC 27909	252-331-4737
Graham	PO Box 1551, Andrews, NC 28901	828-321-4105
Granville	815 Stadium Dr., Durham, NC 27704-2713	919-560-6854
Greene	1629 Hwy. 258 South, Kinston, NC 28504	252-527-0053
Guilford	PO Box 14996, Greensboro, NC 27415-4996	336-334-3161
Halifax	PO Box 98, Halifax, NC 27839	252-583-5861
Harnett	PO Box 1150, Fayetteville, NC 28302	910-486-1496
Haywood	PO Box 250, Bryson City, NC 28713	828-488-2131
Henderson	4142 Haywood Rd., Horse Shoe, NC 28742	828-891-7911
Hertford	PO Box 748, Ahoskie, NC 27910	252-332-4021
Hoke	PO Box 1067, Aberdeen, NC 28315	910-944-7621
Hyde	PO Box 928, Plymouth, NC 27962	252-793-4568
Iredell	124 Prison Camp Rd., Statesville, NC 28625	704-876-3947

**OUTDOOR ADVERTISING CONTROL
EXHIBITS**

Jackson	PO Box 250, Bryson City, NC 28713	828-488-2131
Johnston	2671 US 70 West, Goldsboro, NC 27530	919-731-7938
Jones	1629 Hwy. 258 South, Kinston, NC 28504	252-527-0053
Lee	PO Box 1067, Aberdeen, NC 28315	910-944-7621
Lenoir	1629 Hwy. 258 South, Kinston, NC 28504	252-527-0053
Lincoln	PO Box 47, Shelby, NC 28151-0047	704-480-5402
McDowell	3931 NC 226S, Marion, NC 28752	828-652-3344
Macon	PO Box 1551, Andrews, NC 28901	828-321-4105
Madison	PO Box 3279, Asheville, NC 28802	828-298-2741
Martin	PO Box 928, Plymouth, NC 27962	252-793-4568
Mecklenburg	PO Box 190, Newell, NC 28126	704-596-6900
Mitchell	3931 NC 226S, Marion, NC 28752	828-652-3344
Montgomery	219 Clemmer Rd., Rockingham, NC 28379	910-582-7075
Moore	PO Box 1067, Aberdeen, NC 28315	910-944-7621
Nash	3013 US 64-A, Nashville, NC 27856	252-459-2128
New Hanover	300 Division Dr., Wilmington, NC 28401	910-251-2655
Northampton	PO Box 748, Ahoskie, NC 27910	252-332-4021
Onslow	410 New Bridge St., Ste 7-A, Jacksonville, NC 28540	910-346-2040
Orange	PO Box 776, Graham, NC 27253	336-570-6833
Pamlico	209 S. Glenburnie Rd., New Bern, NC 28560	252-514-4716
Pasquotank	PO Box 1405, Elizabeth City, NC 27909	252-331-4737
Pender	410 New Bridge St., Ste 7-A, Jacksonville, NC 28540	910-346-2040
Perquimans	PO Box 1405, Elizabeth City, NC 27909	252-331-4737
Person	815 Stadium Dr., Durham, NC 27704-2713	919-560-6854
Pitt	1701 W. 5 th St., Washington, NC 27889	252-946-3689
Polk	4142 Haywood Rd., Horse Shoe, NC 28742	828-891-7911
Randolph	PO Box 1164, Asheboro, NC 27204	336-629-1423
Richmond	219 Clemmer Rd., Rockingham, NC 28379	910-582-7075
Robeson	PO Box 2157, Lumberton, NC 28359	910-618-5546
Rockingham	PO Box 2513, Reidsville, NC 27323-2513	336-634-5644
Rowan	4770 South Main St., Salisbury, NC 28147	704-639-7560
Rutherford	3931 NC 226S, Marion, NC 28752	828-652-3344
Sampson	220 North Blvd., Clinton, NC 28328	910-592-6174
Scotland	219 Clemmer Rd., Rockingham, NC 28379	910-582-7075
Stanly	615 Concord Rd., Albemarle, NC 28001	704-982-0104
Stokes	2135 Cloverdale Ave., Winston-Salem, NC 27103	336-631-1360
Surry	PO Box 558, Elkin, NC 28621	336-835-4241
Swain	PO Box 250, Bryson City, NC 28713	828-488-2131
Transylvania	4142 Haywood Rd., Horse Shoe, NC 28742	828-891-7911
Tyrrell	PO Box 928, Plymouth, NC 27962	252-793-4568
Union	130 S. Sutherland, Monroe, NC 28112	704-289-1397
Vance	PO Box 205, Henderson, NC 27536	252-492-0111
Wake	4009 District Dr., Raleigh, NC 27607	919-733-3213
Warren	PO Box 205, Henderson, NC 27536	252-492-0111
Washington	PO Box 928, Plymouth, NC 27962	252-793-4568
Watauga	PO Box 1460, Boone, NC 28607	828-265-5380
Wayne	2671 US 70 West, Goldsboro, NC 27530	919-731-7938
Wilkes	PO Box 250, North Wilkesboro, NC 28659	336-667-9117
Wilson	3013 US 64-A, Nashville, NC 27856	252-459-2128
Yadkin	PO Box 558, Elkin, NC 28621	336-835-4241
Yancey	PO Box 3279, Asheville, NC 28802	828-298-2741

Exhibit 5

**North Carolina Department of Transportation
Application for Outdoor Advertising Permit**

Application is hereby made in triplicate for a permit to CONSTRUCT and MAINTAIN an outdoor advertising sign as located and described below, in accordance with provisions of the OUTDOOR ADVERTISING CONTROL ACT OF 1967, Article 11, Chapter 136 of the General Statutes of North Carolina.

Name of Firm/Owner _____

Address _____

City/Town/State/Zip _____

Department of Transportation Use Only	
Owner's No. (4-7)	Application No. (8-16)
Mile Post (17-23) R/L	Permit No. (24-35)

Location of sign is on the N; S; E; W; side of Route No. _____ in _____ County situated _____ (nearest tenth) mile (s) N; S; E; W; of _____ Secondary Road, Street, Route, County Line, City Limits or other nearest location) on property owned by

_____ (36-55)

Sign Description: LENGTH (Max. 60.0 ft) HEIGHT (Max 30.0 ft.) AREA (Max 1200 Sq. Ft.)

Feet (62-64)
 Feet (65-67)
 Feet (68-71)

Is Sign Lighted? (Check One) Yes (72) No (72)

Sign Displayed: (Check One)
 1. Back-to-Back (73) 3. Single Face (73) 5. Combination of 1 & 2 (73)
 2. Side-by-Side (73) 4. V-Type (73) 6. Combination of 2 & 4 (73)

No. Display(s): _____ (74) **Proposed Sign Height** _____ Ft. (Max. 50 feet measured vertically from adjacent edge of pavement)

When application is made for an outdoor advertising permit, the application shall be submitted with the following attachments:

- (1) A written lease or written proof of interest in the land where a sign is proposed to be constructed.
- (2) A right of entry form to provide the right of entry from the property owner and/or adjacent property owners to allow DOT personnel to enter upon the property when necessary for the enforcement of the Outdoor Advertising Control Act or these rules.
- (3) If zoned, a written statement from the local zoning authority indicating the present zoning of the parcel and its effective date. Upon request of the district engineer, the applicant shall submit copies of minutes from the appropriate zoning authority pertinent to the zoning action.
- (4) If the area is an unzoned commercial or industrial area, a copy of the documentation conforming that the requirements under NCAC 02E.0203(5)(a) have been met.
- (5) A sign permit or zoning permit if required by the location government having jurisdiction over the proposed location.
- (6) A written certification from the sign owner indicating there have been no misrepresentation of any material facts regarding the permit application or other information supplied to acquire a permit. (Signature on this form will meet this certification requirement.)
- (7) The initial nonrefundable \$120 permit fee.

**Any false statements or omission of attachments above may cause rejection of application.
I hereby certify that there have been no misrepresentations of any facts regarding this application and items 1-7.**

Signature (Permit Holder/Sign Owner) _____ **Date** _____

Department of Transportation Use Only	
<p>Approved: The sign is _____ conforming (75) with North Carolina Outdoor Advertising Control Act and rules and regulations promulgated by the Department of Transportation.</p> <p>TYPE OF ZONE: Commercial _____ Industrial _____ Other _____ Zoned by _____ Local Government Name _____</p> <p>If UNZONED Commercial/Industrial, Qualifying Activity _____ meets criteria _____</p>	
DISTRICT ENGINEER _____	Date _____

Distribution: 1. Applicant, 2. Fiscal, 3. District Office, 4. State Road Maintenance Engineer (Over)

This application, Form OA-1 (Rev. 8/1/00), shall be used to apply for a permit to construct and maintain a new sign structure. Applications may be obtained from any NCDOT Division or District Engineer's Office.

The application shall be mailed to the Department of Transportation, Division of Highways' District Engineer for the county in which the sign is proposed to be located. The sign owner must place temporary stakes at the exact proposed sign location prior to submitting the application. The sign owner is responsible for determining the location of state rights of way.

In the spaces showing vertical columns beginning with the property owner, the required information should be shown beginning in the first column on the left. The size of the sign must be shown in units of feet to the nearest one-half foot in decimal form (example 30.5' X 12.5' = 381.25 sq. ft.) Show the area of the sign to the nearest whole square foot (example 381 sq. ft.). The size of the advertising shall include any border and trim but exclude the base or apron, embellishments, supports, and other structural members. The area shall be calculated by measuring the outside dimensions of face, excluding any apron, embellishments, or extended advertising space. The maximum size limitations shall apply to each side of a sign structure and the signs may be placed back-to-back, side-by-side (structurally tied together), or in V-type construction with no more than two displays to each facing. Check the corresponding block that indicates if the sign is lighted and how the sign will be displayed.

For sign structure height, show proposed height as measured vertically from the adjacent edge of pavement of the main traveled way (maximum height of 50 feet). Upon construction of the sign, the district engineer will verify the actual height.

PERMIT FEES: A check payable to the North Carolina Department of Transportation in the amount of \$120.00 for each sign structure application must accompany the completed application and attachments as noted on the front of the application. An annual renewal fee of \$60.00 for each sign is due on April 15.

A copy of the approved application for a new sign structure will be returned to the applicant within thirty (30) days of receipt in most cases. In case of rejection, the complete file will be returned to the applicant within ten (10) days in most cases with the reason for rejection.

An off-premise advertising sign must not be erected until a permit is issued. A **Stop Work Order** will be issued for illegally erected advertising.

The identification tag (permit emblem) that will be issued at the time of permit approval must be attached to the sign, visible and readable from the main-traveled way within thirty (30) days after the sign is erected. The sign shall also bear the sign owner's name.

This permit does not grant permission for removal or trimming of shrubs or trees on the highway right of way. Violators will be prosecuted and the sign permit will be revoked. Applications for Selective Vegetation Removal Permits may be obtained from the appropriate division engineer.

It is unlawful to violate the control of access on interstate, freeway or other controlled access facilities. Violators may be prosecuted in these instances and the sign permit will be revoked. On controlled access facilities, sign owners must perform necessary maintenance of outdoor advertising structures from private property.

REVOCATION OF PERMIT: The permit is subject to all applicable rules and regulations and is subject to revocation for violations thereof.

The Sign Owner/Permit Holder is responsible for constructing and maintaining outdoor advertising in accordance with the Outdoor Advertising Control Act and rules outlined in Title 19A NCAC 02E.0200.

Failure to construct the outdoor advertising structure except all sign faces within 180 days from the date of issuance of the outdoor advertising permit will result in revocation of the permit.

UNLAWFUL ADVERTISING: Should any outdoor advertising be erected or maintained in violation of "The Outdoor Advertising Control Act," the Department of Transportation or its agents shall give thirty (30) days' notice, with the exception of the owner of unlawful portable outdoor advertising for which the Department of Transportation shall give five (5) days' notice to remove the outdoor advertising or make it conform to the provisions of this article. The Department of Transportation or its agents shall have the right to remove the illegal outdoor advertising thirty (30) days after notification or five (5) days for owners of portable outdoor advertising at the expense of the owner if owner fails to act.