

**761—118.4(306C) Eligibility for placement of business signs on mainline specific service signs.** To qualify for placement of a business sign on a mainline specific service sign, the business must meet the following requirements:

**118.4(1) Written assurance.** The business shall give the department written assurance of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, age, sex or national origin, and shall not be in continuing breach of that assurance.

**118.4(2) Maximum distance from exit.**

*a. Three-mile limit of eligibility.* The maximum distance that a business may be located from the exit to qualify for a business sign shall not exceed three miles in either direction. The distance shall be measured from the beginning of the widening for the deceleration ramp at the exit to the entrance of the business.

*b. Limit of eligibility reduced to one mile.* In urban areas where the number of qualified businesses for a particular type of motorist service exceeds six within the three-mile limit, the department may reduce the maximum distance to one mile for that service type.

*c. Exceptions.* If there is space for additional business signs on a mainline specific service sign for a particular type of motorist service and no businesses which provide that motorist service within the limit of eligibility have expressed an interest to the department in the space, the department may grant a distance exception, in accordance with subrule 118.4(11), to a business which provides that motorist service and is located within 15 miles of the exit.

**118.4(3) Gas.**

*a. Qualifications.* To qualify for placement of a business sign on a gas specific service sign, the business must:

- (1) Be appropriately licensed as required by law.
- (2) Provide vehicle services including gasoline, oil, and water.
- (3) Provide free air for tire inflation.
- (4) Provide restroom facilities and drinking water.
- (5) Operate year-round at least 12 continuous hours per day, 7 days per week.
- (6) Provide a public telephone.

*b. Exceptions.* Card-operated fueling stations may be granted an exception, in accordance with subrule 118.4(11), from the requirements to provide oil and water, restroom facilities, drinking water, and a public telephone. These fueling stations must operate 24 hours per day, 7 days per week, and must be operable by motorists without membership.

**118.4(4) Food.**

*a. Qualifications.* To qualify for placement of a business sign on a food specific service sign, the business must:

- (1) Be appropriately licensed as required by law, including a state food service establishment license, except for a food service operated on Indian lands.
- (2) Operate a minimum of six days per week, and serve three meals per day: breakfast, lunch, and dinner.

1. At a minimum, breakfast shall be served from 10 a.m. to 11 a.m. and shall consist of eggs, bacon, ham, sausage, pancakes, cereal, fruit or rolls, or combinations thereof. Hamburgers, hot dogs, pizza, burritos, or other foods not commonly associated with breakfast menus do not meet the breakfast requirement.

2. At a minimum, lunch shall be served from 11 a.m. to 1 p.m.

3. At a minimum, dinner shall be served from 5 p.m. to 7 p.m.

(3) Provide a public telephone.

(4) Have its own employees, seating, menu and cash register for the food service. The business sign must identify the entity providing the food service.

*b. Exceptions.* A business that serves only two meals per day may be granted an exception, in accordance with subrule 118.4(11), from the requirement to serve three meals per day.

*c. Seasonal operations.* Food service may be operated seasonally. See subrule 118.5(7) for the fee options for seasonal operations.

**118.4(5) Lodging.**

*a. Qualifications.* To qualify for placement of a business sign on a lodging specific service sign, the business must:

- (1) Be appropriately licensed as required by law.
- (2) Provide adequate sleeping accommodations consisting of a minimum of ten units each. Each unit must have a bathroom and a sleeping room. However, a bed and breakfast establishment is not required to have more than two guest rooms or provide separate bathroom facilities for each room.
- (3) Provide a public telephone.

*b. Seasonal operations.* Lodging service may be operated seasonally. See subrule 118.5(7) for the fee options for seasonal operations.

**118.4(6) Camping.**

*a. Qualifications.* To qualify for placement of a business sign on a camping specific service sign, the business must:

- (1) Meet applicable state and local standards for health and sanitation.
- (2) Have a minimum of 20 spaces for camping or parking of camping vehicles.
- (3) When in operation, be available to the public 24 hours per day.
- (4) Provide a public telephone.

*b. Seasonal operations.* Camping service may be operated seasonally. See subrule 118.5(7) for the fee options for seasonal operations.

**118.4(7) Attraction.**

*a. Qualifications.* To qualify for placement of a business sign on an attraction specific service sign, the site or attraction must:

- (1) Be appropriately licensed as required by law.
- (2) Be a site or attraction listed in paragraph “c” of this subrule.
- (3) Be of significant interest to the traveling public.
- (4) Be nationally or regionally known through a marketing or advertising plan or media articles and exposure.
- (5) Maintain normal business hours at least five days per week, totaling at least 40 hours per week. Racetracks are excepted from this requirement.

(6) Have adequate parking accommodations, with a minimum of 30 parking spaces.

(7) Have restroom facilities available for use by the traveling public.

(8) Be approved by the tourist signing committee; see subrule 118.5(3).

*b. Seasonal operations.* The site or attraction may be operated seasonally. See subrule 118.5(7) for the fee options for seasonal operations.

*c. Types of qualifying sites or attractions.* The site or attraction must be one of the following:

- (1) Area of natural beauty or phenomena.
- (2) Historic site.
- (3) Cultural site or museum.
- (4) Scientific site.
- (5) Four-year accredited college or university.
- (6) Religious site.
- (7) Area of outdoor recreation.
- (8) Winery, with on-site production, tours, gift shop, and tasting room.
- (9) Amusement park.
- (10) Botanical park or zoological facility.
- (11) Casino.
- (12) Racetrack for horses, dogs, or motorized vehicles.
- (13) Antique mall with at least 20,000 square feet devoted to retail sales.
- (14) Area containing eight or more antique shops within a three-block radius.

(15) Shopping mall or retail outlet with a minimum, active store count of 50, excluding kiosks and temporary booths within the common areas, and including only those stores that occupy owned or leased areas whose boundaries are defined by permanent walls with doors or gates.

(16) Sporting goods store or recreational retail outlet with at least 100,000 square feet devoted to retail sales.

(17) Cultural and entertainment district as officially designated by the department of cultural affairs, provided that the local jurisdiction implements a signing plan to direct motorists to the various cultural and entertainment sites within the district.

**118.4(8) *Compliance with Iowa Code sections 306C.11 and 306C.13.*** The business must be in compliance with Iowa Code sections 306C.11 and 306C.13. If an advertising device which serves the business is erected or maintained in violation of either of these sections, that business shall be disqualified from obtaining or maintaining a business sign upon any specific service sign.

**118.4(9) *On-premises sign required.*** The business must erect and maintain a legal on-premises sign at the site where the service is provided. The sign must be visible to motorists at the entrance to the business premises.

**118.4(10) *Noncompliance.*** The department shall remove and dispose of a mainline business sign and the corresponding ramp and trailblazing business signs of a business that does not meet or no longer meets the requirements of this chapter. In order to have its business signs reinstalled, the business must submit a new application to the department. The new application is subject to all the requirements of this chapter, including payment of the application fee and a drawing, if needed, to select applicants.

**118.4(11) *Granting of exceptions.***

*a.* The department may grant an exception and approve the placement of a business sign on a mainline specific service sign for the following:

(1) When a specific service sign designated for a particular type of motorist service exists and that sign is full, placement of a business sign for that service type on a specific service sign designated for another service type. See paragraph 118.3(2)“j.”

(2) Maximum distance from the exit. See paragraph 118.4(2)“c.”

(3) Card-operated fueling stations. See paragraph 118.4(3)“b.”

(4) Number of meals served. See paragraph 118.4(4)“b.”

*b.* If there is available space on a specific service sign and no application has been received by the department from a qualified business for that space, the department may allow an applicant to submit to the department for review a signed Exception Acknowledgement form along with a logo signing application.

*c.* The acknowledgement form states that if the department grants the exception and approves the application, the business is guaranteed a space on the specific service sign for at least five years if:

(1) The business pays the required fees in a timely manner;

(2) The business complies with all program requirements unrelated to the exception granted; and

(3) The department continues to maintain the specific service sign to which the business sign is attached.

*d.* After the five-year period has expired and at the end of the fiscal year, the department may remove the business sign from the specific service sign if:

(1) An exception was granted for maximum distance from the exit, number of meals served or a card-operated fueling station; an application has been received from a qualified business providing the same type of motorist service as the business granted the exception; and space is not available on that specific service sign.

(2) An exception was granted for the situation described in subparagraph 118.4(11)“a”(1); an application has been received from a qualified business for the service type designated for the specific service sign; and space is not available on that service sign.