

**761—117.6(306C) Outdoor advertising permits and fees required.**

**117.6(1) Application.** Application for a permit for any advertising device subject to subrule 117.2(1) shall be made in accordance with Iowa Code section 306C.18 within the following time frames:

- a. On or before July 31, 1972, for advertising devices in existence on July 1, 1972.
- b. Prior to the erection of the advertising device, if erected after July 1, 1972.
- c. Within 30 days of receiving notice from the department that a lawfully erected advertising device that was not subject to subrule 117.2(1) has become subject to subrule 117.2(1) for reasons including but not limited to the establishment of a new primary highway or a change in the designation of a roadway to a primary highway.

**117.6(2) Fees.** Fees are applicable to all advertising devices measuring over 32 square feet in size.

- a. The initial fee, payable at the time of application, is \$100 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 This fee is not refundable unless the application is withdrawn prior to the department's field review of the proposed location.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 annual renewal fee for each permit, due on or before June 30 of each year, is as follows:

<u>Area of Sign</u>	<u>Annual Renewal Fee</u>
33 to 375 square feet	\$15
376 to 999 square feet	\$25
1,000 square feet or more	\$50

c. The payment of an annual renewal fee, if postmarked on or before June 30 of each year or otherwise delivered to the department on or before June 30 of each year, automatically renews the existing permit for the device for which the fee was paid.

d. A permit for which the fee was not paid in a timely manner expires on July 1 of each year. If an advertising device is still in existence, it is considered abandoned. If the owner wishes to reapply for a permit to retain the device, the device and location will be reviewed in the same way that a review is conducted for a newly proposed advertising device.

e. Renewal fees are not refundable and are not prorated.

**117.6(3) Highway improvement projects.** The department shall not prevent nor unnecessarily delay the issuance of a permit for the reason of a proposed future highway improvement project, except under any of the following conditions:

- a. The property upon which the advertising device is proposed has been appraised for the purposes of acquisition.
- b. Contact by department staff has been made with the property owner regarding compensation for the affected area.
- c. The placement of the advertising device would fail to meet the requirements of an existing corridor preservation plan in effect for the proposed location.
- d. A construction contract for the project has been initiated by the department.

**117.6(4) Permit plate.** Upon approval of the application, the department will issue a numbered metal permit plate for the advertising face. This permit plate shall be securely attached to the advertising device in a manner that the plate is unobstructed from view from the highway. If the plate is not displayed, the department may provide notice to the owner that the plate is to be displayed within 90 days. If after that period of time the plate is not displayed, the department may cancel the permit.

**117.6(5) Reconstruction or modification.** A new permit is required from the department prior to the reconstruction or modification of a permitted advertising device.

- a. Permit applications will be reviewed for compliance with Iowa Code chapter 306C and this chapter; nonconforming signs are not eligible for permit approval for reconstruction or modification.
- b. Reconstruction or modification of an advertising device prior to the issuance of the permit needed to conduct such action shall result in revocation of the existing permit that has been issued for the advertising device. This may result in the removal of the advertising device in the manner specified in subrule 117.8(1) if the device is not eligible for permitting in accordance with this chapter or Iowa Code chapter 306B or 306C.

**117.6(6) Access.** Access to the private property upon which an advertising device is located shall be gained only from legal accessways through private property, local streets, secondary roads, or from the

primary highway right-of-way through access points designated or allowed by the department in accordance with 761—Chapter 112. Unauthorized use of the primary highway right-of-way for the purpose of constructing or maintaining an advertising device may be cause for permit revocation and removal of the device. The department will issue a warning letter to the owner of the permit following the first instance of unauthorized use; a second instance will result in the revocation of the permit followed by a 12-month period where no new permits may be issued to that person or entity in the same location, or within 500 feet of the same location. The existing device for which the permit was revoked is subject to removal in accordance with Iowa Code section 306C.19.

**117.6(7) *Vegetation in the right-of-way.*** No vegetation in the right-of-way may be removed, trimmed, poisoned, or altered so that the viewing time can be improved for an advertising device, unless written authorization is received from the department and the conditions included in the authorization are followed. Proceeding to remove, trim, poison, or alter vegetation without such authorization may result in the revocation of the permit for the device and the removal of the device in accordance with subrule 117.8(1). In addition, the department may suspend permit approvals for a 12-month period for any location within 500 feet of the location of the former permit.

**117.6(8) *Use and condition.***

*a.* The maximum period of time in which an advertising device may qualify as a blank sign is six months.

*b.* The maximum period of time in which an advertising device may have illegible copy or be in a state of disrepair is 90 days.

*c.* If the department determines that an advertising device has been blank for a period of time exceeding six months, or has illegible copy or is in a state of disrepair for a period of time exceeding 90 days, the department may issue a notice pursuant to rule 761—117.8(306B,306C) in which the owner has 30 days to either cause it to conform or to remove it.

**117.6(9) *Destroyed sign.***

*a.* The permit for an advertising device that has been destroyed will automatically be revoked.

*b.* An advertising device that has been destroyed is in a condition that, if repaired, would meet the definition of reconstruction in Iowa Code section 306C.10 and is subject to subrule 117.6(5). Whether the device can be reconstructed will depend upon whether it conforms to this chapter and Iowa Code chapters 306B and 306C.

*c.* An advertising device that has been damaged, but not destroyed, may be repaired. The repair is not deemed an act of reconstruction.

[ARC 8784C, IAB 1/8/25, effective 2/12/25]