

CHAPTER 117
OUTDOOR ADVERTISING

[Prior to 6/3/87, Transportation Department[820]—(06,O) Ch 5]

761—117.1(306B,306C) Definitions. The definitions in Iowa Code section 306C.10 are adopted. In addition:

“*Abandoned sign*” means an advertising device for which the owner has failed to timely apply for the required outdoor advertising permit(s) or has failed to timely pay the required fee(s).

“*Billboard control Act*” means Iowa Code chapter 306C, division II.

“*Bonus Act*” means Iowa Code chapter 306B.

“*Directional and official signs and notices*” means official signs and notices, public utility signs, service club and religious notices, public service signs, directional signs, and municipal, county and school district recognition signs.

“*Directional sign*” means a sign governed by 761—Chapter 120.

“*Entrance roadway*” means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main traveled way of an interstate or freeway primary highway from the general road system, irrespective of whether traffic may also leave the main traveled way by the public road or turning roadway.

“*Exit roadway*” means any public road or turning roadway, including deceleration lanes, by which traffic may leave the main traveled way of an interstate or freeway primary highway to reach the general road system, irrespective of whether traffic may also enter the main traveled way by the public road or turning roadway.

“*Face*” means that part of the display area of an advertising device devoted to a single display or advertising message. An overlay or message across the bottom of a multifaced advertising device is not an additional face if it relates to an element common to the advertising messages, such as “exit number 64 left two blocks” or “turn left at light.” However, the overlay or message is part of the display area.

“*Facing*,” unless the context otherwise requires, means one or more faces of an advertising device that are visible to traffic proceeding in any one direction.

“*Municipal, county or school district recognition sign*” means an official recognition sign erected and maintained by a city, county or school district within its territorial or zoning jurisdiction. The recognition sign is limited to displaying a message that identifies the city, county or school district and its boundaries, public services, and noncommercial attractions of a scenic, historical, cultural, scientific, educational or recreational nature that are located therein.

“*Nonconforming sign*” means an advertising device that was lawfully erected but fails to comply with the bonus Act, the billboard control Act or these rules.

“*Obsolete sign*” means an advertising device displaying information pertaining to activities that are no longer conducted or products or services that are no longer available at the advertised location.

“*Official sign or notice*” means a sign or notice lawfully erected and maintained by a public agency within its territorial or zoning jurisdiction for the purpose of carrying out an official duty or responsibility. The definition includes a historical marker lawfully erected by a state or local government agency or a nonprofit historical society.

“*On-premise sign*” means an advertising device advertising the sale or lease of, or activities being conducted upon, the property where the sign is located. The criteria to be used to determine if an advertising device qualifies as on-premise signing include but are not limited to the following:

1. An on-premise sign must be located on the same property as the advertised activity or the same property as that advertised for sale or lease. A subdivided property is considered to be one property if all lots remain under common ownership and all lots share a common, private access to public roads. However, if any lot in the subdivided property is sold or disposed of in any manner, that lot will be considered to be separate property.

2. Contiguous lots or parcels of land combined for development purposes are considered to be one property for outdoor advertising control purposes provided they are owned or leased by the same party or parties. However, land held by lease or temporary easement must be used for a purpose related to the advertised activity other than signing.

3. An on-premise sign shall not be located on a narrow strip of land that cannot reasonably be used for a purpose related to the advertised activity other than signing.

4. An on-premise sign is limited to advertising the property's sale or lease, or identifying the activities located on or products or services available on the property.

5. An advertising device is not an on-premise sign if it consists principally of brand- or trade-name advertising and either the product or service advertised is not a major product or service available on the property or the advertising brings rental income to the property owner.

6. An on-premise sign concerning the sale or lease of property shall not display the legend "sold" or "leased" or a similar message.

"*Parkland*" means any public land that is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

"*Public utility sign*" means a warning or informational sign, notice or marker that is customarily erected and maintained by a publicly or privately owned utility to mark the location of a utility facility.

"*Scenic area*" means any area of particular scenic beauty or historical significance, as determined by the federal, state or local officials having jurisdiction of the area. It includes real property interests that have been acquired for the restoration, preservation and enhancement of scenic beauty.

"*Service club or religious notice*" means a sign displaying a message that is limited to the name of a nonprofit service club, charitable association or church or religious group, the location and hours of its meetings or services, and an appropriate emblem.

761—117.2(306B,306C) General provisions. These rules pertain to all advertising devices which are visible from the main traveled way of any interstate, freeway primary, or primary highway, except advertising devices located within incorporated areas beyond 660 feet from the right-of-way.

117.2(1) *Manual on uniform traffic control devices.* In addition to the provisions of this chapter, the "Manual on Uniform Traffic Control Devices for Streets and Highways," as adopted in rule 761—130.1(321), shall apply to devices regulated by its provisions.

117.2(2) *Unauthorized signs, signals, or markings (321.259).* In addition to the provisions of these rules, any sign, signal, marking or device prohibited by Iowa Code section 321.259 is a public nuisance and shall be removed by the department if it is within its jurisdiction.

117.2(3) *Obstruction of the highway or railway (319.10, 657.2(7)).* In addition to these rules, any advertising device, any other provision to the contrary notwithstanding, which obstructs the view of any portion of a public highway, public street, avenue, boulevard, alley, street, railroad, or railway tract as to render dangerous the use of a public highway in violation of Iowa Code section 319.10 and subsection 657.2(7), is a public nuisance and shall be enforced accordingly.

117.2(4) *Advertising devices within the right-of-way (319.12).* In addition to these rules, any advertising device placed or erected within the right-of-way of any primary, freeway primary, or interstate highway, except signs or devices authorized by law or approved by the department, in violation of Iowa Code section 319.12 shall be removed and the costs assessed against the owner of the sign or device as provided by Iowa Code section 319.13.

761—117.3(306B,306C) General criteria. The department shall control the erection and maintenance of advertising devices, subject to the provisions of these rules, in accord with the following criteria:

117.3(1) *Prohibition.* Advertising devices shall not be erected, maintained or illuminated which do not comply with all applicable state or local laws, rules, regulations or ordinances, which may be more strict than the following:

- a. No sign shall attempt or appear to attempt to direct the movement of traffic.
- b. No sign shall interfere with, imitate or resemble any official sign, signal or device.
- c. No directional sign or sign subject to the more restrictive controls of the bonus Act shall move or have any animated or moving parts.
- d. No sign shall be erected or maintained upon trees, painted or drawn upon rocks or other natural features.
- e. No sign shall include any flashing, intermittent or moving light or lights except those signs giving public service information such as time, date, temperature, weather and news. Any variation or addition to the stated service information shall be subject to approval by the department.
- f. No lighting shall be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of any highway, or is of such low intensity or brilliance as to not cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
- g. No directional sign or sign subject to the more restrictive controls of the bonus Act shall be obsolete.
- h. Signs shall be maintained in good repair so as to be legible. Any advertising device that for a period of at least 90 days is in a state of disrepair or is illegible due to deferred maintenance is subject to removal in the manner specified in subrule 117.8(2) or 117.8(3), as applicable, and any permit that has been issued for the advertising device is subject to revocation.
- i. Signs shall be securely affixed to a substantial structure.
- j. No directional sign or sign subject to the more restrictive controls of the bonus Act shall advertise activities which are illegal under federal or state laws in effect at the location of those activities or at the location of the sign.

117.3(2) *Measurements of distance.* Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

117.3(3) *Measurement of area.* The area of an advertising device shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire display area including cutouts, extensions, border and trim, but excluding base, apron, support, or other structural members.

117.3(4) *Zoning.*

- a. A zone in which limited commercial or industrial activities are permitted incidental to other primary land uses is not a commercial or industrial zone for outdoor advertising control purposes.
- b. Action which is not a part of comprehensive zoning and is taken primarily to permit outdoor advertising devices is not zoning for advertising control purposes.

761—117.4(306B,306C) *Interstate special provisions.* In addition to the general provisions of rule 117.3(306B,306C), the following provisions apply to advertising devices located within the adjacent area of any interstate highway except subrules 117.4(1), 117.4(2), 117.4(3), 117.4(4) and 117.4(5) shall not apply to advertising devices located within areas exempt from control under the bonus Act section 306B.2(5).

117.4(1) *Interstate on-premise signs (restricted).* Within the adjacent area of any interstate highway not more than one on-premise sign, visible to traffic proceeding in any one direction on any one interstate highway, advertising activities conducted upon the real property where the sign is located, may be erected or maintained more than 50 feet from the advertised activity. Such on-premise signs more than said 50 feet shall be subject to the permit provisions of rule 117.6(306C).

117.4(2) *Interstate on-premise signs (for sale or lease).* Within the adjacent area of any interstate highway, not more than one on-premise sign advertising the sale or lease of the same property upon which the sign is located may be permitted in such a manner as to be visible to traffic proceeding in any one direction on any one interstate highway.

117.4(3) Interstate on-premise size limitations. An on-premise sign within the adjacent area of an interstate shall be no larger than 20 feet in length, width or height and 150 square feet in area. However, an on-premise sign advertising activities conducted within 50 feet of the sign is exempt from these size limitations. This exemption does not apply to a sign advertising the sale or lease of property where the sign is located.

117.4(4) Interstate on-premise signs (unrestricted). Within the adjacent area of any interstate highway, on-premise signs advertising activities conducted within 50 feet of the sign, located upon the same real property where the sign is located, are not subject to regulations as to number of signs, size, or spacing; however, for the purpose of determining the 50-foot distance, the limits of the advertised activity shall be determined as follows:

a. When the advertised activity is a business, commercial or industrial land use, the distance shall be measured from the regularly used buildings, parking lots, storage or processing areas or other structures which are essential and customary to the conduct of the business.

b. When the advertised activity is a noncommercial or nonindustrial land use such as a residence, farm, or orchard, the distance shall be measured from the major structures or areas used in furtherance of the advertised activities.

117.4(5) Interstate signs which advertise activities being conducted within 12 air miles. All other advertising devices (except on-premise advertising devices and official devices specifically permitted by these rules), located within the adjacent area and outside of the right-of-way of any interstate highway shall not be allowed unless they advertise activities conducted within 12 air miles of the place where the sign is located, and comply with the following provisions in addition to the general provisions of rule 117.3(306B,306C).

a. No advertising device shall be erected or maintained without a current permit being issued and fee being paid.

b. No advertising device may be permitted to exceed 20 feet in length, width, or height, or 150 square feet in area.

c. Advertising devices shall be permitted only within zoned or unzoned commercial or industrial areas, and shall be consistent with the following:

(1) In advance of an intersection of the main traveled way of an interstate highway and an exit roadway, signs visible to interstate traffic approaching the intersection may not be permitted to exceed the following number:

Distance from Intersection	Number of Advertising Devices
0-2 miles	0
2-5 miles	6
More than 5 miles	1 per mile

The specified distance shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main traveled way of the interstate highway. The nearest point of intersection shall be the beginning of the exit ramp widening.

(2) No advertising device visible to interstate traffic which is approaching or has passed an entrance roadway may be erected or maintained within 1000 feet beyond the furthest point of intersection between the traveled way of the entrance roadway and the main traveled way of any interstate highway. The furthest point of intersection shall be the ending of the entrance ramp widening.

(3) No advertising device may be permitted within 250 feet of a rest area. The measurement shall be from the nearest pavement widening for the purpose of acceleration or deceleration of traffic to or from the main traveled way, to the advertising device.

(4) No advertising device may be closer to another advertising device than 1000 feet, and not more than two shall be permitted in any one mile. For purposes of this measurement it shall be made without reference to any on-premise sign or signs.

(5) Not more than one advertising device advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one interstate highway.

117.4(6) *Interstate advertising devices not previously subject to control.* Advertising devices which are visible from any interstate highway, but which are located beyond the adjacent area of any interstate highway in unincorporated areas, and advertising devices which are located in commercial or industrial zones traversed by segments of the interstate system within the boundaries of incorporated municipalities as these boundaries existed September 21, 1959, where the use of property adjacent to the interstate system is subject to municipal regulation and control, or other areas where the land on September 21, 1959, was clearly established by law for industrial or commercial purposes, shall be subject to the provisions of rule 117.5(306C).

761—117.5(306C) *Special provisions interstate highways not previously controlled by Iowa Code chapter 306B, freeway primary and primary highways.* Subject to the more strict provisions of rule 117.4(306B,306C) pertaining to advertising devices within the adjacent area of previously controlled segments of interstate highways, no advertising devices which are visible from any interstate, freeway primary, or primary highway shall be erected or maintained except on-premise advertising devices, and except official directional or other traffic control devices, which do not comply with the provisions of this rule in addition to the general provisions of rule 117.3(306B,306C).

117.5(1) *Advertising devices lawfully in existence prior to July 1, 1972, located in zoned and unzoned commercial or industrial areas.* Within zoned and unzoned commercial or industrial areas, advertising devices lawfully in existence prior to July 1, 1972, not in violation of Iowa Code chapter 306B, or any other statute, rule, or ordinance for which timely application for a permit has been made, and fees have been paid in accordance with rule 117.6(306C), may remain in existence, not in conformity with these rules pertaining to subsequently erected devices.

117.5(2) *Advertising devices lawfully in existence prior to July 1, 1972, beyond 660 feet from the right-of-way.* Advertising devices lawfully in existence prior to July 1, 1972, beyond the adjacent area of any interstate, freeway primary, or primary highway, for which timely application for a permit has been made, and fees have been paid in accordance with rule 117.6(306C) may remain in existence, not in conformity with these rules pertaining to subsequently erected devices.

117.5(3) *Abandoned signs.* Abandoned signs which do not comply with these rules shall be removed by the department without compensation regardless of when erected.

117.5(4) *Advertising devices lawfully in existence prior to July 1, 1972, within adjacent areas neither zoned nor unzoned commercial or industrial.* Advertising devices lawfully in existence prior to July 1, 1972, located within the adjacent area of any primary, freeway primary, or interstate highway, which is not a zoned or unzoned commercial or industrial area for which device timely application for a permit has been made, and fees paid in accordance with rule 117.6(306C) may remain in existence not in conformity with these rules pertaining to subsequently erected signs, by provisional permit to be issued by the department until the advertising device is acquired by the department.

117.5(5) *Advertising devices erected after July 1, 1972.* After July 1, 1972, no advertising device visible from any interstate, freeway primary, or primary highway shall be erected or maintained within the adjacent area in incorporated areas or within or beyond the adjacent area in unincorporated areas, which does not comply with the following:

a. No advertising device shall be erected or maintained without a current permit from the department.

b. No advertising device shall be erected or maintained outside of zoned or unzoned commercial or industrial areas.

c. Within the corporate limits of a municipality, no advertising device which is visible from any freeway primary highway; no advertising device which is located in commercial or industrial zones traversed by segments of the interstate system within the boundaries of incorporated municipalities as

these boundaries existed on September 21, 1959, where the use of the property adjacent to the interstate system is subject to municipal regulation or control, shall be erected or maintained:

(1) Within 250 feet of another advertising device facing in the same direction.

(2) Within 250 feet of an interchange or rest area. Measurements shall be taken from the nearest pavement widening constructed for the purpose of acceleration or deceleration of traffic to or from the main traveled way, to the advertising device.

d. Outside the corporate limits of a municipality, no advertising device which is visible from any freeway primary highway; no advertising device which is visible from any interstate highway and within the adjacent area in commercial or industrial zones traversed by segments of the interstate system where the land use as of September 21, 1959, was clearly established by Iowa law as industrial or commercial; no advertising device which is visible from any interstate highway beyond the adjacent area shall be erected or maintained:

(1) Within 500 feet of another advertising device facing in the same direction.

(2) Within the adjacent area, within 250 feet of an interchange or rest area. Measurements shall be taken from the nearest pavement widening constructed for the purpose of acceleration or deceleration of traffic to or from the main traveled way, to the advertising device.

e. Within the corporate limits of a municipality, no advertising device which is visible from any nonfreeway primary highway shall be erected or maintained:

(1) Within 100 feet of another advertising device facing the same direction.

(2) Within the triangular area formed by a line connecting two points each 50 feet back from the point where the right-of-way lines of the main traveled way and an intersecting street meet or would meet if extended, except if a building is located within the triangular area, a wall advertising device may be attached to the building provided it does not protrude more than 12 inches.

f. Outside the corporate limits of a municipality, no advertising device which is visible from any nonfreeway primary highway shall be erected or maintained:

(1) Within 300 feet of another advertising device facing in the same direction.

(2) Within the triangular area formed by a line connecting two points each 100 feet back from the point where the right-of-way lines of the main traveled way and an intersecting roadway meet, or would meet if extended, except if a building is located within the triangular area, a wall advertising device may be attached to the building provided it does not protrude more than 12 inches.

g. The distance and spacing requirements of subparagraphs "c"(1), "d"(1), "e"(1), and "f"(1), above, shall not apply to advertising devices which are separated by a building in such a manner that only one advertising device located with the minimum spacing distance is visible from a highway at any one time.

h. The minimum distance between two advertising devices facing the same direction shall apply without regard to the side of the highway on which the advertising devices may be located and shall be measured along the centerline of the highway between points directly opposite the advertising devices.

i. In a rural area adjacent to an incorporated area, the first rural sign placement shall be no closer than the rural spacing requirement measured along the centerline of the highway between the point where the corporation line intersects the centerline and a point directly opposite the advertising device.

j. In those areas where the adjacent area on one side of the highway is incorporated and on the opposite side of the highway it is not, the spacing on both sides of the highway shall be regulated by the rural, or unincorporated area spacing requirements.

k. Directional and other official signs and notices and on-premise advertising devices shall not be taken into consideration in determining compliance with spacing requirements.

l. No single-face advertising device shall be erected or maintained which exceeds 1200 square feet in area.

m. Only the following types of multiple-face advertising devices are permitted: back-to-back, v-type, side-by-side, and double-deck. The multiple faces must be contiguous or on a common struc-

ture. Side-by-side structures are contiguous if the faces are not more than two feet apart and they are owned by the same permit holder. Side-by-side structures must be on the same horizontal plane.

(1) A maximum of two faces not to exceed a combined display area of 750 square feet may be visible to traffic proceeding in any one direction.

(2) An advertising device may have no more than two facings.

761—117.6(306C) Outdoor advertising permits and fees required. The owner of every advertising device visible from the main traveled way of any interstate, freeway primary or primary highway, regulated by the more restrictive provisions of rule 117.4(306B,306C), except subrules 117.4(2) and 117.4(4), and rule 117.5(306C), is required to have made application for a permit to the department on or before July 31, 1972, if the device was in existence on July 1, 1972; or if the advertising device is erected after July 1, 1972, the owner is required to first obtain a permit from the department prior to the erection of the advertising device. Any advertising device which is lawfully erected which later becomes subject to the provisions of these rules due to an event such as establishment of a new highway or change in the designation of a highway, the owner of the advertising device so affected shall make application to the department for an advertising permit within 30 days of the event. In the case of advertising devices lawfully in existence in areas adjacent to any highway made an interstate, freeway primary, or primary highway after July 1, 1972, the owner of the advertising device is required to make application for a permit and pay the required fee within 30 days after the highway acquired the designation. Upon timely application for a permit and payment of the required fee, advertising devices lawfully erected which become nonconforming due to such event after July 1, 1972, shall be eligible for permits as if the devices were erected prior to July 1, 1972.

117.6(1) Application. Application for a permit shall be made in accordance with Iowa Code section 306C.18. A permit is required for each face of an advertising device; thus, a permit application must be filed for each face. However, only one application and permit are required for a single panel with identical messages appearing on the reverse sides of the panel if the panel is no larger than 4 feet in length, width or height and 16 square feet in area.

117.6(2) Fees.

a. The initial fee, payable at the time of application, is \$50 per permit. This fee is not refundable unless the application is withdrawn prior to the department's field review of the proposed location.

b. The renewal fee, due on or before June 30 of each year, is \$10 per permit. This fee is not refundable. Failure to timely pay the annual renewal fee when due is grounds for revocation of any permit that has been issued for the advertising device and removal of the advertising device as an abandoned sign.

c. Fees shall not be prorated.

d. If an outdoor advertising permit is revoked, any permit fee paid is forfeited.

117.6(3) Permits to be issued. Upon timely application for a permit containing all of the required information in due form and properly executed, together with the required fee being paid, the department shall issue a permit to be affixed to the advertising device, if it will not violate any provision of law or rule or regulation promulgated hereunder.

a. Advertising devices lawfully in existence prior to July 1, 1972, for which timely application for a permit, together with the required fees have been timely paid, which are located within the adjacent area of any highway, which is not a zoned or unzoned commercial or industrial area, shall be issued a provisional permit, and annual renewals thereof, upon timely payment of the required fees, until such time as the department acquires the advertising devices as provided for by rule 117.8(306B,306C) of these rules.

b. All other advertising devices lawfully in existence prior to July 1, 1972, for which timely application for a permit, together with the required fees have been timely paid, which do not violate any provision of law or these rules, shall be issued an advertising permit, and annual renewal thereof upon timely payment of the required fees.

117.6(4) Permit plate.

a. Upon approval of the application, the department shall issue a metal permit plate for the advertising face.

b. The owner of the advertising device shall securely attach the plate to the advertising face at the bottom corner nearest the main traveled way or to the support structure immediately below the bottom corner. If these locations do not permit unobscured display of the permit number, the permit plate shall be attached to another prominent area of the advertising device. The permit number shall not be obscured when viewed from the main traveled way.

c. The owner of an advertising device is responsible for replacing a permit plate that is lost, damaged or destroyed. To obtain a replacement, the owner shall apply to the department and pay a \$10 fee.

d. If the department notifies the owner of the advertising device that a permit plate is not properly displayed, the owner shall within 90 days of notification either correct the situation or secure and display a replacement permit plate. Failure to properly display a permit plate after the 90-day period has expired is grounds for revocation of any permit that has been issued for the advertising device and removal of the advertising device in the manner specified in subrule 117.8(2) or 117.8(3), as applicable.

117.6(5) New permit required for reconstruction or modification. A new permit is required from the department prior to the reconstruction or modification of an advertising device subject to the permit provisions of this rule.

a. To obtain a new permit, the owner of the advertising device shall submit a new application to the department, accompanied by the initial application fee.

b. A reconstructed or modified advertising device is subject to the provisions of this chapter as if it were a new advertising device.

c. Reconstruction or modification of an advertising device prior to the issuance of the required permit is grounds for revocation of any permit that has been issued for the advertising device and removal of the advertising device in the manner specified in subrule 117.8(2) or 117.8(3), as applicable.

d. Reconstruction is defined in Iowa Code section 306C.10. Modification means any addition to or any substantial change in the dimensions, lighting, structure or advertising face, except as incidental to customary maintenance of an advertising device. A lawful change in advertising message is not a modification. The use of a vinyl overlay or wrap on either a poster panel or paint unit is a change in advertising message, not a modification.

117.6(6) Reserved.

117.6(7) Access. Access to the private property upon which an advertising device is located shall be gained from highway right-of-way only at access points designated or allowed by the department in accordance with 761—Chapter 112. An initial violation of this requirement by or on behalf of the permit holder shall result in the department sending a written warning by certified mail to the permit holder. A second violation of this requirement is grounds for revocation of any permit that has been issued for the advertising device and removal of the advertising device in the manner specified in subrule 117.8(2) or 117.8(3), as applicable. If a permit is revoked for an access violation, the permit holder is ineligible to apply for a permit for at least 12 months after revocation for any location within 500 feet of the revoked permit's sign location.

117.6(8) Destruction of vegetation. Without the written authorization of the department, vegetation growing on the highway right-of-way shall not be cut, trimmed, removed, or in any manner altered or damaged to improve the visibility of an advertising device. Violation of this prohibition by or on behalf of the permit holder is grounds for revocation of any permit that has been issued for the advertising device and removal of the advertising device in the manner specified in subrule 117.8(2) or 117.8(3), as applicable. If a permit is revoked for destruction of vegetation, the permit holder is ineligible to apply for a permit for 12 months after revocation for any location within 500 feet of the revoked permit's sign location.

117.6(9) Blank sign.

a. A blank sign is:

- (1) An advertising device that has had a face physically removed.

(2) An advertising device that does not display copy. “This space for rent” or a similar message is not copy.

(3) An advertising device that qualifies as an obsolete sign.

b. A sign that is a blank sign for at least six months is grounds for revocation of any permit that has been issued for the advertising device and removal of the advertising device in the manner specified in subrule 117.8(2) or 117.8(3), as applicable.

761—117.7(306C) Official signs and notices, public utility signs, service club and religious notices, and municipal recognition signs. This rule does not pertain to on-premise signs.

117.7(1) Rescinded, effective 7/8/87.

117.7(2) Rescinded, effective 7/8/87.

117.7(3) Official signs and notices. Official signs and notices regulated by the “Manual on Uniform Traffic Control Devices for Streets and Highways,” as adopted in rule 761—130.1(321), shall comply with its provisions. All other official signs and notices shall comply with applicable state law, local ordinance or administrative authority. Historical markers shall be subject to the approval of the department if they are erected within the right-of-way of any interstate, freeway primary or primary highway.

117.7(4) Public utility signs. Public utility signs shall be erected no larger than required to adequately convey the necessary message, and only at such places as are required to adequately mark the location of the utility, and subject to the approval of the department if located within the right-of-way of any highway under its jurisdiction.

117.7(5) Service club and religious notices. Service club and religious notices shall not be placed within the right-of-way of any interstate, freeway primary, or primary highway. These notices shall not be placed within the adjacent area of any interstate highway unless located in zoned and unzoned commercial or industrial areas, subject to the size, spacing and lighting requirements of subrule 117.4(5). Outside of the right-of-way of any freeway primary or primary highway and outside the adjacent area of any interstate highway, these notices are allowed provided they do not exceed eight square feet in area, and do not consist of more than the name of the nonprofit service club, charitable association or church or religious group, an emblem, the location of, and hours of meetings or services of the same. These notices shall comply with the general criteria of rule 117.3(306B,306C). Erection and maintenance of these notices shall be subject to review by the department to ascertain compliance with these rules. These notices may be grouped upon a common panel or municipal recognition sign.

117.7(6) Municipal, county and school district recognition signs. The department’s approval of a municipal, county or school district recognition sign and its proposed location shall be obtained prior to the sign’s erection. A special application form shall be filed with the department, but no fees are required.

a. A recognition sign shall comply with rule 117.3(306B,306C).

b. A recognition sign shall not display advertising.

c. A recognition sign shall not be placed within the highway right-of-way.

d. A recognition sign located within the adjacent area of an interstate highway:

(1) May be located only within a zoned or unzoned commercial or industrial area.

(2) Is subject to the size and spacing requirements of subrule 117.4(5).

761—117.8(306B,306C) Acquisition and removal procedures. The department shall cause to be removed every advertising device illegally erected or maintained, and every abandoned advertising device which violates the provision of these rules. The department shall acquire by purchase, gift, or condemnation, and shall pay “just compensation” upon the removal of any advertising device for which a provisional permit has been issued.

117.8(1) Advertising devices lawfully in existence within 660 feet of the right-of-way not in zoned and unzoned commercial or industrial areas. Before July 1, 1978, the department shall acquire or require to be removed all advertising devices which became nonconforming upon July 1, 1972, for

which provisional permits were issued. Any advertising device lawfully erected which becomes nonconforming after that date, for which a provisional permit has been issued, shall be acquired or required to be removed within five years after the device became nonconforming. Provided, if the advertising device is eligible for federal participation in payment of “just compensation,” the advertising device shall not be acquired or be required to be removed unless the department has received notification from the federal government that the federal share to be paid is immediately available to contribute to the cost of acquisition or removal.

a. Acquisition or removal of advertising devices for which “just compensation” shall be paid, shall be initiated by the department by mailing or delivering to the owner of the advertising device and the owner of the land upon which it is located, written notice of intention to revoke the provisional permit issued for such devices to be removed. The notice shall offer to buy the advertising device in accord with advertising device appraisal and acquisition procedures approved by the department, insofar as possible. If the offer to buy is not accepted by the owner of the sign and owner of the land upon which it is located, the provisional permit shall be revoked and condemnation proceedings shall be instituted as provided for in Iowa Code chapter 472.

b. In the event of condemnation the department will take possession of the advertising device condemned as soon as the award has been deposited with the sheriff.

117.8(2) *Removal of illegal and abandoned advertising devices under billboard control Act.* Any advertising device erected or maintained after July 1, 1972, in violation of Iowa Code chapter 306C, is a public nuisance and may be removed by the department upon 30 days’ notice, by certified mail, to the owner of the advertising device and to the owner of the land on which the advertising device is located.

a. The notice shall require the owner of the advertising device to remove the advertising device if it is prohibited, or to cause it to conform to the provisions of these rules if it is not.

b. If the advertising device has not been removed or made to conform with the provisions of these rules, the department shall enter upon the land and remove the advertising device, aided by injunction to abate the nuisance and to ensure peaceful entry, if necessary.

c. Costs of removal, including fees and costs or expenses as may arise out of any action brought by the department to ensure peaceful entry and removal, shall be assessed against the owner of the advertising device. Should the owner of the advertising device fail to promptly pay such fees, costs, or expenses, the department shall proceed to advertise and sell the advertising device for purposes of collecting the same.

d. Any balance from the total receipts of the sale after deducting all fees, costs, and expenses, including those of the sale, shall be paid to the owner of the advertising device; however, if in the opinion of the department the proceeds of the sale will not be sufficient to justify the expense involved, the advertising device may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the department as it sees fit.

e. No compensation shall be paid to the owner of any advertising device which is illegally erected or maintained except as may result pursuant to sale as provided for in paragraph 117.8(2)“d.”

117.8(3) *Removal of illegal advertising devices under bonus Act.* Any advertising device erected or maintained in violation of the more strict provisions of Iowa Code chapter 306B is a public nuisance and may be removed by the department upon 30 days’ notice, by certified mail, to the owner of the device and to the owner of the land on which the advertising device is located.

a. The notice shall require the owner of the advertising device to remove the advertising device if it is prohibited, or to cause it to conform to the provisions of these rules if it is not.

b. If the landowner or owner of the device fails to act within 30 days as required in the notice, the department may file a petition in the district court of the county where the advertising device is located to abate the nuisance.

c. If the court finds a violation exists as alleged in the petition, the court shall enter an order in abatement against the person or persons erecting and maintaining the advertising device and against the person or persons owning the land on which it is located.

d. If the landowner or owner of the sign fails to act within the time required in the order of abatement, the department may give 30 days' notice to the landowner or owner of the sign and at the end of 30 days the department may enter upon the land and remove the sign.

e. The department may be aided by injunction to abate the nuisance and to ensure peaceful entry.

f. Such entry after notice shall not be deemed a trespass and the department may be aided by injunction to abate the nuisance and to ensure peaceful entry.

g. The cost of removal, including any fees and costs or expenses as may arise out of any action brought by the department to ensure peaceful entry and removal, shall be assessed against the owner of the sign.

h. Should the owner of the sign fail to promptly pay such fees, costs or expenses, the department shall proceed to advertise and sell the sign for purposes of collecting the same.

i. Any balance from the total receipts of the sale after deducting the fees, costs and expenses, including those of the sale, shall be paid to the owner of the sign; however, if in the opinion of the department the proceeds of the sale will not be sufficient to justify the expense involved, the sign may be used, scrapped, dismantled, or otherwise destroyed or disposed of by the department as it sees fit.

117.8(4) Misdemeanor. Whoever erected or maintains an advertising device in violation of Iowa Code chapter 306B or in violation of these rules pertaining to the more strict provisions applicable thereto shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 nor more than \$100.

117.8(5) Removal from right-of-way and other state-owned property. Advertising devices erected upon the right-of-way of any public highway shall be removed pursuant to Iowa Code section 319.13. Unauthorized advertising devices erected upon other property owned by the state of Iowa shall be subject to removal by the agency, board, commission or department having control or jurisdiction of the same. [Intended to implement Iowa Code chapter 319.]

These rules are intended to implement Iowa Code chapters 306B and 306C.

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