

761—117.2(306B,306C) General provisions.

117.2(1) Scope. This chapter of rules pertains to all advertising devices which are visible from the main traveled way of any primary highway, with the following exceptions:

a. Within incorporated areas, this chapter does not apply to advertising devices which are beyond 660 feet from the nearest edge of the right-of-way.

b. This chapter does not apply to official traffic control devices, logo signing or tourist-oriented directional signing.

117.2(2) Rebuttable presumption. The department may regulate signs as advertising devices except when sufficient documentation from persons reasonably identified as potential payors or receivers of remuneration is available to the department showing or certifying that remuneration does not exist.

117.2(3) Contact information. Inquiries, requests for forms, and applications regarding this chapter shall be directed to the Advertising Management Section, Traffic and Safety Bureau, Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

117.2(4) Unauthorized signs, signals, or markings. 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 the department's jurisdiction.

117.2(5) Advertising devices obstructing the view of a highway or railway. Any advertising device that obstructs the view of any portion of a public highway or railway track in violation of Iowa Code section 318.11(2) or 657.2(7) is a public nuisance, which shall be abated as provided in Iowa Code chapter 657.

117.2(6) Advertising devices within the right-of-way. Any advertising device placed or erected within the right-of-way of any primary highway in violation of Iowa Code chapter 318 is subject to removal in the manner specified in Iowa Code chapter 318.

117.2(7) Advertising devices permitted under the private directional sign program between May 26, 1983, and July 1, 2021.

a. Any advertising device permitted as a private directional sign by the department between May 26, 1983, and July 1, 2021, may continue to exist, even if nonconforming to this chapter, with the following conditions:

- (1) The permit is renewed each year by payment of a \$15 fee on or before July 1.
- (2) The permit may not be transferred to an entity representing a different activity or site.
- (3) The advertising device is not modified or destroyed.
- (4) The advertising device is properly maintained with legible copy.
- (5) The design or display of the advertising device does not violate any federal or state laws or regulations.

b. Advertising devices which fail to meet any of the conditions in this subrule shall be subject to removal as provided for in rule 761—117.8(306B,306C).

[ARC 2645C, IAB 8/3/16, effective 9/7/16; ARC 4984C, IAB 3/11/20, effective 4/15/20; ARC 6020C, IAB 11/3/21, effective 12/8/21]