

761—119.3(321) General eligibility requirements for an activity or site. This rule describes the general requirements which an individual activity or site must meet to qualify for tourist-oriented directional signing.

119.3(1) Significant interest to the traveling public. An activity or site must be of significant interest to the traveling public. This means that a major portion of the activity's or site's products or services is tourist- or motorist-oriented.

119.3(2) Hours. The activity or site shall be open to the general public during regular and reasonable hours and not by appointment, reservation or membership only.

a. Seasonal activities shall be in operation a minimum of four consecutive weeks.

b. The current months, days and hours of operation shall be conspicuously posted on the premises.

119.3(3) Building or area. The activity shall be conducted in an appropriate area or in a building appropriately designed or well-suited for the purpose.

a. The activity shall not be conducted in a building principally used as a residence unless there is a convenient, separate, and well-marked entrance.

b. The building or area must be maintained in a manner consistent with standards generally accepted for that type of business or activity.

119.3(4) Location of activity or site. The activity or site shall be located:

a. In an unincorporated area or inside the corporate limits of a city with a population of 2500 or less.

b. Outside the corporate limits of a city with a population between 2500 and 5000. However, tourist-oriented directional signing for the activity or site may be located within the corporate limits.

c. Outside the urban area, as established by the U.S. Census Bureau, of a city with a population of 5000 or more. However, tourist-oriented directional signing for the activity or site may be located within the urban area or corporate limits.

119.3(5) Signing restrictions. An activity or site does not qualify for a tourist-oriented directional sign if:

a. The activity or site is identified by an off right-of-way directional sign, as authorized in 761—Chapter 120, that is within one mile, is on the same route, and is facing the same direction as the proposed tourist-oriented directional sign.

b. The activity or site or an on-premises sign advertising the activity or site is readily recognizable from the primary highway far enough ahead of the entrance to allow the motorist time to safely make the turn into the entrance.

c. An advertising device which serves the activity or site is erected or maintained in violation of Iowa Code chapter 306B; Iowa Code chapter 306C, division II; or other statutes or administrative rules regulating outdoor advertising.

119.3(6) Nondiscrimination. The activity or site shall comply with all applicable laws concerning public accommodations without regard to race, religion, color, age, sex, or national origin.