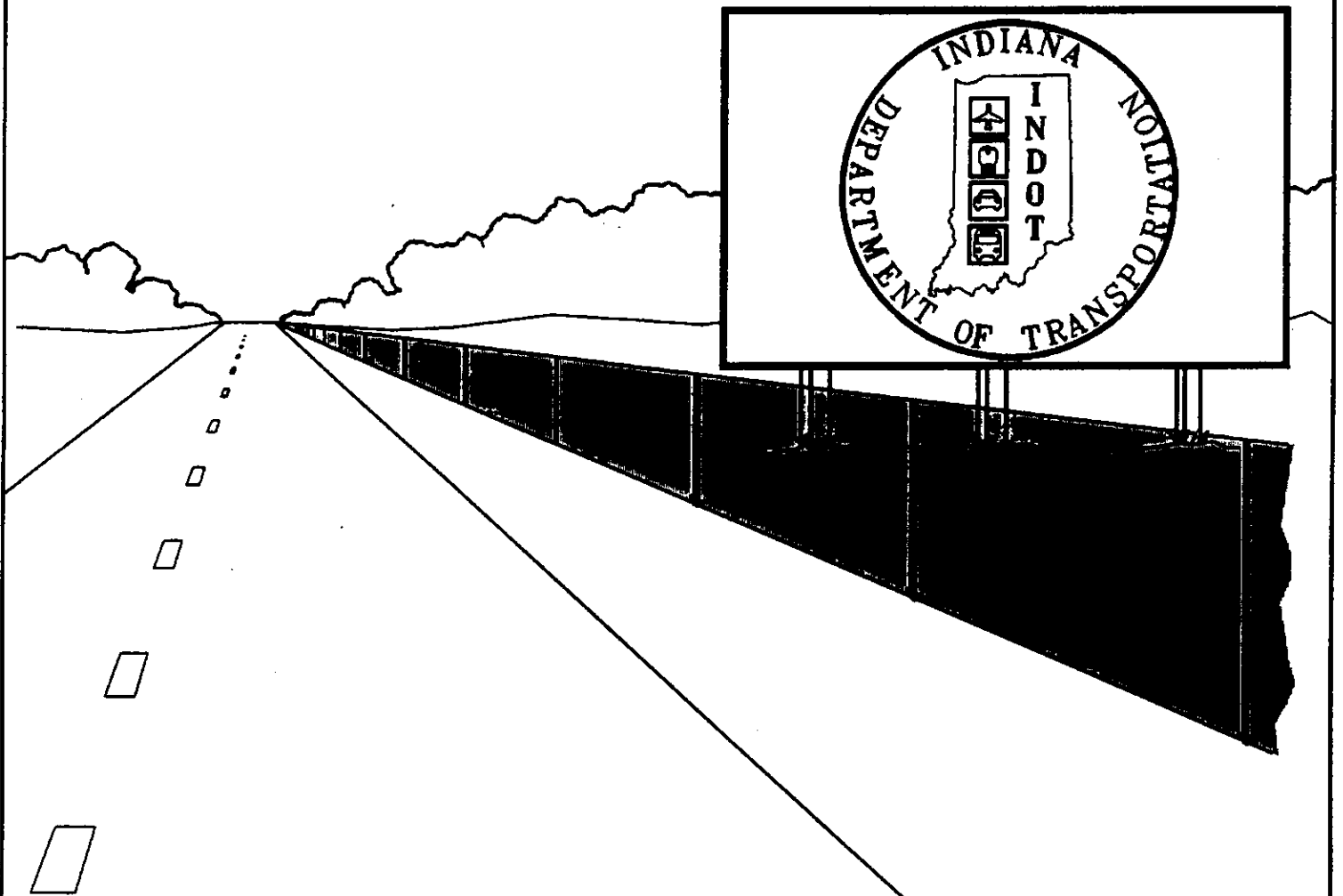


OUTDOOR ADVERTISING CONTROL MANUAL



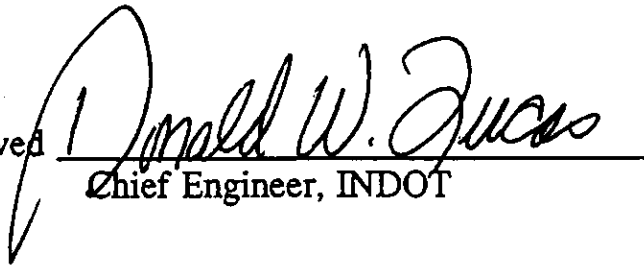
STATE OF INDIANA

INDIANA DEPARTMENT OF TRANSPORTATION

OUTDOOR ADVERTISING CONTROL MANUAL

November 2, 1994

Approved

A handwritten signature in black ink, reading "Donald W. Quaco". The signature is written over a horizontal line that extends across the width of the signature.

Chief Engineer, INDOT

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PURPOSE

This Manual has been prepared in order to establish a clear understanding of the procedures involved in erecting and maintaining outdoor advertising signs adjacent to the Interstate and Federal-aid primary systems within the State of Indiana in conformance with State and Federal regulations.

DEFINITIONS

Abandonment - The cessation of use of an outdoor advertising sign upon a site with no intention to reclaim or use the sign again for advertising purposes.

Adjacent Area - An area that is adjacent to and within 660 feet (200 m) of the nearest edge of the right-of-way of an interstate or primary highway.

Advertise or to advertise or advertisement - To describe or appraise publicly, to call public attention to or to inform or give information by words, symbols or pictures.

Blank Sign - A sign void of advertising matter.

Centerline of the highway - A line equidistant from the edges of the median separating the main-traveled ways of a divided State Highway, or the centerline of the main-traveled way of a non-divided State highway.

Change in any aspect of or in the character of any off-premise advertising device - A change in appearance to the eye or mind of a feature or peculiarity placed upon or attached to an advertising device including, but not limited to, lighting, an increase in overall height, the addition of faces, or change from wood posts and frame to metal posts and frame.

Erect - To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign structure.

Federal-Aid Primary Highway - Federal aid primary system in existence on June 1, 1991 and any highway which is not on such system but which is on the National Highway System as defined in section 23 U.S.C. 103(b) and 104(c) of ISTEA.

Good Condition - The description given to a sign that is not decayed, insecure, lacking any part or portion thereof, or is otherwise safe and the painted message is not unsightly.

Illegal Sign - A sign which was erected or maintained in violation of the State law, these Rules and Regulations, or local law or ordinance.

Interstate System - The part of the national system of interstate and defense highways located within Indiana as officially designated by the department and approved by the United States Secretary of Commerce under 23 U.S.C.

Lease, Contract or Authorization - An agreement (oral or in writing) by which possession or use of land or interests therein is given by the owner of the land to another person, partnership, business, organization, association, corporation, etc., for a specified period of time.

Main Traveled Way - The traveled way of the highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated 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.

National Highway System - System of highways designated and defined in 23 U.S.C 103(b)

Non-Conforming Sign - 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.

Obsolete Sign - A sign containing obsolete or out-dated advertising matter or which is in need of substantial repair (75%) for a period of one year.

Obstruction - Substantial structures or terrain that completely blocks or obstructs vision of a sign and is a permanent fixture.

On-Premise Sign - A sign that indicates the name of the business, activities or profession conducted on the property or which identifies goods produced, items sold or services rendered on the property; a sign promoting the sale or lease of the property on which it is located

Parkland - Any publicly owned land which is designated or used as a public park, recreation area, wildlife or water fowl refuge or historic site.

Premises - The central, actual physical location where an activity is routinely conducted. The premises includes the primary structures, parking facilities and private roadway if they are necessary to the principal activity.

Property - An area of land under one ownership that is not severed by land owned by another, nor severed by a public roadway.

Safety Rest Area - 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.

Scenic Area - Any area which has been designated by the State as being of scenic beauty or historical significance.

Sign, Display, or Device - Hereinafter referred to as "sign." Any outdoor sign, display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform, any part of the advertising or informative contents of which is located within an adjacent area and is visible from any place on the main traveled way of any portion of the Interstate, Primary Systems or National Highway System, whether the same be permanent or portable installation.

Sign Structure - The assembled components which make up an outdoor advertising display, including but not limited to: uprights, supports, facings, and trim.

Special Use (SU) Zoning - A temporary variance to the properties intended use. This will not be acknowledged for the use of erecting billboards. The intended status will supersede any variances.

State Law - A constitutional provision, statute, or rule adopted by the State of Indiana.

Unzoned Commercial or Industrial Area - Those areas which are not zoned by State or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 600 feet (180 m) from and beyond the edge of such activity on both sides of the highway. Provided however, the unzoned area shall not include land on the opposite side of an Interstate or dual-laned limited access Primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area or land on the opposite side of other Federal-Aid Primary highways which land is deemed scenic by an appropriate agency of the State.

All measurement shall be taken from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Such an area shall not include any area which is:

1. Within 300 feet (90 m) of any building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use or uses to be made of such lands;
2. Within 500 feet (150 m) of any of the following: public park, garden, recreation area or forest preserve, church, school, and officially designated historical battlefield, any museum or historical monument and any safety rest or recreation area, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code, any sanitary or other facility for the accommodation of the motorist, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code; or
3. Within 750 feet (230 m) of, any strip of land, and interest in which has been acquired by this State for the restoration, preservation, or enhancement of scenic beauty, and which

is publicly controlled and maintained, pursuant to Section 319 of Title 23 of the United States Code.

Urban Area - An urban area is:

1. An urbanized area designated by the Bureau of the Census; or
2. If an urbanized area lies within more than one state, the part of the area that lies within the boundaries of Indiana; or
3. An urban place designated by the Bureau of the Census having a population of at least 5,000 that is not within an urbanized area and is within the boundaries cooperatively established by the department and local officials.

Visible - Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity using the highway system.

Zoned Commercial and Industrial Areas - Those areas that are zoned for business, industry, commerce or trade under a zoning ordinance.

HISTORY

The Highway Beautification Act of 1965, Public Law 89-285, required all states to make provisions for effective control of outdoor advertising within 660 feet (200 m) of the right-of-way or lose ten percent of Federal-aid funding. Highway Amendments of 1974 extended the control of outdoor advertising beyond 660 feet (200 m) of the right-of-way. As a result of the Highway Beautification Act of 1965, Indiana entered into an agreement with the United States Department of Transportation. In 1971 the Indiana General Assembly authorized the Agreement For Outdoor Advertising. The 1971 agreement states:

The General Assembly of the State of Indiana hereby finds and declares:

- (a) That the Congress of the United States has enacted legislation entitled "Highway Beautification Act of 1965 (being section 131, title 23, United States Code "Highways"), which provides for scenic development and road beautification of the federal interstate and primary highway systems; that said act provides that each state shall make provision for the effective control of the erection and maintenance along said systems of outdoor advertising signs, displays and devices; that since said act provides for certain penalties if a state fails to make provision for such control, Indiana is compelled to make such provision, in order to comply with the terms and provisions of said act and with the congressional intent as therein expressed, all to the end that this state and its citizens will not be subject to said penalties;

- (b) That it is contemplated that each state and the secretary shall reach an agreement in order to establish certain standards consistent with customary use concerning size, lighting and spacing of such signs, displays and devices located in areas adjacent to said systems, whether such areas are unzoned or zoned, and the definitions of commercial or industrial areas;
- (c) That outdoor advertising is a legitimate, commercial use of private property adjacent to roads and highways and constitutes an integral part of the business and marketing function; further, that such advertising is an established segment of the national economy and should be allowed to operate where other business and commercial activities are conducted; that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to interstate highways and primary highways should be regulated in order to protect the public investment in such highways, to promote the recreational value of public travel to preserve natural beauty and to promote the reasonable, orderly and effective display of such signs, displays and devices.

In 1993 the General Assembly passed P.L. 112-1993, Sec. 3, which required the Indiana Department of Transportation to establish a permit system for the effective control of outdoor advertising. The law was effective April 27, 1993.

GENERAL DISCUSSION

The Highway Beautification Act of 1965 applies only to outdoor advertising along interstate or federal-aid primary highways, as the system existed on June 1, 1991, and along the National Highway System. The act excludes from control and regulation the following outdoor advertising:

1. Outdoor advertising which advertises activities conducted on the property upon which it is located.
2. Outdoor advertising which advertises the sale or lease of property upon which it is located.

Within 660 feet (200 m) of the right-of-way, the act regulates the erection and maintenance of outdoor advertising signs or structures in zoned or unzoned commercial or industrial areas. It prohibits the erection of all outdoor advertising, except official signs, public utility signs, service club and religious notices, public service warning signs and directional signs, in all other areas within 660 feet (200 m) of the right-of-way on controlled highways.

This act prohibits the erection and maintenance of outdoor advertising beyond 660 feet (200 m) of the right-of-way of controlled highways outside of urban areas, which is visible and intended to

be read from the main-traveled way.

It is the responsibility of the sign owner to insure that all outdoor advertising devices are erected and maintained as prescribed. Any person, firm, corporation or association placing or erecting outdoor advertising along the controlled highway system in violation of the act or rules and regulations promulgated pursuant thereto shall be guilty of a Class C infraction.

Outdoor advertising signs erected within 660 feet (200 m) of the controlled highway system right-of-way on or after January 1, 1968, or erected after the date the route became a part of the controlled highway system, and not in compliance with the rules and regulations are illegal. Outdoor advertising beyond 660 feet (200 m) of the right-of-way of controlled highways outside of urban areas, which is visible and intended to be read from the main-traveled way is illegal if erected after June 30, 1976 or erected after the date the route became a controlled highway.

PROHIBITED SIGNS

The following signs shall not be permitted:

1. Signs which are illegal under state laws or rules.
2. Signs not securely affixed to a substantial structure.
3. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic, or which interfere with, imitate, or resemble any official traffic sign, signal or device.
4. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
5. Signs which are not consistent with the standards in this manual, the Agreement for Outdoor Advertising, or any other law or promulgated rule prohibiting such a sign.
6. Signs which are located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
7. Signs which move or have any animated or moving parts;
8. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, or signs which use various types of evolving technology such as lights, glow cubes, rotating slats, moving reflective discs, etc., except those giving public

service information such as time, date, temperature, weather or similar information.

SIZE OF SIGNS

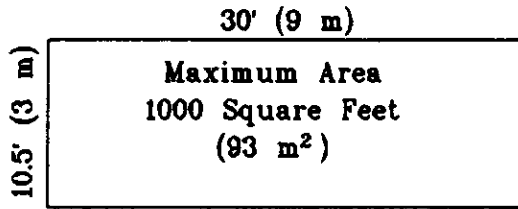
1. The maximum area of the face for any one sign shall be 1,000 square feet (93 m²) with a maximum height of 25 feet (7.5 m) and a maximum length of 60 feet (18 m), exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 20 percent of the sign area.
2. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign face.
3. Side-by-side signs shall be structurally tied together to be considered as one sign structure.
4. Double-faced structures (back to back and V-type) will be permitted with the maximum area being allowed for each facing. Each V-Type face must be visible in only one direction of travel on the same highway.
5. A sign structure may display one or two advertisement displays per facing, not to exceed the maximum area of 1,000 square feet (93 m²).

EXAMPLE SIZE OF SIGNS

See Figures 1 and 2 for examples to provide assistance in determining correct sign size.

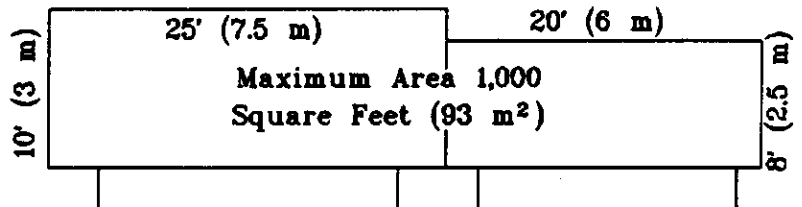
EXAMPLE SIZE OF SIGNS

Single Face



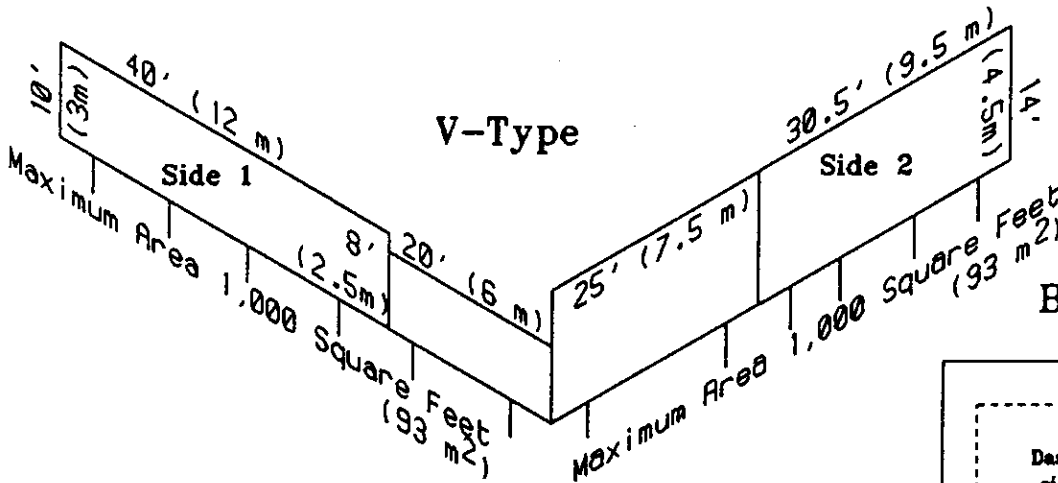
Length x Width = Area
 30ft. x 10.5ft = 315 sq.ft.
 (9m x 3m = 27m²)

Side-by-Side



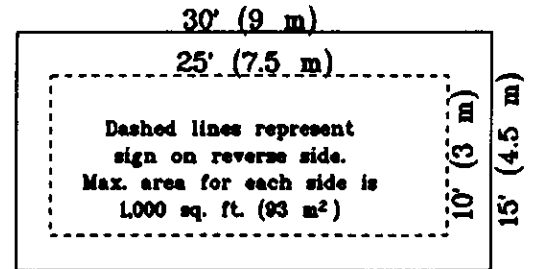
Length x Width = Area
 45ft x 10ft = 450sq.ft.
 (3m x 13.5m = 40.5m²)

V-Type



Length x Width = Area
 Side 1 = 60ft x 10ft = 600sq.ft.
 (18m x 3m = 54m²)
 Side 2 = 55.5ft x 14ft = 777sq.ft.
 (17m x 4.5m = 76.5m²)

Back-to-Back



Length x Width = Area
 30ft x 15ft = 450sq.ft.
 (9m x 4.5m = 40.5m²)

Figure 1.

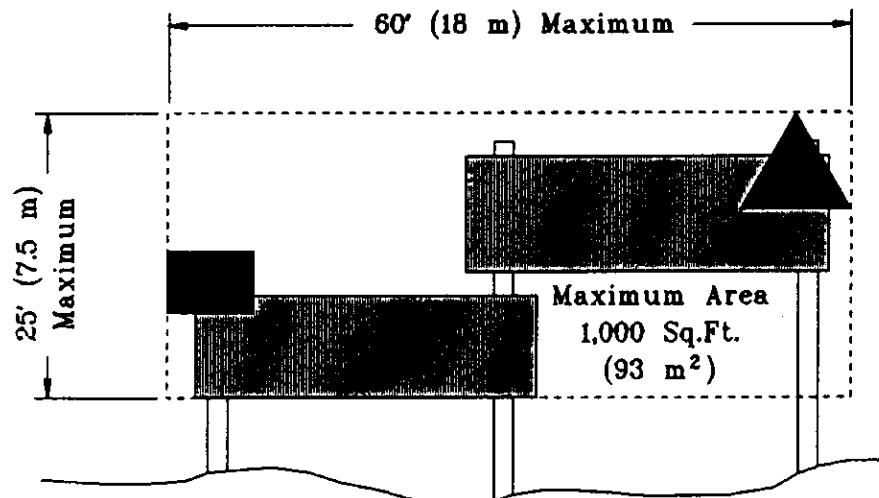
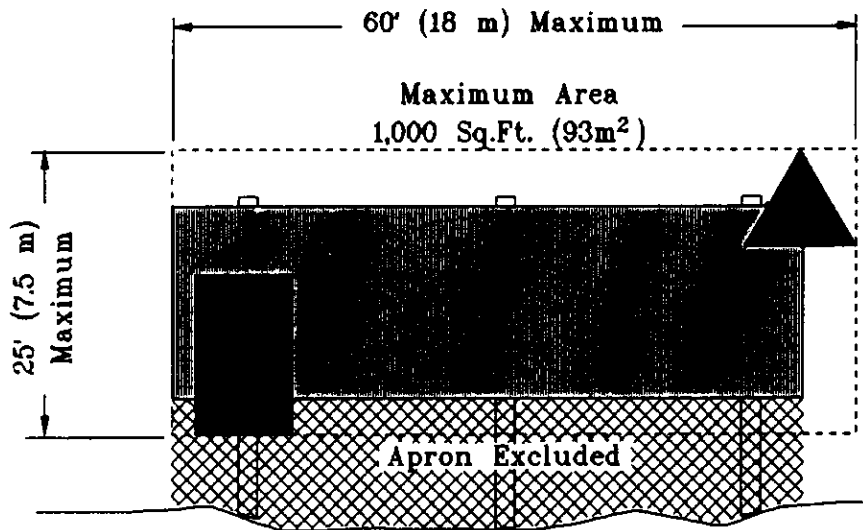
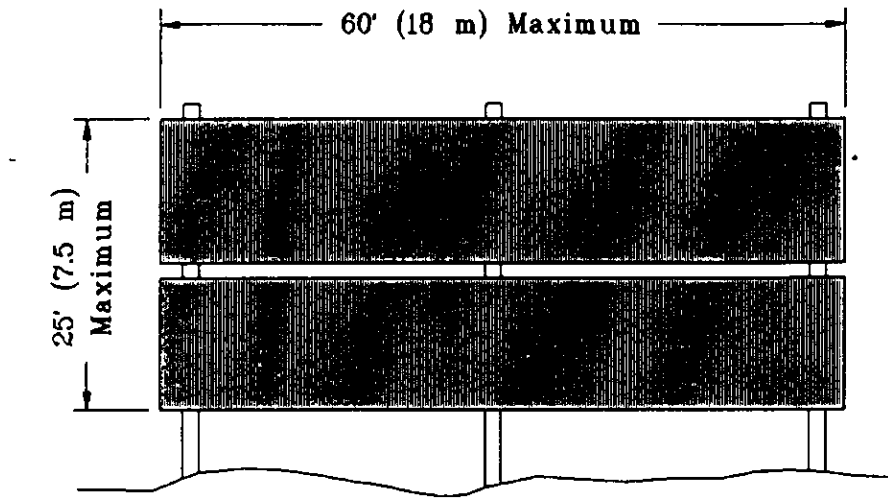


Figure 2.

ZONING

Outdoor advertising must be located in areas zoned for commercial or industrial use or in unzoned areas actually used for commercial or industrial purposes.

The following types of advertising signs are not restricted by the zoning criteria:

1. Directional and other official signs and notices including, but not limited to, natural wonders, scenic and historic attractions, which are authorized or required by law.
2. Signs, displays, and devices advertising the sale or lease of property on which they are located.
3. Signs, displays, and devices advertising activities conducted on the property on which they are located. (See description of an on-premise sign).

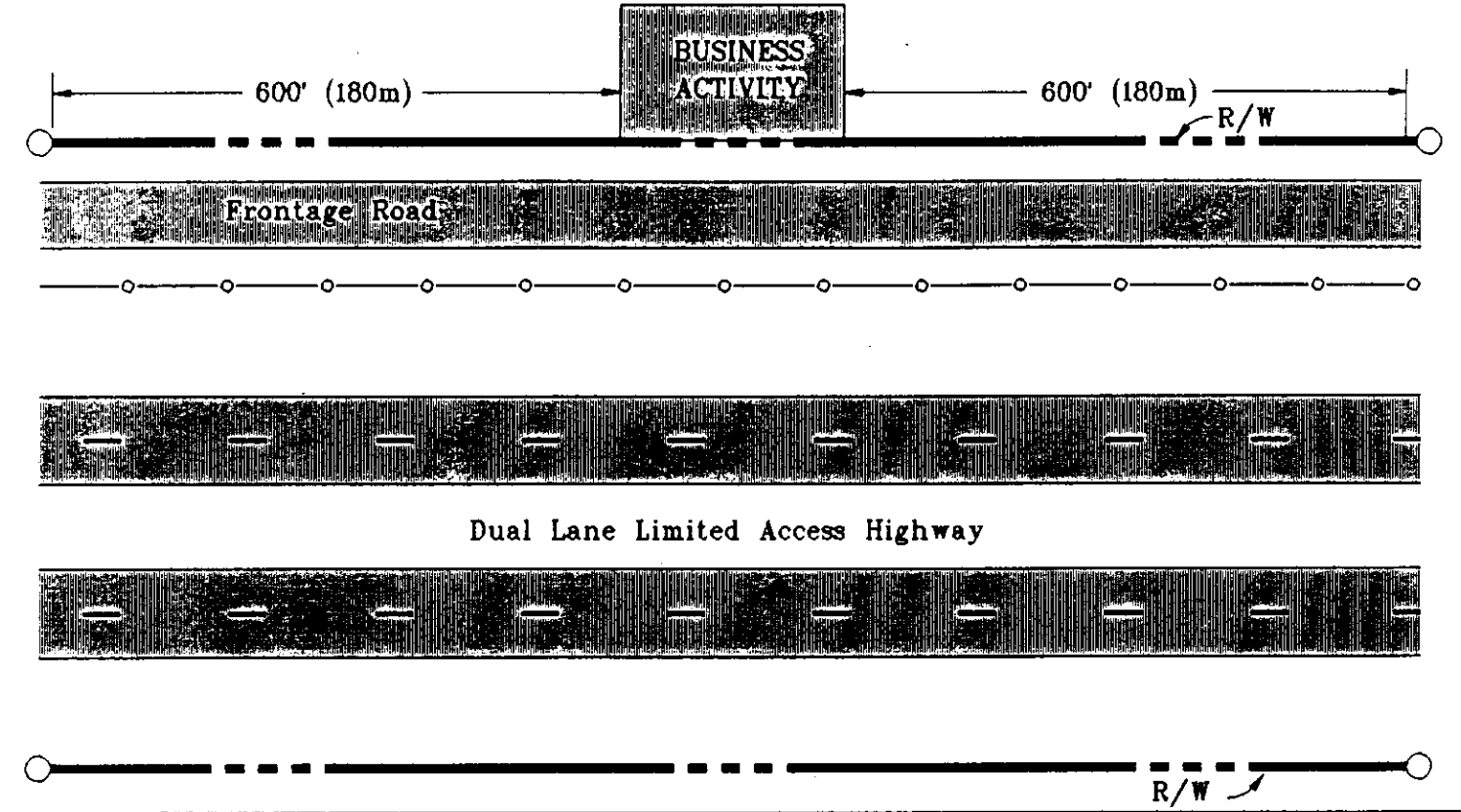
The following activities shall not be considered commercial or industrial for purposes of establishing unzoned commercial or industrial areas:

1. Outdoor advertising structures.
2. Agricultural, forestry, ranching, grazing, farming, and related activities, including but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main traveled way.
5. Activities more than 660 feet (200 m) from the nearest edge of the right-of-way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.
8. Highways, roads, and streets.

UNZONED COMMERCIAL AND INDUSTRIAL AREAS

(TO BE USED IN UNZONED COUNTIES ONLY)

Unzoned Commercial/Industrial on Same Side as Business Activity Only



Unzoned Commercial/Industrial on Both Sides of Roadway

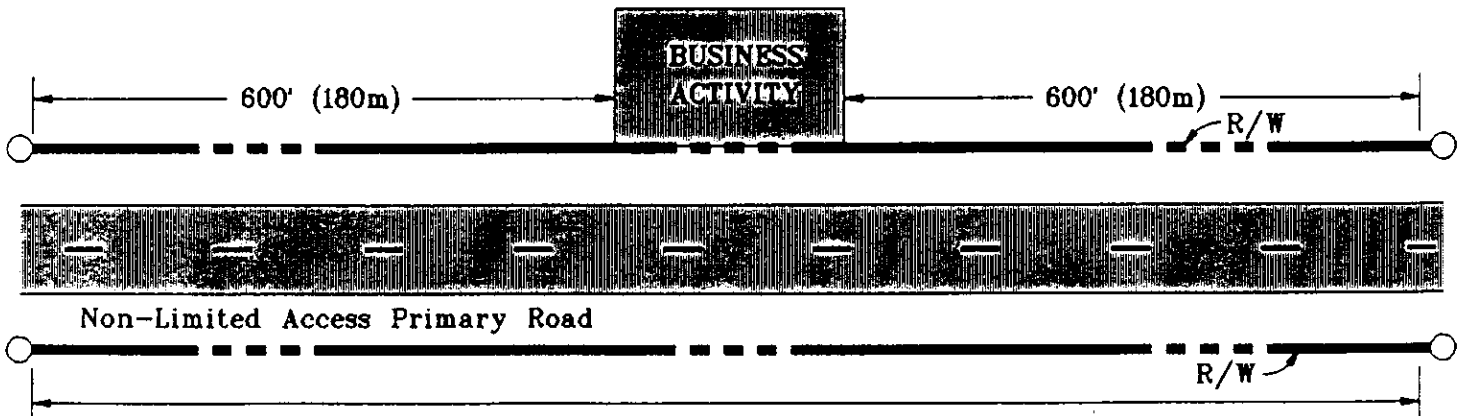
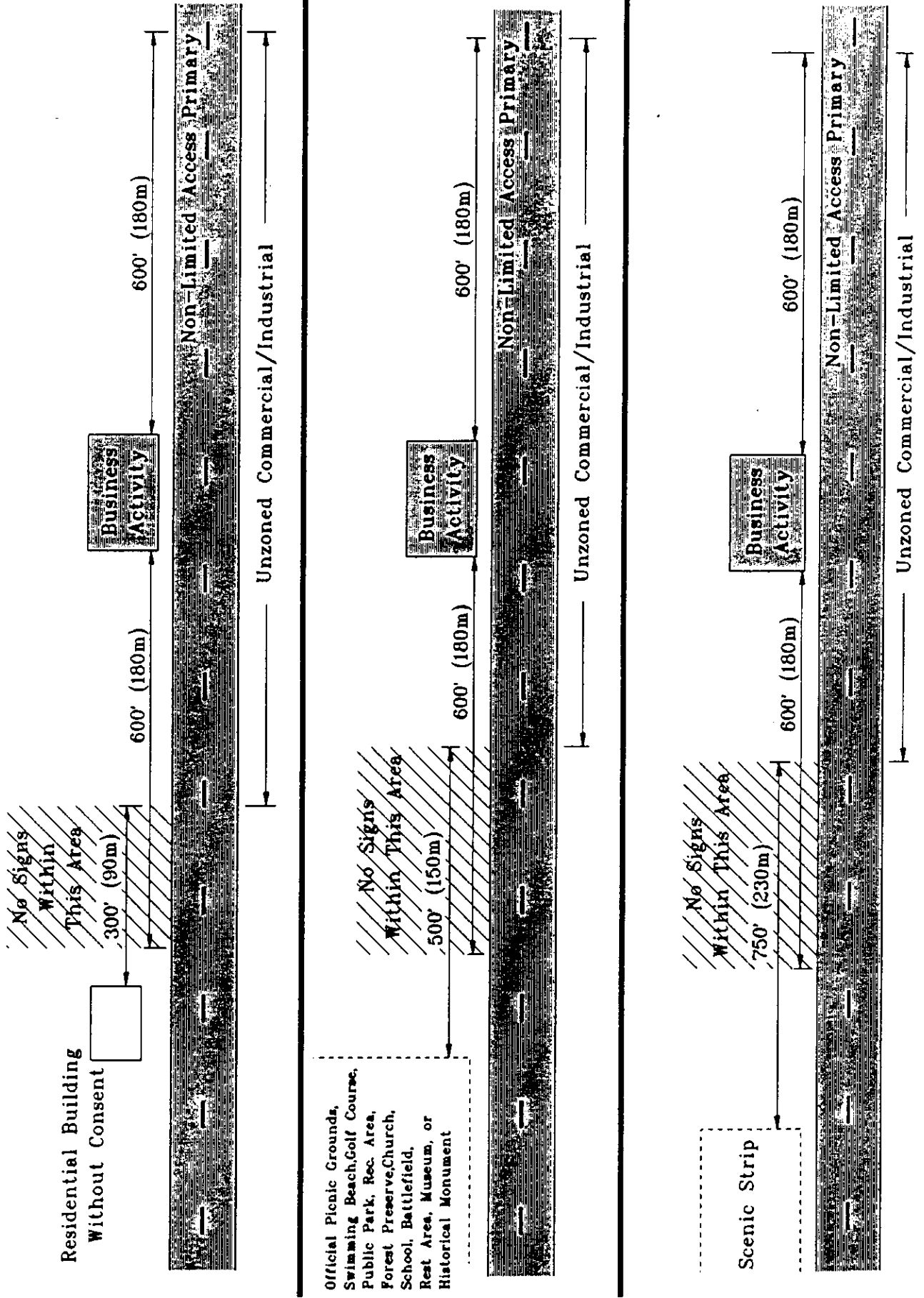


Figure 3.

RESTRICTIONS ON UNZONED COMMERCIAL/INDUSTRIAL AREAS

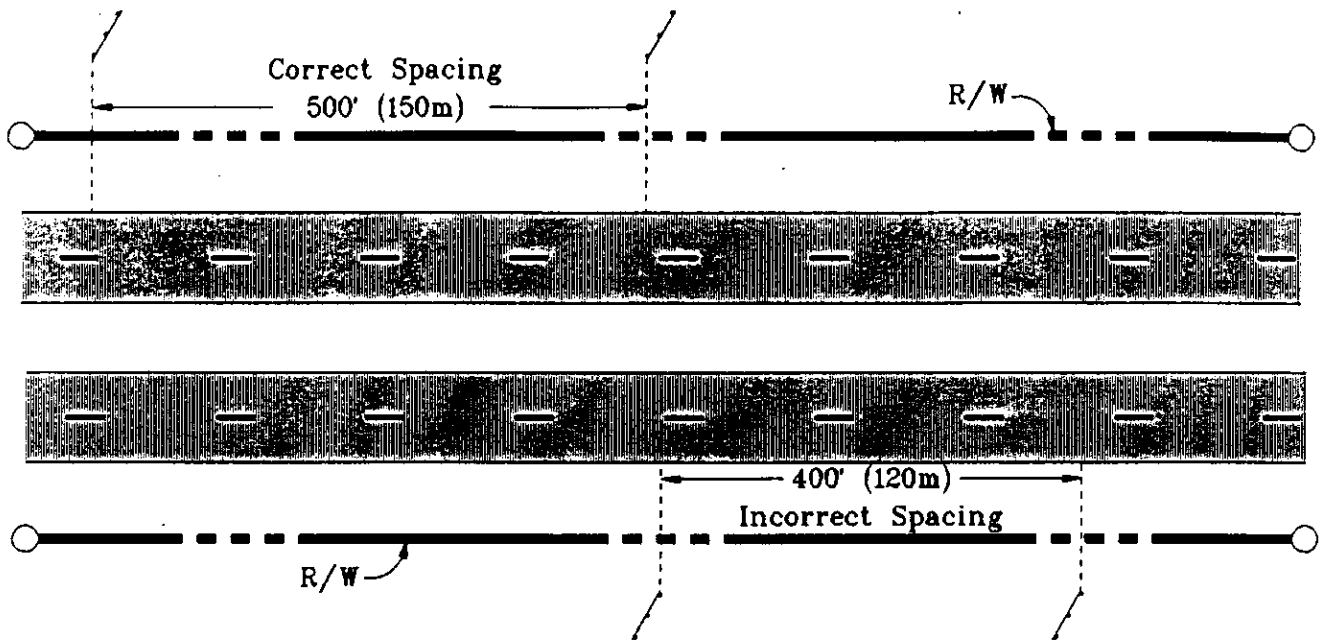
Figure 4.



SPACING OF SIGNS

1. Rural-Area Zoned or Unzoned Commercial or Industrial
 - a. On Interstate, Federal-aid Primary, or National Highway System routes with Fully Controlled Access or Freeways
 - (1) Outside of urban areas, no structure which is visible and intended to be read from the main traveled way may be located beyond 660 feet (200 m) from the nearest edge of the right-of-way.
 - (2) No two structures shall be spaced less than 500 feet (150 m) apart on the same side of the highway. Said 500 feet (150 m) to be measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement. (See Figure 5.)
 - (3) Outside of urban areas and within 660 feet (200 m) from the nearest edge of the right-of-way, no structure may be located within 500 feet (150 m) of an interchange, collector, distributor, intersection at grade, safety rest area or information center. The 500 feet (150 m) shall be measured from the point at which the pavement widens and the direction of measurement shall be along the edge of pavement away from the interchange, collector, distributor, intersection at grade, safety rest area or information center, as shown in Figure 5. In those interchanges where a quadrant does not have a ramp, the 500 feet (150 m) for the quadrant without a ramp shall be measured along the interstate or highway from the edge of the overpass roadway. Should there be a situation where there is more than one point at which the pavement widens along each road within a quadrant, the measurement shall be made from the pavement widening which is furthest from the intersecting roadways. Inside of incorporated towns and cities with a population of less than 5,000 and within 660 feet (200 m) of the nearest right-of-way, no two structures shall be spaced less than 500 feet (150 m) apart. Said 500 feet (150 m) to be measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement. (See Figure 5.)
 - b. Non-Freeway, Federal-aid Primary, or National Highway System routes without Fully Controlled Access
 - (1) Outside of urban areas no structures shall be placed beyond 660

SIGN SPACING ALONG INTERSTATES AND
PRIMARY ROUTES WITH LIMITED ACCESS RIGHT-OF-WAY
(APPLIES TO BOTH RURAL AND URBAN AREAS)



SIGN SPACING ADJACENT TO INTERCHANGES ON INTERSTATES
AND PRIMARY ROUTES WITH LIMITED ACCESS RIGHT-OF-WAY

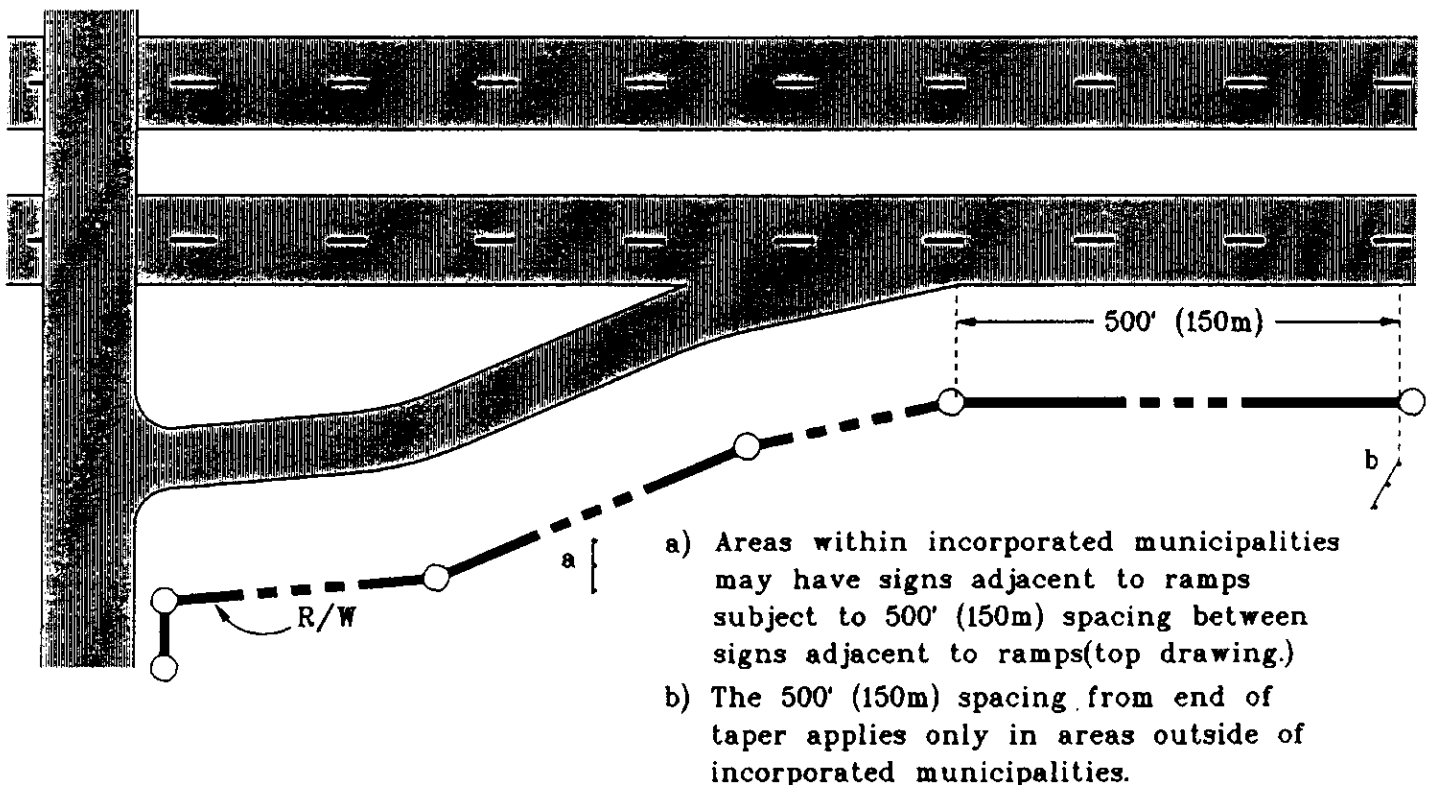


Figure 5.

2. Urban - Area Zoned or Unzoned Commercial or Industrial
 - a. Interstate, Federal-aid Primary, and National Highway System highways with Fully Controlled Access or Freeways
 - (1) Inside of incorporated towns and cities with a population of 5,000 or more, no two structures shall be spaced less than 500 feet (150 m) apart. Said 500 feet (150 m) to be measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement. (See Figure 5.)
 - (2) Inside of urban areas, structures are allowed to be beyond 660 feet (200 m) of the nearest right-of-way.
 - b. Non-Freeway, Federal-aid Primary, and National Highway System highways without Fully Controlled Access
 - (1) Inside of incorporated towns and cities with a population of 5,000 or more, no two structures shall be spaced less than 100 feet (30 m) apart. Said 100 feet (30 m) to be measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement. (See Figure 6.)
 - (2) Inside of urban areas, structures are allowed to be beyond 660 feet (200 m) of the nearest right-of-way.
3. Spacing Exceptions - Structures may be spaced closer together when they are separated by buildings or other obstructions so that only one is visible from the main traveled way within the otherwise applicable spacing requirement at any one time. This applies to both Federal-Aid Interstate and Federal Aid Primary routes. If the obstruction is removed, then the last sign erected that does not meet spacing requirements as a result of the removal will become non-conforming.
4. Explanatory Notes - With respect to spacing requirements on both the Federal-Aid Interstate and Primary and National Highway Systems:

The following types of signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements:

- a. Directional and other official signs and notices.
- b. Signs, displays, and devices advertising the sale or lease of the property on which they are located.

- c. Signs, displays, and devices advertising activities conducted on the property on which they are located (on-premise).

LIGHTING OF SIGNS

1. Signs which contain, include or are illuminated by any flashing, intermittent, or moving light or lights or rotating slats are prohibited except those giving public service information such as time, date, temperature, weather or similar information.
2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of the highways in the control area and 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 shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device or signal.
4. All such lighting shall be subject to any other provisions relating to lighting or signs presently applicable to all highways under the jurisdiction of the state.
5. Illumination shall not be added to nonconforming signs.

NON-CONFORMING 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, but are not limited to, 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.

In order to maintain and continue a nonconforming sign, the following conditions apply:

1. The sign must have been physically in existence at the time the applicable State law or regulations became effective.
2. 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 re-established at a new location as a nonconforming use.

3. The sign must have been lawful on the effective date of the State law or regulations, and must continue to be lawfully maintained.
4. The sign must remain substantially the same as it was on the date the sign became non-conforming. Reasonable repair and maintenance of the sign is acceptable. Reasonable repair and maintenance of a sign will include advertising message changes and repairs.

Repairs may not exceed 50 percent of the total structure within a one year period. Exceptions may be made for signs destroyed due to vandalism and other criminal or tortuous acts. Non-conforming signs may not:

 - a. be raised in elevation
 - b. be changed in size
 - c. be illuminated (if not originally)
 - d. have post (supports) changed in number or material (from wood to steel, steel to wood, etc.)
 - e. be otherwise embellished in any manner
5. The sign may continue as long as it is not destroyed, abandoned, or discontinued, if permitted by State law.
 - a. A sign damaged in excess of 50 percent of its replacement cost is considered destroyed. Exceptions may be made for signs destroyed due to vandalism and other criminal or tortuous acts.
 - b. Where an existing nonconforming sign ceases to display advertising matter, has obsolete advertising matter or is blank for a period of one year, it will be considered discontinued or abandoned. This established period may be waived for an involuntary discontinuance such as the closing of a highway for repair in front of the sign.

STANDARDS FOR DIRECTIONAL SIGNS

"Directional Signs" are 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, or religious sites; and areas of natural scenic beauty or areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

The location for a directional sign is not limited to zoned or unzoned commercial or industrial areas. Spacing of directional signs with respect to other permitted signs is not applicable.

1. General - The following directional signs are prohibited:

- a. 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;
- b. 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;
- c. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features;
- d. Obsolete signs;
- e. Signs which are structurally unsafe or in disrepair;
- f. Signs which move or have any animated or moving parts;
- g. Signs located in safety rest areas, parklands or scenic areas.

2. Size

- a. No directional sign shall exceed the following limits:
 - (1) Maximum area - 150 square feet (14 m²)
 - (2) Maximum height - 20 feet (6 m)
 - (3) Maximum length - 20 feet (6 m)
- b. All dimensions include border and trim, but exclude supports.

3. Lighting

Directional signs may be illuminated, subject to the following:

- a. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited.
- b. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the travelled 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 other driver's operation of a motor vehicle are prohibited.

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

4. Spacing

- a. Each location of a directional sign must be approved by the Indiana Department of Transportation.
- b. No directional sign may be located within 2,000 feet (600 m) 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).
- c. No directional sign may be located within 2,000 feet (600 m) of a safety rest area, parkland, or scenic area.
- d. No two directional signs facing the same direction of travel shall be spaced less than one mile (1.6 km) apart.
- e. 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.
- f. Signs located adjacent to the interstate system shall be within 75 air miles (120 km) of the activity.
- g. Signs located adjacent to the primary or National Highway system shall be within 50 air miles (80 km) of the activity.
- h. The number of signs shall be limited to 16 per attraction.

5. 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 number or exit number. Descriptive words or phrases, pictorial or photographic representations of the activity are prohibited.

6. Selection Criteria

- a. 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.

- b. To be eligible, privately owned attractions or activities must be nationally or regionally known and of outstanding interest to the traveling public.
- c. Specific attendance and parking minimum warrants must be fulfilled to permit the erection and maintenance of Directional Signs. These values are given in Table 1.
- d. It will be the responsibility of each applicant to document in writing, with the request, that all applicable specific criteria meet the minimum requirements as set forth.
- e. All costs of erection and maintenance of specific Directional Signs shall be at the applicant's expense.

**MINIMUM CRITERIA TO PERMIT
OFF RIGHT-OF-WAY DIRECTIONAL SIGNS**

		Minimum Annual Visitors	Minimum # of Parking Spaces
1	Public Places - (Government Owned)	10,000	25
2	Natural Phenomena - (Public or Private Owned)	15,000	50
3	Historic Sites - (Public or Private Owned)	10,000	25
4	Cultural Sites - (Public or Private Owned)	10,000	25
5	Scientific Sites - (Public or Private Owned)	10,000	25
6	Educational Sites - (Public or Private Owned)	2,500	20
7	Religious Sites - (Public or Private Owned)	2,500	20
8	Natural or Scenic Beauty Areas Public or Private Owned)	20,000	50
9	Areas naturally suited for outdoor recreation deemed to be in interest of traveling public	25,000	75

Table 1.

- f. In the event there are two or more qualifying traffic generators and space will not permit installation of signs for all generators, permission will normally be granted for those generators exceeding the established criteria by the greatest percentage.

- g. The erection and maintenance of Directional Signs, providing they meet the criteria established in this policy, shall be permitted in zoned and unzoned commercial and industrial areas, and in zoned and unzoned agricultural areas, unless prohibited by local zoning ordinances.

OFFICIAL SIGNS AND NOTICES

1. Off Right-of-Way Official Signs and Notices may include the following:
 - a. Signs and notices erected and maintained by public offices 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 purpose of carrying out an official duty or responsibility. Public offices or public agencies may sponsor signs which provide space for 2 or more signs relating to meetings of nonprofit service clubs, charitable associations or religious services. The individual signs placed on the structure may not exceed 8 square feet (0.8 m²). Historical markers authorized by State law and erected by State or local government agencies or nonprofit historical societies may be considered as official signs.
 - b. 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 (0.8 m²).
2. Standards for Off Right-of-Way Official Signs and Notices. (To be classified as an Off Right-of-Way Official Sign or Notice, each sign location must meet all criteria set out in this policy.)
 - 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) Signs which contain obsolete messages.
- (5) Signs which are structurally unsafe or in disrepair.
- (6) Signs which move or have any animated or moving parts.

b. Size

- (1) Signs erected and maintained by public agencies and offices shall not exceed the following limits:
 - a) Maximum Area - 150 square feet (14 m²)
 - b) Maximum Height - 20 feet (6 m)
 - c) Maximum Length - 20 feet (6 m)
- (2) Signs erected and maintained by religious or public service organizations shall not exceed the following limits:
 - a) Maximum Area - 8 square feet (0.8 m²)
 - b) Maximum Height - 4 ft. (1.2 m)
 - c) Maximum Length - 4 ft. (1.2 m)
- (3) 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 an official sign or notice must be approved by the Indiana Department of Transportation.

- (2) No official sign or notice may be located within 2,000 feet (600 m) of an interchange, rest area, weigh station, 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 official sign or notice may be located within 2,000 feet (600 m) of a parkland or scenic area.
- (4) Not more than one official sign or notice pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.
- (5) No two Off Right-of-Way Official Signs or Notices pertaining to different activities, facing the same direction of travel, shall be spaced less than one mile (1.6 km) apart.
- (6) Signs included in Section 1 paragraph (b) above shall be erected within 5 air miles (8 km) of the activity.

e. Message Content

The message on Off Right-of-Way Official Signs and Notices 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 are prohibited. Symbols and seals common to churches, lodges or service organizations will be permitted.

3. It will be the responsibility of each applicant to document in writing, with the request, that all applicable specific criteria meet the minimum requirements as set forth.
4. All costs of erection and maintenance of specific Off Right-of-Way Official Signs and Notices shall be at the applicant's expense.
5. The erection and maintenance of specific Off Right-of-Way Official Signs and Notices, providing they meet the criteria established in this policy, shall be permitted in zoned and unzoned commercial and industrial areas and in zoned and unzoned agricultural areas unless prohibited by local zoning ordinances.

ON-PREMISE SIGN

A sign which advertises the sale or lease of a property upon which it is located or a sign which advertises activities conducted on the property upon which it is located is considered an on-premise sign.

The following will not be considered to be a part of the property on which the activity is conducted and any sign located on such property will be considered off-premise advertising:

1. Property separated by a public road from the land on which the activity is conducted; or
2. Property which has been secured subsequent to the establishment of the business and purchased in a narrow strip. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes or for the specific purpose to qualify an area for an on-premise sign.

Purpose Test for On-Premise Sign

The following shall be used for determining whether an outdoor advertising sign has as its 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:

1. The sign is an on-premise sign if:
 - a. The message consists solely of the name of the establishment; or
 - b. The message identifies the establishment's principal or accessory products or services offered on the property; or
 - c. It is a "For sale" or lease sign of property.
2. The sign is not an on-premise sign if:
 - a. It brings rental income to the property owner, consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity; or
 - b. It advertises activities conducted on the property, but which also advertises, in a prominent manner, activities not conducted on the property;

or

- c. A sale or lease sign advertises any product or service not located upon and unrelated to the business of selling or leasing the property on which the sign is located; or
- d. It is erected on a narrow strip of land contiguous to the advertised activity when the purpose is clearly to circumvent 23 U.S.C. 131. Ref. CFR 750.709(d)(3).

SIGNS WITHIN HIGHWAY RIGHT OF WAY

Those signs erected on highway right-of-way do not fall under the controls of the highway beautification act. However, they are in violation of Indiana Statute 9-21-4, 1993 Assembly.

- 1. A person may not place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that:
 - a. Purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal;
 - b. Attempts to direct the movement of traffic; or
 - c. Hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal.
- 2. A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that is visible from the highway and may be mistaken or confused with a traffic control device or for an authorized warning device on an emergency vehicle.
- 3. A person may not place, maintain, or display an advertising sign, signal or device on or over the roadway of a highway.
- 4. A person may not place, maintain, or display an advertising sign, signal, or device on a highway in a city between the curb and sidewalk. If the curb and sidewalk join, a person may not place, maintain, or display on the sidewalk an advertising sign, signal, or device closer than 10 feet (3 m) from the curb line. Overhanging signs may not overhang the curb.
- 5. A person may not place, maintain, or display an advertising sign or device of any character within 100 feet (30 m) of a highway outside the corporate limits of an

incorporated city or town that obstructs the view of:

- a. the highway; or
- b. an intersecting highway, street, alley, or private driveway;

of a person traveling the highway, for a distance of 500 feet (150 m) or less from the sign or device as the person approaches the highway or intersecting highway.

6. A person may not place, maintain, or display an advertising sign or a device of a permanent or semi-permanent character on a highway right-of-way.
7. Each sign, signal, or marking prohibited under this section is declared to be a public nuisance. The authority having jurisdiction over the highway may remove or cause to be removed the prohibited sign, signal, or marking without notice.

BENCHES UTILIZED AS OUTDOOR ADVERTISING SIGNS

1. Approval may be given for benches utilized for outdoor advertising signs (bench signs) and such signs may only be erected after a permit has been obtained from the Indiana Department of Transportation.
 - a. Location - bench signs may be issued for such signs which are visible from the state highways and located on private property except:
 - (1) Where such sign would be visible from the interstate highway system;
 - (2) Where such sign would be visible from a full access highway;
 - (3) Where such sign would be visible from any state highway where the area adjacent to the highway is a designated scenic area.
 - b. Size - a maximum allowable size for a bench is 16 square feet (1.5 m²) and the sign shall not exceed two feet (0.6 m) in height or eight feet (2.5 m) in length excluding supports.
 - c. Height - the top of bench signs erected under these regulations shall not be higher than four feet (1.2 m).
 - d. Special Requirements

- (1) Bench signs shall be located in a commercial or industrial zone.
- (2) Bench signs must be located inside incorporated city limits and/or urban areas.
- (3) Bench signs must be located at a bus stop on a city or urban transit bus system route (a route affidavit showing all bus stop will be required prior to approval of any new permit for a bench sign).
- (4) Bench signs shall not be located on the state highway right-of-way.
- (5) If the State highway is routed over a city street, the bench sign may be located on that portion of the city street right-of-way outside of the curb, or if there is no curb, outside of that portion of the right-of-way utilized for state highway purposes.

PERMIT PROCEDURES

PERMITS REQUIRED

A permit from the Indiana Department of Transportation is required in order to:

1. erect and/or maintain any outdoor advertising sign, display or device, except those noted below, within 660 feet (200 m); or
2. maintain any existing outdoor advertising sign, display, or device, erected on or before June 30, 1976, except those noted below, beyond 660 feet (200 m)

of the nearest edge of the right-of-way of the interstate or federal-aid primary systems, including signs mounted on portable frames. No outdoor advertising signs, displays, or devices may be erected beyond 660 feet (200 m) of the right-of-way of the interstate or federal-aid primary highway system. Those signs not requiring a permit are on-premise signs, official and directional signs, for sale signs and underground public utility warning signs.

The permit requirements contained herein are in addition to any permit or licensing requirements of local governing bodies, or other state agencies.

PERMITS FOR OFFICIAL AND DIRECTIONAL SIGNS

Signs meeting the rules and regulations covered under the "Official" or "Directional" signs are not required to be permitted if they qualify. These types of signs do however need prior approval from the Indiana Department of Transportation before being constructed. An application shall be submitted for this type of sign so that the Indiana Department of Transportation can review the proposed sign for legality. There is no fee for this type of application.

APPLICATION

Applications for a permit to erect an outdoor advertising device may be obtained from the Central Office Permit Section. Applications may be requested by telephone, at (317) 232-5554 or (317) 232-3927, or by mail to:

Indiana Department of Transportation
Permits Section
Indiana Government Center North, Room 855
100 N. Senate Avenue
Indianapolis, IN 46204-2218

An application must be submitted and a permit acquired for each outdoor advertising sign before it is constructed. The Appendix shows the interstates and federal aid primary roads controlled by the Indiana Department of Transportation. The roads which are darkened in are the roads which are in the controlled area.

No permit shall be issued until an application has been completed for each separate outdoor advertising structure and submitted to the Central office permit section along with the required initial fee.

A stake or some identifying object should be placed at the proposed sign location at or as near as possible to the right-of-way line to assist the Department of Transportation in investigating the sign site.

FEES

An initial \$25.00 non-refundable registration fee for each outdoor advertising structure should be submitted with each application for a permit. Upon approval, a \$75.00 permit fee will be required before the permit can be issued. There is no fee for directional or official signs.

REGISTRATION AND REGISTRATION PLATE

Upon receipt of the application and registration fee, a registration plate will be issued by the Department of Transportation. The registration plate shall be securely affixed to the appropriate outdoor advertising device in a location visible from the State right-of-way within 30 days of receiving the plate.

PERMIT AND PERMIT PLATE

A permit along with a permit number and plate shall be issued upon proper application, approval, and the payment of fees for lawful outdoor advertising structures.

Between the time of approval of the permit and the erection of the sign, the applicant

should mark the site as close to the right-of-way as is practical to prevent others from applying for a site in the same area.

The permit plate shall be securely affixed to the appropriate outdoor advertising device in a location visible from the State right-of-way.

LENGTH OF PERMIT

The proposed sign structure must be completed within 365 days of issuance of the permit or the permit shall be revoked. Any construction at the same location will require the submittal of a new application and fee.

TRANSFER OF PERMIT

The transfer of ownership of a specific outdoor advertising structure for which a permit has been lawfully issued to the original owner shall not in any way affect the validity of the permit for that specific structure provided that the Central office is given notice of the transfer of ownership within 90 days of the actual transfer in writing. In such notice, the Indiana Department of Transportation permit number of the sign should be given.

LOST PLATES

If a permit plate is lost or destroyed a new plate can be obtained by notifying the Central Office Permit Section. A \$10.00 fee will be charged to cover the cost of the new plate. If a lost plate is located at a later time, it should be destroyed.

REVOCAION OF PERMIT

Any valid permit issued for a lawful outdoor advertising structure shall be revoked by Indiana Department of Transportation for any of the following reasons:

1. Mistake of material facts by the issuing authority for which had the correct facts been made known, the outdoor advertising permit in question would not have been issued;
2. Misrepresentations of material facts by the applicant for the outdoor advertising

permit;

3. Failure to complete construction of structure within 365 days from the date of issuance of the outdoor advertising permit;
4. Any alteration of an outdoor advertising structure for which a permit has previously been issued which would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor Advertising Control Act and the rules and regulations promulgated by Indiana Department of Transportation pursuant thereto;
5. Making alterations to a non-conforming sign which would cause it to be other than substantially the same as it was on the date the sign became non-conforming. (See section on Non-conforming signs)
6. Failure to affix permanent permit plate within 30 days after erection of the outdoor advertising structure;
7. Unlawful destruction of trees or shrubs or other growth located on the right-of-way in order to increase or enhance the visibility of an outdoor advertising structure;
8. Unlawful violation of the control of access on interstate, freeway, and other controlled access facilities;
9. Failure to maintain a sign such that it remains blank for a period of 12 consecutive months;
10. Failure to maintain a sign such that it becomes obsolete.

NOTICE GIVEN FOR REVOKING PERMIT

The permit is subject to all applicable rules and regulations and is subject to revocation for violations thereof.

1. Should the Indiana Department of Transportation determine that a particular outdoor advertising structure permit violates one of the categories set out by the permit, the Indiana Department of Transportation shall revoke the permit for that outdoor advertising structure.
2. When the need for revoking a permit has been determined, the permit section shall

notify the owner of the sign and the owner of the property on which the sign is located by certified mail return receipt requested, in the form of a letter setting forth the reasons the sign in question does not comply. The letters notifying the sign owner and the property owner of the sign in question shall also state that the structure is unlawful and a public nuisance. The letters shall state that if the structure is not removed or made to conform to the provisions of the act or the rules and regulations within 30 days after receipt of the letter, the Indiana Department of Transportation or its agents shall, at the expense of the owners of the sign and property, remove the outdoor advertising structure.

3. An outdoor advertising structure cannot be made to conform to the Outdoor Advertising Control Act when the permit is revoked under 2, 3, or 7 of the Permit Revocation Section.
4. The owner(s) of the sign and/or the property may appeal the department's determination through the appeal process set forth on page 34 of this manual.

NOTICE GIVEN FOR REFUSING TO ISSUE PERMIT

1. Should the appropriate Indiana Department of Transportation office determine that a proposed outdoor advertising sign would not conform to the standards of outdoor advertising as set forth in the Outdoor Advertising Control Act or the rules and regulations promulgated thereto by the Indiana Department of Transportation, the department shall refuse to issue a permit for that proposed structure.
2. When the Indiana Department of Transportation refuses to issue a permit they shall notify the owner of the proposed structure in question by certified mail return receipt requested, in the form of a letter setting forth the reasons the proposed structure does not comply and shall also return the application to the applicant.
3. The applicant may appeal the department's determination through the appeal process set forth below.

APPEAL PROCESS

1. ADMINISTRATIVE ORDERS AND PROCEDURES ACT (AOPA) HEARING
 - a. Should any owner of a sign disagree with the determination of the department pertaining to the issuance or revocation of a permit for outdoor advertising, the owner of the sign shall have the right to request an Administrative Orders and Procedures Act (AOPA) Hearing.
 - b. The owner of the sign who decides to appeal the determination of the department shall notify the department of the decision to appeal within 30 days of the receipt of notice of the department's determination. All appeals should be sent to:

Indiana Department of Transportation
Permits Section
Indiana Government Center, Room N855
100 N. Senate Avenue
Indianapolis, IN 46204-2218

An Administrative Law Judge will be appointed and appropriate proceedings will be scheduled.
 - c. Within **90** days after the hearing the Administrative Law Judge will make a determination on the case. The owner of the sign will be notified of the decision by mail.

2. COMMISSIONER
 - a. Should any owner of a sign disagree with a decision of the Administrative Law Judge pertaining to the issuance or revocation of a permit for outdoor advertising, the owner of the sign shall have the right to request a review by the Commissioner of the Indiana Department of Transportation or his designee.
 - b. The owner of the sign who decides to appeal a decision of the Administrative Law Judge shall submit a written appeal in accordance with I.C. 4-21.5 (AOPA) within 15 days of the receipt of notice of the decision of the Administrative Law Judge.
 - c. Appropriate proceedings will be scheduled pursuant to the Administrative Orders and Procedures Act.

3. JUDICIAL REVIEW

- a. Should the sign owner disagree with the decision of the Commissioner pertaining to the issuance or revocation of a permit for outdoor advertising, the owner may appeal for judicial review. To qualify for judicial review, the person filing the petition for review must post a \$5,000.00 bond with the Clerk of the Court in which the petition for review is filed.
- b. The court hearing will be scheduled and conducted in accordance with all applicable Indiana Laws.
- c. If the court determines that the request for review was frivolous, in bad faith or was for the primary purpose of delaying the removal of a sign the bond shall be forfeited to the State Highway fund.

MAINTENANCE AND REPAIR

Reasonable maintenance and repair of non-conforming and conforming signs including the change of an outdoor advertising message is permitted. Maintenance and repair criteria for nonconforming signs can be found on pages 18 and 19.

Access to signs for maintenance and repair activities shall not take place from inside the right-of-way unless a legal existing driveway is utilized.

ALTERATION OF SIGN

Conforming signs properly located and spaced within a zoned or unzoned commercial or industrial area, may be enlarged and/or altered within the limits of the rules and regulations without a new permit. A sign owner should notify the Indiana Department of Transportation in writing before making any changes or additions to signs. This can be done by submitting an application form showing the permit number of the sign along with the changed information. The department will use this information to keep its inventory up to date. There is no fee charged for the permit amendment.

Enlargement and/or alteration of non-conforming signs is strictly prohibited. The non-conforming sign must remain substantially the same as it was on the date that its status initially became nonconforming.

INSTRUCTIONS FOR APPLICATION TO OBTAIN OUTDOOR ADVERTISING SIGN PERMIT

The application form should be completed and all the copies sent to:
Indiana Department of Transportation
Permits Section
Indiana Government Center, Room N855
100 N. Senate Avenue
Indianapolis, IN 46204-2218

Additional application forms can be picked up at any District or Sub-district Office or in the Indiana Government Center, Room N855 (see Appendix C).

ON PREMISE SIGNS

Signs advertising the sale or lease of the property on which it will be located, or advertising activities conducted on the property on which the sign will be located do **not** require a permit.

DIRECTIONAL SIGNS OR OFFICIAL SIGNS AND NOTICES

All directional and official signs along the interstate and federal aid primary highways should have been approved by the Indiana Department of Transportation before being installed.

Owners of signs which meet the criteria for a directional or official signs or notices may fill out and submit an application form for their signs but will not be required to submit a fee. The Indiana Department of Transportation will issue written approval letters for each directional or official sign which meets requirements and submits the application form.

The zoning information under items number 8 to 10 on the registration form do not need to be completed for directional or official signs.

ALL OTHER OUTDOOR ADVERTISING SIGNS

No person shall construct, maintain, erect, cause or allow to be constructed, or erected any advertising sign, display or device without first obtaining a permit from the Indiana Department of Transportation.

The following instructions are given to help in completing State form number 45918.

Item #1 - Name and Address of Sign Owner/Applicant

The sign owner/applicant is the person, partnership, company, corporation, association, or agency that will own the sign. They should supply their name and complete address here.

The company's Federal I.D. Number should also be given. If there is a representative from the sign company that could provide information about the sign, supply this name also along with telephone number.

Item #2 - Name and Address of Owner of Property

The name and complete address of the person, partnership, company, corporation, association, or agency who owns the property on which the sign will be placed should be listed here. Also include the phone number if available.

Item #3 - Type and Name of Highway

Check the box in front of "Interstate" or "Federal Aid Primary" to indicate the type of highway from which the sign will be visible. If the sign will not be visible from a highway that falls under one of these two categories then the Indiana Department of Transportation does not require a permit application for this location. Maps showing the interstates and primary highways of Indiana are attached in the Appendix. The interstates and primary highways on these maps have been darkened in.

The number and designation of the highway from which the sign will be visible should be provided in this space. (EXAMPLE: I-69, S.R. 3, U.S. 231)

Item #4 - Side of Highway

Circle the Direction (N=North, S=South, E=East, W=West) to the sign in relation to the direction of travel of the highway. All odd numbered highways (I-65, S.R.63, etc.) travel in the north/south direction and the sign will either be on the east or west side of the highway. All even numbered highways (I-70, S.R.114, etc.) travel in the east/west direction and the sign will either be on the south or north side on the highway.

Item #5 - Proposed Sign, Existing Sign, Erection date

Check the "proposed" sign box if this will be a **new sign** installation. If a new sign is going to be erected then a \$25.00 application fee should be submitted along with the application. A \$75.00 permit fee will be charged before the permit will be granted.

Item #7 - (a) Nearest Sign

Give the distance in feet (meters) to the nearest outdoor advertising sign. **Do not** measure from any on-premise or directional or official sign

(b) - Distance from Right-of-way Line

Check the box with the appropriate answer.

(c) - Location Description

Give the distance in feet (meters) and the direction from the nearest State Road intersection, overpass, underpass, or ramp. (EXAMPLE: 550 feet (168 m) East of the River Road overpass.) (1 mile = 5280 feet = 1.6 km)

Items #8 to 10 - Zoning Questions

Check the box of the appropriate answer to questions 8 and 9.

Sign in Unzoned Area

If the sign will be in an unzoned commercial or industrial area, the business or activity that would qualify the area should be given.

Sign in Zoned Area

If the sign has been issued a permit by a City or County authority, give the permit number. Also give the primary and secondary (if applicable) zoning of the land where the sign will be placed. A line is available for explaining the zoning (Example - primary zoning: C-1, Explain zoning classification: Commercial District one).

Item #11 - Sign Size

The dimensions of the sign should be given in this area. The figure on the following page shows the dimensions needed. The area of the sign is calculated by multiplying the width of face by the height of face.

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

TITLE 8

UTILITIES AND TRANSPORTATION

ARTICLE 23. INDIANA DEPARTMENT OF TRANSPORTATION

CHAPTER 20 REGULATION OF BILLBOARDS AND JUNKYARDS

8-23-20-1. (a) The department and the United States Secretary of Commerce shall enter into agreements under 23 U.S.C. concerning the regulation of billboards, signs, junkyards, and scrap metal processing areas in areas adjacent to the interstate and primary highway systems. The agreements must conform to the provisions of 23 U.S.C. to ensure that federal funds to Indiana are continued.

(b) An agreement between the state and the United States Secretary of Commerce entered into under 23 U.S.C. 131 must contain the definition of "unzoned commercial or industrial area" found in IC 8-23-1-43. If the state has received from the Secretary a formal notice of a proposed determination to withhold funds from the state because of an asserted unacceptability of the definition, the governor shall modify the definition. The modification may be made during a hearing on the notice held by the Secretary under 23 U.S.C. 131, or, if as a matter of law the Secretary decides to withhold funds prior to a hearing, the governor:

- (1) may modify the definition before a hearing; and
- (2) shall request a hearing under 23 U.S.C. 131.

8-23-20-2. The regulatory standards set forth in an agreement described in section 1(a) of this chapter must be consistent with customary use in Indiana. The agreement must be in a form that is in the best interests of the state and may be of a duration and subject to terms and provisions for modification that the governor considers advisable. In negotiating the agreement, the governor shall consider the following factors:

- (1) The actual availability of federal funds.
- (2) The imminence of a sanction against the state for a violation of 23 U.S.C. 131.
- (3) The enactment of an amendment to 23 U.S.C. 131 or the regulations promulgated under 23 U.S.C. 131, or the possibility of an amendment.
- (4) The scope of an agreement entered into by another state with the Secretary under 23 U.S.C. 131.

8-23-20-3. The attorney general shall institute proceedings under 23 U.S.C. 131 to obtain a judicial determination of the legality of the determination of the United States Secretary of Commerce if the Secretary makes a final determination to:

- (1) withhold funds from Indiana;

- (2) fail to agree with Indiana as to the size, lighting, and spacing of signs; or
- (3) fail to agree with Indiana as to unzoned commercial or industrial areas in which signs may be erected and maintained.

8-23-20-4. Signs located in an adjacent area must conform to the standards of size, lighting, and spacing set forth in rules adopted by the department under the provisions of an agreement under section 1 of this chapter.

8-23-20-5. Signs located in unzoned commercial or industrial areas and zoned commercial or industrial areas must conform to the standards of size, lighting, and spacing set forth in rules adopted by the department under the provisions of an agreement under section 1 of this chapter.

8-23-20-6. The following signs may not be erected or maintained in an adjacent area:

- (1) Signs that are illegal under state statutes or rules.
- (2) Signs not securely affixed to a substantial structure.
- (3) Signs that attempt or appear to attempt to regulate, warn, or direct the movement of traffic or that interfere with, imitate, or resemble an official traffic sign, signal, or device.
- (4) Signs erected or maintained upon trees, or painted or drawn upon rocks or other natural features.
- (5) Signs that are not consistent with this chapter.

8-23-20-7. The following signs may be erected outside of urban areas beyond six hundred and sixty (660) feet of the right-of-way visible from the traveled way of a highway on the interstate or primary system with the intent of a message being read from the traveled way:

- (1) Directional or official signs and notices.
- (2) Signs advertising the sale or lease of the property upon which the signs are located.
- (3) Signs indicating the name of the business, activities, or profession conducted on the property, or identifying the goods produced or sold, or services rendered on the property.

8-23-20-8. A person may not erect or maintain in the right-of-way of a highway in the state highway system, or within two hundred (200) feet of the right-of-way, a sign or device directing or indicating on what highway or route a person should travel to reach a designated place or highway without the written consent of the department. The department may remove a sign or device erected or maintained in violation of this section.

8-23-20-9. (a) A sign lawfully erected in an adjacent area that does not conform to this chapter after June 30, 1968, is not required to be removed until the end of the fifth year after the sign becomes nonconforming.

(b) A sign located beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way of a highway on the interstate or primary system, that was lawfully erected before July 1, 1976, and does not conform to this chapter is not required to be removed until the end of the fifth year after

the sign becomes nonconforming.

8-23-20-10. The department may acquire and shall pay just compensation for the removal of signs that do not conform to this chapter. A removal by the department or sign owner under this chapter constitutes a taking, and the owner shall be compensated under IC 32- 11-1. Compensation shall be paid for the following:

- (1) The taking from the owner of a sign of all rights, titles, and interests in the sign, and of the owner's leasehold or other interest in the land.
- (2) The taking from the owner of the real property on which the sign is located and of the right to erect and maintain signs on the real property.

8-23-20-11. Compensation under section 10 of this chapter shall be paid to a person entitled to compensation upon the presentation to the department of information that the department requires. The claim for compensation must be filed within one hundred eighty (180) days after the removal is completed. The state's share of the compensation shall be paid from funds appropriated under this section.

8-23-20-12. If a claimant under section 11 of this chapter and the department do not reach agreement on the amount of compensation to be paid within one hundred twenty (120) days after the claim is filed, the claimant may file a civil action to have the compensation determined. An action under this section shall be filed in a court of general jurisdiction in either the county where the sign and real property are located or in the county in which the claimant resides. The county of residence of a corporation shall be determined under the applicable statutes. An action under this section shall be filed not later than one (1) year after the filing with the department of a claim for compensation under section 10 of this chapter.

8-23-20-13. (a) The department shall enforce this chapter.

(b) When the department is notified by a governmental agency of a possible violation of this chapter, the department shall determine whether a violation exists. Whenever the department determines a violation exists, the department shall enter a resolution setting out the nature, extent, and location of the violation and refer the resolution to the attorney general.

8-23-20-14. Whenever the attorney general receives a resolution under section 13 of this chapter, the attorney general shall commence an action in a court having jurisdiction to enjoin the violation of this chapter. The attorney general may also request the prosecuting attorney of the judicial circuit in which the violation has occurred to institute criminal proceedings against the persons responsible for violation of this chapter. The prosecuting attorney shall institute criminal proceedings if requested to do so by the attorney general.

8-23-20-15. (a) Subsection (c) does not apply to signs erected before March 15, 1986.

(b) A board, commission, council, governmental body, or political subdivision that has the legal authority to zone land has authority to zone areas for commercial or industrial purposes. Except as provided in subsection (c), a zoning action taken by a body described in this subsection may be taken

under this chapter.

(c) A zoning action taken by a body described in subsection (a) will not be accepted under this chapter if the action is:

- (1) not part of a comprehensive plan; and
- (2) taken primarily to permit the erection of signs in an adjacent area that is outside an urban area and visible from the traveled way of a highway in the interstate or primary highway system.

8-23-20-16. (a) Subsection (b) does not apply to:

- (1) actions taken by the department under this chapter; or
- (2) the removal, taking, or appropriation of a sign, display, or device prohibited under section 6 of this chapter.

(b) Before an outdoor advertising sign, display, or device is removed, taken, or appropriated through the use of zoning or another power or authority of the state, a state agency, or political subdivision:

- (1) the value of the sign, display, or device shall be determined by the taking authority without the use of an amortization schedule; and
- (2) the owners of the sign, display, or device and of the real property upon which the sign, display, or device is situated must be paid full and just compensation for the taking.

8-23-20-17. A person may not establish, operate, or maintain a junkyard or scrap metal processing facility that is within one thousand (1,000) feet of the nearest edge of a right-of-way of an interstate or primary highway, unless the junkyard or facility conforms to one (1) of the following conditions:

- (1) It is screened by natural objects, plantings, fences, or other appropriate means so it is not visible from the main-traveled way of the system.
- (2) It is located within an area that is zoned for industrial use.
- (3) It is located within an unzoned industrial area.
- (4) It is not visible from the main-traveled way.

8-23-20-18. The department shall, if feasible, place a screen on the highway right-of-way or an area acquired for the purpose between a highway and a junkyard or a scrap metal processing facility that is lawfully located within one thousand (1,000) feet of a highway in the interstate or primary system so that the junkyard or facility is not visible from the main-traveled way, unless the junkyard or facility is located in an industrial area.

8-23-20-19. The department shall adopt rules to govern the location, planting, construction, and maintenance of screens and fences required under this chapter.

8-23-20-20. If the department determines that the topography of the land adjoining a highway in the interstate or primary system will not permit adequate screening of a junkyard or scrap metal processing facility, or that the screening of a junkyard or facility would not be economically feasible, the department may acquire the property on which the junkyard or facility stands by gift, purchase, exchange, or condemnation. The department may pay the costs of relocation, removal, or disposal of a

junkyard or facility.

8-23-20-21. A political subdivision may enact and enforce requirements for junkyards and scrap metal processing facilities that are in addition to the requirements of this chapter.

8-23-20-22. (a) A person who violates section 4, 5, or 6 of this chapter commits a Class C infraction. Whenever the department discovers or is given written notice of a violation by a responsible government agency, the department shall give thirty (30) days notice, by certified mail, to the owner of the property upon which the violation exists. If the owner fails to act within thirty (30) days, then each day of maintenance of the violation beginning on the thirty-first day constitutes a separate offense.

(b) A person who violates section 7 of this chapter commits a Class C infraction.

(c) A person who violates section 8 of this chapter commits a Class B misdemeanor. Whenever the department discovers or is given written notice of a violation by a responsible government agency, the department shall give thirty (30) days notice, by certified mail, to the owner of the property upon which the violation exists. If the owner fails to act within thirty (30) days, then each day of maintenance of the violation beginning on the thirty-first day constitutes a separate offense.

8-23-20-23. The department may accept an allotment of funds by the United States, or an agency of the United States, appropriated to carry out 23 U.S.C. 131. The department shall take any necessary action to obtain funds allotted under 23 U.S.C. 131 to receive reimbursement for the federal share of the just compensation paid to owners under sections 10 and 20 of this chapter.

8-23-20-24. The department may not acquire a sign, the real property upon which the sign is situated, a junkyard, or a scrap metal processing facility unless:

- (1) the acquisition costs are eligible for not less than seventy-five percent (75%) federal participation;
- (2) there are sufficient funds appropriated and immediately available to Indiana; and
- (3) the funds have been apportioned by the federal government and notice of the apportionment has been received by the state.

8-23-20-25. (a) The department shall institute a permit system to regulate the erection and maintenance of outdoor advertising signs along:

- (1) the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991; and
- (2) any other highways where control of outdoor advertising signs is required under 23 U.S.C. 131.

(b) Except as provided in subsections (c) and (g), a sign may not be erected, operated, used, or maintained in areas described in subsection (a) unless the owner of the sign has obtained a permit under this section.

(c) A permit is not required to erect, operate, use, or maintain the following signs:

- (1) Directional or official signs and notices.
- (2) Signs advertising the sale or lease of the property on which the sign is located.
- (3) Signs that primarily indicate:
 - (A) the name of the business, activity, or profession conducted;
 - (B) the types of goods produced or sold; or
 - (C) the services rendered;

on the property on which the sign is located.

(d) Signs in existence on July 1, 1993, and subject to this section:

- (1) must comply with the registration system described in subsection (h); and
- (2) are subject to the permit requirement after the department has made the determination described in subsection (g).

(e) The department shall adopt rules under IC 4-22-2 to carry out this section. Rules adopted under this section may be no broader than necessary to implement 23 U.S.C. 131 and 23 CFR 750.

(f) In addition to the requirements of subsection (e), rules adopted under this section must provide the following:

- (1) A list of all roadways subject to the permit requirement.
- (2) A procedure to appeal adverse determinations of the department under IC 4-21.5, including provisions for judicial review under IC 4-21.5.
- (3) A one-time fee of one hundred dollars (\$100) per structure must accompany the permit application. A permit fee may not be charged to a sign that is subject to and complies with the registration system described in subsection (h).
- (4) That a permit may not be issued for a sign erected in an adjacent area after January 1, 1968, unless:
 - (A) the sign is erected in an area described in section 5 of this chapter; or
 - (B) the permit is a conditional permit issued under subdivision (6).
- (5) That a permit may not be issued for a sign erected after June 30, 1976, outside of urban areas, beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way, and erected with the purpose of a message being read from the traveled way, unless:
 - (A) the sign is erected in an area described in section 5 of this chapter; or
 - (B) the permit is a conditional permit issued under subdivision (6).
- (6) For the issuance of a conditional permit for a nonconforming sign that has not been acquired under section 10 of this chapter. A conditional permit issued under this subdivision may be revoked if the department subsequently acquires the sign.
- (7) That the department is granted the right to enter the real property on which a sign for which a permit under this section has been applied for or issued to perform reasonable examinations and surveys necessary to administer the permit system.
- (8) The department may revoke any permit when it is found that the permittee has provided false or misleading information and that such a finding may be cause to subsequently refuse to issue a permit.
- (9) Any other provisions necessary to:

- (A) administer this section; or
- (B) avoid sanctions under 23 U.S.C. 131.

(g) A sign that is subject to and complies with the registration system described in subsection (h) may not be declared unlawful until the later of the following:

- (1) The department has made a determination of permit eligibility under this section.
- (2) December 31, 1993.

(h) A separate application for registration must be submitted to the department for each structure defined in subsection (d) and must:

- (1) be on a form furnished by the department;
- (2) signed by the applicant or an individual authorized in writing to sign for the applicant;
- (3) provide information concerning the size, shape, and nature of the advertising sign, display, or device;
- (4) provide the sign's actual location with sufficient accuracy to enable the department to locate the sign; and
- (5) include a one-time registration fee of twenty-five dollars (\$25).

(i) A sign that is not registered before January 1, 1994, is a public nuisance subject to section 26 of this chapter.

(j) Each registrant shall fasten to each advertising sign or device a label or marker provided by the department that must be plainly visible from the traveled way.

8-23-20-26. (a) A sign that is in violation of this chapter or rules adopted under this chapter is a public nuisance.

(b) If the department determines that a public nuisance exists, the department shall give notice under subsection (c) to:

- (1) the owner of the property on which the public nuisance is located; and
- (2) the owner of the public nuisance, if the owner of the public nuisance can be determined by reasonable inquiry.

(c) The department shall give notice of the determination under IC 4-21.5-3-6. The notice must include the following information:

- (1) The name and address of the owner of the property or the owner of the sign.
- (2) A description of the sign, including its location, that has been determined to be a public nuisance under this section.
- (3) That the sign has been determined to be a public nuisance and the reasons for the determination.
- (4) That the person receiving the notice has thirty (30) days after the date on which the notice was sent to:
 - (A) remove the sign from the property on which the sign is located; or
 - (B) file a petition for review under IC 4- 21.5.

- (5) That if after thirty (30) days the sign has not been removed or a petition for review has not been filed, the department will remove the sign or cause the sign to be removed.
- (6) That if the department removes the sign or causes the sign to be removed, the person receiving notice will be charged the cost of the removal of the sign, including all administrative costs, and a lien will be imposed on the property under subsection (e).
- (7) Any other information the department determines to be necessary.

(d) To qualify for judicial review under IC 4-21.5-5 of a final agency action taken under this section, the person filing the petition for review must post a bond of five thousand dollars (\$5,000) with the clerk of the court in which the petition for review is filed. If the court determines that the request for review was:

- (1) frivolous;
- (2) in bad faith; or
- (3) taken for the primary purpose of delaying the removal of a sign that is in violation of this chapter;

the bond shall be forfeited to the state highway fund.

(e) If after:

- (1) thirty (30) days following the date on which the notice was sent under subsection (c):
 - (A) a petition for review of the determination has not been filed; and
 - (B) the sign that is determined to be a public nuisance has not been removed; or
- (2) a petition for review has been filed, a final determination that the sign is a public nuisance has been made, and the sign that is determined to be a public nuisance has not been removed;

the department shall enter the property and remove the public nuisance or cause the public nuisance to be removed. The department shall bill the owner of the property on which a sign that is determined to be a public nuisance is located for the cost of the removal. If the bill remains unpaid for at least thirty (30) days following the date on which the bill was issued, the department shall file the bill with the clerk of the circuit court of the county in which the property is located. The clerk shall immediately enter the bill on the judgment docket against the owner of the property as a lien against the property. The lien may be foreclosed in the same manner as other judgment liens, without relief from valuation or appraisal laws or right of redemption. Each owner of the property on which a sign that is determined to be a public nuisance is located is jointly and severally liable for the costs of the removal of the sign under this subsection.

(f) A lease or other contract for the display of a sign that is determined to be a public nuisance under this section is against public policy and may not be enforced. An owner from whom the costs of removing a sign that is determined to be a public nuisance are collected under subsection (e) is entitled to contribution from any other owners of the property.

**TITLE 9
MOTOR VEHICLES**

ARTICLE 21. TRAFFIC REGULATION

**CHAPTER 4
TRAFFIC CONTROL DEVICES**

9-21-4-4. A person may not place, maintain, or display upon or in view of a highway an unauthorized sign, signal, marking, or device that:

- (1) purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal;
- (2) attempts to direct the movement of traffic; or
- (3) hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal.

9-21-4-5. (a) Except as provided in subsection (b), a person may not place or maintain upon a highway a traffic sign or signal bearing commercial advertising. A public authority may not permit the placement of a traffic sign or signal that bears a commercial message.

(b) Under criteria to be jointly established by the Indiana department of transportation and the department of commerce, the Indiana department of transportation may authorize the posting of any of the following:

- (1) Limited tourist attraction signage.
- (2) Business signs on specific information panels on the interstate system of highways and other freeways. All costs of manufacturing, installation, and maintenance to the Indiana department of transportation for a business sign posted under this subsection shall be paid by the business.

(c) A person may not place, maintain, or display a flashing, a rotating, or an alternating light, beacon, or other lighted device that:

- (1) is visible from a highway; and
- (2) may be mistaken for or confused with a traffic control device or for an authorized warning device on an emergency vehicle.

(d) This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

9-21-4-6. (a) A person may not place, maintain, or display an advertising sign, signal, or device on or over the roadway of a highway.

(b) A person may not place, maintain, or display an advertising sign, signal, or device on a highway in a city between the curb and sidewalk. If the curb and sidewalk join, a person may not place, maintain, or display on the sidewalk an advertising sign, signal, or device closer than ten (10) feet from the curb line. Overhanging signs may not overhang the curb.

(c) A person may not place, maintain, or display an advertising sign or device of any character within one hundred (100) feet of a highway outside the corporate limits of an incorporated city or town that obstructs the view of:

- (1) the highway; or
- (2) an intersecting highway, street, alley, or private driveway;

of a person traveling the highway for a distance of five hundred (500) feet or less from the sign or device as the person approaches the highway or intersecting highway.

(d) A person may not place, maintain, or display an advertising sign or a device of a permanent or semi-permanent character on a highway right-of-way.

(e) Each sign, signal, or marking prohibited under this section is declared to be a public nuisance. The authority having jurisdiction over the highway may remove or cause to be removed the prohibited sign, signal, or marking without notice.

APPENDIX E

AGREEMENT FOR CONTROL OF OUTDOOR ADVERTISING

Agreement between the State of Indiana and the United States of America concerning the Control of Outdoor Advertising in Areas Adjacent to the Interstate and Federal-Aid Primary System was signed by Governor Whitcomb, and Secretary of Transportation Volpe on August 4, 1971. The following is the text of the Agreement:

INDIANA

Agreement for Carrying Out National Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System.

This agreement made and entered into this 4th day of August 1971, by and between the United States of America represented by the Secretary of Transportation, hereinafter referred to as the Secretary, and the State of Indiana, represented by the Governor, hereinafter referred to as the State. Witnesseth:

Whereas, Congress has declared that outdoor advertising in areas adjacent to the Interstate and Federal Primary System should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty; and

Whereas, Section 131(d) of Title 23, United States Code, provides for agreement between the Secretary and the several States to determine the size, lighting, and spacing of signs, displays, and devices, consistent with customary use, which may be erected and maintained 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 commercial or industrial areas, under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement, and where no bona fide State, County, or local zoning authority has made any determination of customary use; and

Whereas, IC 1971, 8-12-2 authorizes the Governor of the State of Indiana to enter into an agreement with the Secretary with respect to the regulation and control of outdoor advertising; and

Whereas, the purpose of said agreement is to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the national policy to protect the public investment in the Interstate and Primary highways, to promote the safety and recreational value of public travel, and to preserve natural beauty; and

Whereas, the State of Indiana elects to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the national policy in order to remain eligible to receive the full amount of all Federal-Aid highway funds to be apportioned to such State on or after January 1, 1968,

under Section 104 of Title 23, United States Code.

Now therefore, the parties hereto do mutually agree as follows:

I. DEFINITIONS

A. "Act" means Section 131 of Title 23, United States Code, as amended, commonly referred to as Title I of the Highway Beautification Act of 1965, as amended.

B. "Commercial or industrial activities" means, for purposes of establishing unzoned commercial or industrial areas, those activities generally recognized as commercial or industrial by zoning authorities in this State, but excludes the following activities:

1. Outdoor advertising structures.
2. Agricultural forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main traveled way.
5. Activities more than 660 feet from the nearest edge of the right-of-way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.

C. "Zoned commercial or industrial areas" means those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.

D. "Unzoned commercial or industrial areas" means those areas which are not zoned by State or local law, regulation, or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 600 feet from and beyond the edge of such activity on both sides of the highway. Provided however, the unzoned area shall not include land on the opposite side of an Interstate or dual-laned limited access Primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area or land on the opposite side of other Federal-Aid Primary highways which land is deemed scenic by an appropriate agency of the State.

All measurement shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Such an area shall not include any area which is:

(a) Within 300 feet of any building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use or uses to be made of such lands;

(b) Within 500 feet of any of the following: public park garden recreation area or forest preserve, church, school, and officially designated historical battlefield, any museum or historical monument and any safety rest or recreation area, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code, any sanitary or other facility for the accommodation of the motorist, publicly owned, controlled, and maintained pursuant to Section 319 of Title 23 of the United States Code; or

(c) Within 750 feet of, any strip of land, an interest in which has been acquired by this State for the restoration, preservation, or enhancement of scenic beauty, and which is publicly controlled and maintained, pursuant to Section 319 of Title 23 of the United States Code.

E. "Local zoning authority" means a county or municipality authorized by law to zone areas under their respective jurisdiction which has an active zoning authority, as defined and certified by the Planning Division of the Department of Commerce of the State of Indiana.

F. "Sign" means any outdoor sign, display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designated, intended or used to advertise or inform, any part of the advertising or informative contents of which is located within an adjacent area and is visible from any place on the main traveled way of any portion of any Interstate or Primary highway.

G. "Traveled way" means the portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.

H. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign structure.

I. "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.

J. "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 Indiana State Highway Commission may consider desirable.

K. "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 separated 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.

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

II. SCOPE OF AGREEMENT

This agreement shall apply to all zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of the Interstate and Federal-Aid Primary Systems, in which outdoor advertising signs, displays, and devices may be visible from the main-traveled way of either or both of said systems.

III. STATE CONTROL

The State hereby agrees that, in all areas within the scope of this Agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays, and devices erected subsequent to the effective date of this Agreement, other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following:

A. In zoned commercial and industrial areas, the State may notify the Secretary as notice of effective control that there has been established within such areas comprehensive zoning which regulates the size, lighting, and spacing of outdoor advertising signs consistent with the intent of the Act and with customary use.

B. In all other zoned and unzoned commercial and industrial areas, within the scope of this agreement, the criteria set forth below shall apply.

Size of Signs

1. The maximum area for any one sign shall be 1,000 square feet and the maximum height of 25 feet and maximum length of 60 feet, exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed 20 percent of the sign area.

2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.
3. A sign structure may contain one or two advertisements per facing, not to exceed the maximum area as defined in paragraph 1 above.
4. Double-faced structures will be permitted with the maximum area being allowed for each facing.

Spacing of Signs

1. On the Interstate System and limited access facilities on the Federal-Aid Primary System:
 - a. After the effective date of this agreement no sign structure shall be erected within 500 feet of another structure on the same side of the highway.
 - b. Outside incorporated municipalities, no structure erected after the effective date of this agreement may be located adjacent to or within 500 feet of an interchange, intersection at grade, or rest area, said 500 feet to be measured along the Interstate or limited access Primary highway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.
2. On other routes on the Federal-Aid Primary System:
 - a. Outside of incorporated municipalities, no sign structure shall be erected after the effective date of the Agreement within 300 feet of another sign structure on the same side of the highway.
 - b. Inside incorporated municipalities, no sign structure shall be erected after the effective date of this Agreement within 100 feet of another sign structure on the same side of the highway.
3.
 - a. The spacing-between-sign structure rules in paragraphs 1 and 2 shall not apply to sign structures separated by a building or other obstruction in such a manner that only one sign structure is visible from any point on the highway at any one time.

- b. Official and "on premise" signs as defined in Section 131 (c) of the Act shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.
- c. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

Lighting

Signs may be illuminated, subject to the following restrictions:

- 1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.
- 2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or Federal-Aid primary highway, and 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 shall be so illuminated as to obscure or interfere with the effectiveness of an official traffic sign, device, or signal.
- 4. All other Indiana laws relating to lighting of signs presently applicable to highways under the jurisdiction of the State of Indiana shall be applicable to signs subject to this Agreement.

C. The State and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial activities and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this Agreement. At any time that a political subdivision adopts comprehensive zoning which includes the regulation of outdoor advertising in industrial or commercial areas, control will be subject to subsection A of this section.

IV. INTERPRETATION

The provisions contained herein shall constitute the minimum acceptable standards for effective control of signs, displays, and devices within the scope of this Agreement.

Nothing contained herein shall be construed to abrogate or prohibit the State or units of local government from exercising a greater degree of control of outdoor advertising than that required or contemplated by the Act or from adopting standards which are more restrictive than those in this Agreement.

In the event that the Act is amended, the parties reserve the right to renegotiate this Agreement or to modify it to conform to the amendment.

V. SEPARABILITY

If any provision, clause, sentence or section of this Agreement shall be held void, unconstitutional, or in violation of any existing State statute, all the remaining provisions, clauses, sentences or sections which are not expressly held to be void, unconstitutional, or in violation of any State statute shall be deemed valid and shall continue in full force and effect.

This Agreement shall become effective sixty days after the date of execution.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE FOURTH DAY OF AUGUST 1971.

s/Edgar D. Whitcomb

Edgar D. Whitcomb
Governor of Indiana

APPROVED AS TO LEGALITY AND FORM

August 4, 1971.

s/Sheldon A. Breskow
Deputy Attorney General

s/John A. Volpe
John A. Volpe
Secretary
Department of Transportation

APPENDIX F

PROMULGATED RULES

Promulgated rules for the regulation of outdoor advertising, as found in the Indiana Register, Volume 17, Number 9, June 1, 1994.

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #93-170(F)

DIGEST

Adds 105 IAC 7-3 to establish a permit system for the regulation of signs and billboards. Effective 30 days after filing with the Secretary of State.

105 IAC 7-3

SECTION 1. 105 IAC 7-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. Signs and Billboards

105 IAC 7-3-1 **Permit required for each sign structure; applications; refusal of permits; change of advertising copy; revocation**

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 4-21.5; IC 8-23-20

Sec. 1. (a) Except as otherwise provided in this rule, no person shall construct, maintain, erect, cause or allow to be constructed or erected any advertising sign, display, or device without first obtaining a permit therefore from the department and paying applicable fees as established in section 3 of this rule.

(b) A separate application for a permit shall be made for each sign structure or proposed sign structure on a form furnished by the department. The application shall be signed by the applicant, or a representative duly authorized in writing to act for the applicant, and shall describe and set forth the size, shape, and the nature of the proposed sign structure and its actual or proposed location with sufficient accuracy to enable the department to locate and identify it. The denial of a permit by the department shall be accompanied by an order served on the applicant by certified mail, return receipt requested. Such order shall include a clear statement of the rationale upon which the denial was based. If the permit is denied, the person applying for the permit shall be afforded the opportunity to request a hearing under to [sic.] IC 4-21.5 and IC 8-23-20. The application shall contain a certification of truthfulness, under penalties of perjury for all information contained therein.

(c) The holder of a permit or its authorized agent shall have the right to change the advertising copy on the structure or sign for which it was issued without payment of any additional fee.

(d) The department shall have authority, after thirty (30) days notice in writing to the permittee, to enter an order revoking any permit issued under this rule in any case where the application for the permit contains false or misleading information or where the permittee has violated any of the provisions of this rule.

(e) The issuance of the permit shall in no way imply department approval of or be intended to influence any action pending before a local board, commission, or agency.

(f) The department may subsequently refuse to issue a permit to an applicant that is found to have intentionally provided false informations on a previous permit application within the previous two (2) years. (*Indiana Department of Transportation; 105 IAC 7-3-1; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2042*)

105 IAC 7-3-2 Preconstruction permit

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec.2. (a) A permit must be obtained before the erection of any sign structure.

(b) As soon as practicable and no more than Thirty (30) days after the issuance of a permit for a proposed structure, the permit tag shall be displayed upon a post or similar support such that the permit number is plainly visible from the right-of-way. Such tag shall be placed as close as practical at the right-of-way line at the nearest point to the proposed location.

(c) Measurements to determine the compliance of a subsequent sign structure to the spacing criteria shall treat the permit tag display described in subsection (b) as if a sign structure was actually in existence on the date the permit was issued.

(d) The proposed sign structure must be completed within three hundred sixty-five (365) days of issuance of the permit or the permit shall be revoked.

(e) When multiple permit applications are received for proposed sign structures, priority shall be given in the order received.

(f) When a spacing or related conflict exists between a sign structure constructed on or after July 1, 1993, and not holding a valid permit, and a proposed sign structure, the first permit application received shall have priority in the issuance of a permit. (*Indiana Department of Transportation; 105 IAC 7-3-2; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2042*)

105 IAC 7-3-3 Application and fee
Authority: IC 8-23-2-6; IC 8-23-20-25
Affected: IC 8-23-20

Sec.3. Each application for a permit (for sign structures not subject to registration and permit under (IC-8-23-20-25 h) shall be accompanied by an application fee of twenty-five dollars (\$25) for each sign structure. The fee shall be retained by the department. If the application is approved, the applicant shall be billed for an additional seventy-five dollars (\$75) permit fee. Once the permit fee has been received by the department, the permit tag and approved permit application will be forwarded by U.S. mail. (Indiana Department Of Transportation, -105 IAC 7-3-3;filed Apr 28, ~1994, 9:30 a.m.: 17 ~IR 2042)

105 IAC 7-3-4 Permit identification number for signs; fastening to signs
Authority: IC 8-23-2-6; IC 8-23-20-25
Affected: IC 8-23-20

Sec.4. Each permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign structure the permit tag provided by the department in a prominent location with the permit number plainly visible from the right-of-way. The construction, erection, operation, use, or maintenance of an outdoor advertising sign structure without having affixed the proper permit tag shall be prima facie evidence that no permit has been obtained. In the event the provided permit tag is lost or destroyed, a new permit tag shall be obtained from the department upon the submission of a written request and the payment of a ten dollar (\$10) replacement fee. The replacement tag shall be fastened to the structure as provided in this section. (Indiana Department of Transportation; 105 IAC 7-3-4 filed Apr 28, 1994, 9:30 a.m.: 17 IR 2043)

105 IAC 7-3-5 Territory to which article applies; entries for examinations and surveys
Authority: IC 8-23-2-6; IC 8-23-20-25
Affected: IC 8-23-20

Sec. 5. (a) The territory under the jurisdiction of the department for the purposes of this article shall include all interstates and the Federal-Aid Primary System as defined on June 1, 1991, and any other highways where control of outdoor advertising is required by 23 U.S.C. 131 in effect on December 18, 1991. Where additional roadways become subject to the requirements of 23 U.S.C. 131, as effective on December 18, 1991, such are deemed added to the control areas contained in subsection (c), sixty (60) days after publishing notice of the additions in the Indiana Register. In the event an additional roadway is added, sign owners shall have one hundred and eighty (180) days after the date of publication to comply with this rule.

(b) The submission of a permit application is deemed permission to enter into an upon any land which advertising signs are standing or proposed, or upon which displays or devices are exhibited and make such examinations and surveys as may be relevant and reasonable under this rule.

(c) List of control areas:

I-164	all
I-65	all
I-69	all
I~70	all
I-74	all
I~80	all
I-90	all
I-94	all
I-164	all
I-265	all
I-275	all
I-465	all
S.R. 2	from S.R.469 south Jct. to S.R.18
S.R. 1	from U.S.35 to S.R.I/U.S.52 south intersection
S.R. 1	from I-74 to U.S.50
S.R. 2	from U.S.41 to U.S.231
S.R. 2	from U.S.30 east Jct. to U.S.31
S.R. 3	from U.S.6 to I-69
S.R. 3	from S.R.18 to the Kentucky state line
U.S. 6	all
S.R. 7	from S.R.46 to S.R.56
S.R. 8	from U.S.231 to U.S.41
S.R. 9	from the Michigan state line to S.R.9/S.R.109 intersection in Madison County
S.R. 9	from I-69 to S.R.46
S.R. 10	from the Illinois state line to U.S.421
U.S. 12	from the Michigan state line to S.R.212
S.R. 13	from the Michigan state line to I-80/I-90
S.R. 14	from U.S.421 to S.R.114
S.R. 15	from U.S.33 to S.R.15/S.R.9 north intersection
S.R. 18	from S.R.18/US.421/S.R.39 intersection to S.R.29
S.R. 18	from S.R.18/S.R.19 intersection to the Ohio state line
S.R. 19	from U.S.24 to S.R.18
S.R. 19	from the Michigan state line to U.S.6
U.S. 20	all
S.R. 22	from S.R.29 to I-69
S.R. 23	from U.S.6 to U.S.31
U.S. 24	from the Illinois state line to S.R.329 right/ S.R.17 left intersection
U.S. 24	from U.S.31 north Jct. to east Jct. of U.S.30
U.S. 24	from S.R.469 to the Ohio state line
S.R. 25	from S.R.28 to S.R.526
S.R. 25	from I-65 to U.S.24
S.R. 25	from S.R.17 to S.R.14

S.R. 26 from the Illinois state line to U.S.41
U.S. 27 from I-69 to the Ohio state line
S.R. 28 from the Illinois state line to S.R.28/S.R.67/S.R. 167 intersection
S.R. 29 from U.S.35 to S.R.28/U.S.421 intersection
U.S. 30 all
U.S. 31 from the Michigan state line to I-465 on south side of Indianapolis
S.R. 32 from U.S.231 to S.R.109
S.R. 32 from S.R.3 to the Ohio state line
U.S. 33 from U.S.33/S.R.23/U.S.20 intersection to the Ohio state line
U.S. 35 from S.R.39 to the north junction of the intersection of S.R.29
U.S. 35 from S.R.435 to I-70
U.S. 36 from the Illinois state line to I-465 on the west side of Indianapolis
U.S. 36 from I-465 in the east side of Indianapolis to S.R.38
U.S. 36 from U.S.27 to the Ohio state line
S.R. 37 from I-465 on the south side of Indianapolis to I-64
S.R. 37 from I-64 to S.R. 66
S.R. 37 from S.R.9 to U.S.31
S.R. 39 from the Michigan state line to Jct. of S.R.39 and S.R.2
S.R. 39 between S.R.67 and S.R.37
S.R. 39 from U.S.24 to S.R.32
U.S. 41 all
S.R. 43 from west Jct. of S.R.43/S.R.46/S.R.67 to S.R.43/S.R.25/U.S.231 intersection
S.R. 43 from I-65 to U.S.24/U.S.421 Jct.
S.R. 44 from S.R.135 (Johnson County) to U.S.27
S.R. 45 from SR.445 to S.R.37
S.R. 46 from S.R.59 to the eastern junction with S.R.3
S.R. 47 from U.S.41 to S.R.32
S.R. 49 from U.S.12 to U.S.30
U.S. 50 all
U.S. 52 from the Illinois state line to S.R.443
U.S. 52 from I-465 on the east side of Indianapolis to I-74
S.R. 54 from U.S.41/ U.S.150 to S.R.43
S.R. 56 from S.R.61/S.R.57 south intersection to U.S.50/S.R.350 (Dearborn County)
S.R. 57 from S.R.54 to U.S.41
S.R. 58 from U.S.231 to S.R.37
S.R. 59 from U.S.36 to S.R.54/S.R.59 south Jct.
S.R. 60 from S.R.37 to I-65
S.R. 61 from U.S.41 to S.R.56/S.R.57 intersection

S.R. 61	from I-64 to S.R.66
S.R. 62	from the Illinois state line to S.R.62/U.S.231 north split
S.R. 62	from S.R.56 to I-65
S.R. 63	from U.S.41 north Jct. to U.S.41 south Jct.
S.R. 64	from the Illinois state line to U.S.231
S.R. 66	from the Illinois state line to U.S.41
S.R. 66	from U.S.41 to S.R.37
S.R. 67	from I-465 on the east side of Indianapolis to US.27
S.R. 67	from I-465 on the southwest side of Indianapolis to U.S.41
S.R. 69	from I-64 to S.R.62
S.R. 101	from S.R.44 to U.S.52
S.R. 101	from I-74 to U.S.50
S.R. 109	from S.R.9 to I-70
S.R. 114	from U.S.41 to U.S.421
S.R. 114	from S.R.14 to U.S.24
S.R. 135	from S.R.44 to the Kentucky state line
S.R. 144	from S.R.42 to S.R.67
S.R. 145	from S.R.56 to I-64
U.S. 150	from the Illinois state line to I-70
U.S. 150	from U.S.50 to I-64
S.R. 154	from the Illinois state line to U.S.41
S.R. 212	all
U.S. 224	from U.S.24 to the Ohio state line
U.S. 231	from S.R.2 to S.R.8
U.S. 231	from U.S.231/S.R.10 east junction to U.S.231/S.R.10 west junction
U.S. 231	from the S.R.25 south junction to the Kentucky state line
S.R. 237	from S.R.37 to S.R.66
S.R. 252	from S.R.37 to S.R.135
S.R. 267	from I-65 to S.R.144/S.R.42 intersection
U.S. 421	all except I-74 to S.R.46 in Dearborn County
S.R. 441	all
S.R. 445	all
S.R. 469	all
S.R. 526	all
S.R. 912	all

(Indiana Department of Transportation; 105 IAC 7-3-5; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2043)

105 IAC 7-3-6 Permit denial criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 6. No permit, except as provided in section 7 of this rule, may be issued for any sign structure:

- (1) Within six hundred sixty (660) feet of the right-of-way of a roadway, erected after January 1, 1968, except in zoned or unzoned commercial or industrial areas.**
- (2) Beyond six hundred sixty (660) feet of the right-of-way, outside of urban areas, visible from the right-of-way, and erected with the purpose of a message being read from the traveled portion, and erected after June 30, 1976.**
- (3) In an adjacent area where the sign fails to comply with the size and configuration restrictions in section 9 of this rule.**
- (4) In an adjacent area where the sign fails to comply with the sign spacing criteria in section 10 of this rule.**
- (5) In an adjacent area where the sign fails to comply with the sign lighting criteria in section 11 of this rule.**
- (6) That fails to comply with the miscellaneous sign criteria in section 12 of this rule.**

(Indiana Department of Transportation; 105 IAC 7-3-6; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2044)

105 IAC 7-3-7 Conditional Permit

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec.7. A conditional permit shall be granted to any sign lawfully erected that is not eligible for a permit under section 6 of this rule, provided the following:

- (1) The sign must remain substantially the same, as it was on the date its status initially became nonconforming. Reasonable maintenance and repair shall not be considered to have substantially altered the sign.**
- (2) The sign has not been destroyed, abandoned, or discontinued. If reerected in kind, signs destroyed due to vandalism, criminal acts, or tortuous acts shall not be considered destroyed.**

(Indiana Department of Transportation; 105 IAC 7-3-7; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2044)

105 IAC 7-3-8 Subsequent failure to comply with rule

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 4-21.5; IC 8-23-20

Sec.8. (a) A sign structure issued a permit under this rule may have such permit revoked if the department determines the following:

- (1) The sign structure is no longer in compliance with:**
 - (A) The size and configuration restrictions in section 9 of this rule.**
 - (B) The sign structure spacing criteria in section 10 of this rule.**

- (C) The sign lighting criteria in section 11 of this rule.
- (D) The miscellaneous sign criteria in section 12 of this rule.

(2) If permit revocation under subsection (a) [*sic. this subsection*] is appropriate, the department shall issue a written order clearly explaining the rationale to the permit holder. The permit holder shall be allowed thirty (30) days to remedy the noncompliance or appeal the determination under IC 4-2~1.5.

If the determination under this subsection is not appealed or remedied within the thirty-(30) days allowed, the permit shall be revoked.

(b) A sign structure issued a permit under this rule may have such permit modified to a conditional permit if the department determines that changed circumstances would preclude the issuance of a permit under section 6 of this rule. Notice shall be given as provided in subsection (a). If the permit is modified to a conditional permit, the requirements of section 7 of this rule apply. (*Indiana Department of Transportation, 105IAC7-3-8; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2044*)

105 IAC 7-3-9 Size and configuration criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec. 9 (a) The maximum area for any sign erected after October 4, 1971, shall be one thousand (1,000) square feet and the maximum height of twenty-five (25) feet and maximum length of sixty (60) feet exclusive of any border, trim, ornamental base, apron, supports, embellishments, and other structural members, if the exclusions do not exceed twenty percent (20%) of the sign area.

(b) The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.

(c) A sign structure is measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the area affected.

(d) Double-faced structures will be allowed with the maximum area being permissible for each facing. (*Indiana Department of Transportation; 105 IAC 7-3-9; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2045*)

105 IAC 7-3-10 Sign structure spacing criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec.10. (a) All signs erected after October 4, 1971, in adjacent areas must conform to the following criteria:

(1) On the interstate system and limited access facilities on the Federal-Aid Primary System, the following:

(A) No sign structure shall be erected within five hundred (500) feet of

another structure on the same side of the highway.

(B) Outside incorporated municipalities, no structure may be located adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or rest area, said five hundred (500) feet to be measured along the interstate or limited access primary highway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

(2) On other routes on the Federal-Aid Primary System, the following:

(A) Outside of incorporated municipalities, no sign structure shall be erected within three hundred (300) feet of another sign structure on the same side of the highway.

(B) Inside incorporated municipalities, no sign structure shall be erected within one hundred (100) feet of another sign structure on the same side of the highway.

(b) The spacing between sign structure rules in subsection (a)(2) shall not apply to sign structures separated by a building or other obstruction in such a manner that only one (1) sign structure is visible from any point on the highway at any one (1) time.

(c) Official and on premise signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

(d) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(Indiana Department of Transportation; 105 IAC 7-3-10; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2045)

105 IAC 7-3-11 Sign lighting criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec.11. this section applies to signs located within adjacent areas. Signs may be illuminated, subject to this rule and the following restrictions:

(1) Signs, which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(2) Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of highways in the control areas, and which:

(A) Are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle; or

(B) Otherwise interfere with any driver's operation of a motor vehicle; are prohibited.

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

(Indiana Department of Transportation; 105 IAC 7-3 1- 1; filed Apr 28, 1994, 9:30 a.m.- 17 IR 2045)

105 IAC 7-3-12 Miscellaneous Criteria

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec 12. The following signs shall not be eligible for a permit:

- (1) Signs, which are illegal under, state laws or rules.**
- (2) Signs not securely affixed to a substantial structure.**
- (3) Signs which attempt or appear to attempt or regulate, warn, or direct themovement of traffic or which interferes with, imitates, or resembles any official traffic sign, signal, or device.**
- (4) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.**
- (5) Signs otherwise inconsistent with:**
 - (A) 23 U.S.C. 131, as effective December 18, 1991;**
 - (B) 23 CFR 750;**
 - (C) IC 8-23-20; or**
 - (D) this rule.**

(Indiana Department of Transportation; 105 IAC 7-3-12; filed Apr 28, 1994, 9:30 a.m.: 17 IR 2046)

105 IAC 7-3-13 Separability

Authority: IC 8-23-2-6; IC 8-23-20-25

Affected: IC 8-23-20

Sec.13. The terms of this rule are declared to be separable. Should any word, phrase, sentence, or section be declared unconstitutional or otherwise invalid, the remainder of this article shall not thereby be affected, but shall remain in full force and effect. *(Indiana Department of Transportation; 105 IAC 7-3-13, filed Apr 28, 1994, 9:30 a.m.: 17 IR 2046)*

LSA Document #93-170(F)

Proposed Rule Published: November 1, 1993; 17 IR 211

Hearing Held: November 29, 1993

Approved by Attorney General: April 14, 1994

Approved by Governor: April 27, 1994

Filed with Secretary of State: April 28, 1994, 9:30 a.m.

Incorporated Documents Filed with Secretary of State: None