

Ohio Revised Code and
Administrative Code for

Advertising Device Control



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The Ohio Department of Transportation's Advertising Device Control Section has compiled this reference guide for people concerned with outdoor advertising devices adjacent to interstates and primary highways in Ohio.

We have made every attempt to make the guide authoritative, inclusive and timely.

However, manual users need to be aware that laws and administrative codes can change between printings. It is the responsibility of the owners and managers of advertising devices to be aware of and adhere to the relevant laws, codes, statutes and ordinances that might be effective after this manual's publication.

The Ohio Department of Transportation will not assume any liability for lost profits or for indirect, special, punitive or consequential damages or any liability to any third party, even if the Ohio Department of Transportation is advised of the possibility of such damages.

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ODOT District Map



History of Advertising Device Control

ODOT's Advertising Device Control Section, charged with monitoring and controlling the size, lighting and spacing of outdoor displays, was created in response to federal initiatives intended to improve and preserve the attractiveness of the nation's major highways.

The first federal attempt to control outdoor advertising was enacted in the Federal-Aid Highway Act of 1958. The act provided that states which voluntarily agreed to control advertising according to national standards would get bonus funding equal to a half percent of the highway's cost of construction. The law governed signs within 660 feet of the interstate.

Ohio was one of the 23 states that participated in the bonus program.

In 1965, the Congress passed and President Lyndon Johnson signed the Federal Highway Beautification Act. Going beyond voluntary legislation, it required states to maintain effective control of all outdoor advertising along interstates and federal aid primary highways. The law allowed the federal government to cut a state's federal highway funding 10 percent for failing to control outdoor advertising.

Ohio entered – in 1968 – into an agreement with the Federal Government to oversee the size, lighting and spacing of signs, displays and devices erected within 660 feet of the nearest right of way.

Effective, November 28, 1975, Ohio law extended sign control from 660 feet to 3,000 feet.

Under amendments to the Surface Transportation Act of 1978, Congress provided that “just compensation” must be paid for the forced removal of all legally erected outdoor signs adjacent to interstate and/or federal aid primary routes. Failure to comply can cost states 10 percent of Federal-aid highway funds.

Ohio law requiring just compensation for signs removed because of local ordinances was effective August 22, 1980.

In 1991, Congress passed the Intermodal Surface Transportation Act (ISTEA), reaffirming that states control outdoor advertising or lose 10 percent of their federal transportation funds. ISTEA also banned new outdoor advertising on highways designated as Scenic Byways.

In July, 1993, ODOT's budget included language to re-define advertising devices and to exempt directional and official advertising devices from fees.

State legislation (Senate Bill 229) revised Sections 5516.02, 5516.05 and 5516.06 effective September, 1998. It adding language regarding professional sports facilities and Scenic Byways.

Basic Information for the Control of Advertising Devices

The following defines the state of Ohio's control area and the basic criteria to qualify for a permit for off-premise advertising along Ohio interstates and federal-aid highways.

To erect a new sign between 660 feet and 3,000 feet outside an urban area, refer to Section 5516.061 of the Ohio Revised Code.

To erect a new sign between 1 foot and 660 feet of the highway right-of-way line inside or outside an urban area, apply A and B.

A. Primary Highways

1. New devices can be placed only on land zoned commercial or industrial.
2. If there is no zoning in the area and a location can be found within 850 feet of a legitimate commercial activity, the land may qualify as unzoned commercial or industrial and a sign may be installed, but a business on the opposite side of the highway does not qualify the addition of a new sign. Refer to Section 5516.01, Paragraph 1 of the Ohio Revised Code for the definition of unzoned commercial and industrial areas.
3. New devices must be placed
 - i. at least 500 feet from interchanges;
 - ii. at least 500 feet must exist between signs outside a city and along freeways; and
 - iii. at least 250 feet must exist between signs within a city (with the exception of limited access highways.)

B. Interstate Highways

1. New devices can be put on property within municipal boundaries as the boundaries existed on Sept. 21, 1959.
2. New devices can be put on property zoned commercial or industrial.
3. At least 500 feet must exist between signs.

On-premise signs do not have to meet the spacing requirements in A and B.

C. Multiple and Variable Message Devices

For rules governing multiple message or variable message devices, please refer to Ohio Administrative Code (OAC) Section 5501:2-2-02, Paragraphs B1 through 6.

D. Other Restrictions

Devices should not exceed 1,200 square feet per location, excluding decorative bases and supports. No more than two devices facing the same direction are allowed at a single location. The devices must be immediately adjacent to each other.

Requirements concerning safety areas, publicly owned parks, gardens, playgrounds, scenic areas, etc. are listed in Ohio Administrative Code 5501:2-2

Restrictions on lighting are also at OAC 5501:2-2.

Guidance on which devices are classified on-premise can be seen at OAC 5501:2-2-03.

Please remember that this is only basic criteria. Each sign location must be reviewed and approved or disapproved individually, based on the laws and rules of ORC 5516 and Chapter 5501:2-2 of the OAC.

Fee Schedule

Application for a single face:	\$225 each
Application for multiple or variable message device:	\$625 each
<u>APPLICATION FEES ARE DOUBLED IF SUBMITTED AFTER THE ERECTION OF AN ADVERTISING DEVICE</u>	
Modification fee for single face:	\$100 each
Modification fee for multiple or variable message device:	\$300 each
Replacement permit plate fee:	\$25 each
Biennial renewal for single face:	\$125 each
Biennial renewal for multiple or variable message:	\$325 each
Penalty fees	Variable

CHAPTER 5516 – OHIO REVISED CODE (ORC) ADVERTISING ON INTERSTATE HIGHWAYS

Section

5516.01. Definitions.

5516.02. Limitation of advertising devices along interstate highways.

5516.03. Rules for outdoor advertising.

5516.04. Removal or remediation of unlawful advertising.

5516.05. Designation of scenic byways.

5516.06. Limitation of advertising devices along state primary highways.

5516.061. Control of advertising devices outside of urban areas.

5516.062. Advertising devices located both inside urban area and outside municipal boundaries.

5516.07. Nonconforming devices.

5516.08. Appropriation action against lawful nonconforming device.

5516.09. Use of right-of-way.

5516.10. Permits and permit plates.

5516.11. Zoning authority regulation of devices.

5516.12. Grounds for disapproval, cancellation or revocation of permit; notice of required remedial action; removal.

5516.13. Rules for administration of chapter.

5516.14. Vegetation permits.

5516.99. Penalties.

Definitions

As used in sections 5516.01 to 5516.14 of the Revised Code:

(A) "Advertising device" includes any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising, or any part thereof, the advertising or informative contents of which are visible from the main traveled way of any highway on the interstate system or primary system in this state.

(B) "Visible" means capable of being seen and comprehended without visual aid by a person traveling the posted speed limit on the main traveled way of the highway.

(C) "Interstate system" means that portion of the interstate system, or the national highway system, located within this state.

(D) "Erect" means to construct or allow to be constructed, but it shall not include any activity when performed as an incident to the change of advertising message or normal maintenance of a sign or sign structure.

(E) "Maintain" means to preserve, keep in repair, continue, allow to exist, or restore.

(F) "National policy" means the provisions of 23 U.S.C.A. 131 and the national standards, criteria, and rules promulgated pursuant to such provisions.

(G) "Primary system" means the federal-aid primary system in existence on June 1, 1991, and any highway that is not on such system but that is on the national highway system.

(H) "Zoned commercial or industrial areas" means those nonagricultural areas which are reserved for business, commerce, or trade, pursuant to local zoning laws, regulations, or state laws.

(I) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance, in which there is located one or more commercial or industrial activities. Such area may also include the lands along the highway for a distance of eight hundred fifty feet immediately adjacent to such activities. This distance shall be measured from the buildings, parking lots, storage or processing areas of the activities, and along or parallel to the near edge of the main traveled way of the highway. This distance shall not include land on the opposite side of the highway from such activities, nor land predominantly used for residential purposes. An area shall be considered predominately residential if fifty per cent or more of the eight hundred fifty feet immediately adjacent to the activities contains land used as residential property. Each side of the highway will be considered separately in applying this definition.

(J) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities of this state. The following activities shall not be considered commercial or industrial:

(1) Activities relating to advertising structures;

(2) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, activities relating to wayside fresh produce stands;

(3) Transient or temporary activities;

(4) Activities not visible from the main traveled way;

(5) Activities located more than six hundred sixty feet from the nearest edge of the right-of-way;

(6) Activities conducted in a building principally used as a residence;

(7) Activities relating to railroad tracks and minor sidings;

(8) Activities relating to highways, roads, and streets.

(K) "Directional and official signs and notices" means those signs and notices that are required or authorized by law and conform to the rules for such signs and notices as adopted by the director in accordance with 23 C.F.R. 750.151 to 750.155.

(L) "Nonconforming advertising device" means an advertising device that was:

(1) Lawfully in existence prior to December 7, 1971;

(2) Lawfully on any highway made a part of the interstate system or primary highway system on or after December 7, 1971;

(3) Lawfully erected prior to any revision in the law effective December 7, 1971; or

(4) Lawfully erected but:

(a) No longer in compliance with the provisions of state law enacted or rules adopted at a later date; or

(b) No longer in compliance with state laws or rules due to changed conditions, including, but not limited to, zoning changes, highway relocation, highway reclassification, or changes in restrictions on sizing, lighting, spacing, or distance of advertising devices.

Illegally erected or maintained advertising devices are not nonconforming signs.

(M) "Scenic byway" means any linear transportation corridor as designated or as may hereafter be so designated by the director under the Ohio scenic byways program as having outstanding scenic qualities.

(N) "Director" means the director of the Ohio department of transportation.

(O) "Commercial or industrial zone" means those areas established by any state, county, municipal, or other local zoning authority as being most appropriate for business, commerce, industry, or trade. Any action taken by a state, county, municipal, or other local zoning authority that is not part of comprehensive zoning and is created primarily to permit outdoor advertising devices shall not be considered a commercial or industrial zone for purposes of this chapter.

(P) "Last permit holder" includes any of the following:

- (1) The most recent holder of the advertising device permit;
 - (2) A business, cooperative, corporation, enterprise, joint venture, limited liability company, partnership, sole proprietorship, or subsidiary, the viability of which is dependant on its relationship with the most recent holder of the advertising device permit;
 - (3) Any person or entity that is closely related to or closely connected with the most recent holder of the advertising device permit.
- (Q) "Professional sports facility" means all or a portion of a stadium, arena, motorsports complex, or other facility, including all parking facilities, walkways, and other auxiliary facilities that may be used for or in connection with the sports facility or its operation, the primary purpose of which is to provide a site or venue for the presentation to the public of either of the following:
- (1) Events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state;
 - (2) Motorsports events.

Effective Date: 06-30-1997; 09-16-2004; 2007 HB67 07-03-2007

5516.02 Limiting advertising devices along interstate highways.

No advertising device shall be erected or maintained within six hundred sixty feet of the edge of the right-of-way of a highway on the interstate system except the following:

- (A) Directional and official signs and notices that conform to rules adopted by the director of transportation;
- (B) Signs advertising the sale or lease of the property upon which they are located;
- (C) Advertising devices indicating the name of the business or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property, and that conform to rules adopted by the director;
- (D) Advertising devices that are located in commercial or industrial zones traversed by segments of the interstate system within the boundaries of a municipal corporation as such boundaries existed on September 21, 1959, and that conform to rules adopted by the director;
- (E) Advertising devices that are located on the premises of a professional sports facility and that conform to rules adopted by the director.

Effective Date: 09-16-1998

5516.03 Rules for outdoor advertising.

The director of transportation shall adopt, amend, and enforce rules, consistent with the customary use of outdoor advertising, the safety of the traveling public, and national policy as are necessary to carry out the provisions of this chapter. Such rules may include, but shall not be

limited to, sizing, lighting, spacing, and such other conditions as may be necessary to promote the safety of the traveling public and effect the national policy. The rules shall be in addition to the provisions of municipal ordinances regulating advertising devices and shall not invalidate the provisions of any municipal ordinance that are equivalent to and consistent with the rules adopted by the director under this section. The director shall furnish a copy of such rules, without charge, to any person making a request therefor.

Effective Date: 06-30-1997

5516.04 Orders to remove and take remedial action for violating advertising devices.

(A) Any advertising device that violates section 5516.02, 5516.06, 5516.061, or 5516.062 of the Revised Code or the rules adopted thereunder, or that is being maintained without a validly issued permit, is a public and private nuisance, and shall be removed. Immediately upon discovering the existence of such a nuisance, the director of transportation shall issue an order to the owner or lessee of the land on which such advertising device is located, and to the owner of such advertising device, if known, to remove the device or to initiate any remedial action specified in the order, within thirty days of the issuance of the order. The order shall be in writing and shall be sent by certified mail. If the owner of the advertising device is unknown, the director shall make a reasonable attempt to ascertain the identity of such owner.

If such owner cannot be determined or the certified mail is not claimed, the director may post a copy of the order in a conspicuous place on the advertising device.

If removal or remediation is not completed within thirty days of the date of the order, the director immediately may remove the sign without further notice or may file for an injunction or other appropriate relief in a civil action for abatement in the court of common pleas of the county in which the advertising device is located. A copy of the complaint shall be served upon the owner or lessee of the land and the owner of the device, if known, in accordance with the Rules of Civil Procedure. If certified mail service, personal service, or residence service of the complaint is refused, or certified mail service is not claimed and the director has made a request for ordinary mail service of the complaint, or has used publication service in accordance with the Rules of Civil Procedure, then a copy of the complaint shall be posted in a conspicuous place on the advertising device.

The court in a civil action for abatement shall conduct a hearing at least twenty-eight days after service of the complaint on the owner of the advertising device and the owner or lessee of the land. If the court finds at the hearing that a violation of sections 5516.02 to 5516.04 of the Revised Code exists as alleged in the complaint and also finds that the owner of the advertising device or the owner or lessee of the land has been afforded an opportunity to abate the nuisance but has refused or failed to do so, the court may issue an injunction requiring the owner of the advertising device or the owner or lessee of the land to abate the nuisance or may issue any other order that it considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this section, the owner of the advertising device or the owner or lessee of the land shall be given no more than thirty days from the date of the entry of the court's order to comply with the injunction, unless the court, for good cause shown, extends the time for compliance. The judge in any civil action described in this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any advertising device that was determined to be a public nuisance pursuant to this section.

(B) If the department removes an advertising device pursuant to an order of the director, the cost or expense of such removal shall be paid by the director out of any appropriation of the

department of transportation available for the establishment, use, maintenance, or repair of highways, and the amount thereof shall be certified to the attorney general for collection by civil action against the device owner or the owner or lessee of the land on which such advertising device is located. Such owners and lessees shall be jointly liable for such costs or expenses.

(C) Employees, agents, or independent contractors of the department of transportation may enter upon private property for the purpose of removing advertising devices in accordance with this section, without incurring any liability for so entering.

Effective Date: 06-30-1997; 09-16-2004

5516.05 Designation of scenic byways - advertising devices.

The director of transportation may designate any portion of the interstate system, national highway system, or primary system as a scenic byway. The director shall exclude from designation as a scenic byway any segment of a highway in a zoned or unzoned commercial or industrial area that is determined by the director to be inconsistent with the designation of a scenic byway.

No advertising device may be erected upon a designated scenic byway, except in accordance with division (A), (B), or (C) of section 5516.02 of the Revised Code, division (A), (B), (C), (D), (E), or (G) of section 5516.06 of the Revised Code, or division (A), (B), (C), or (D) of section 5516.061 of the Revised Code. Any advertising device lawfully in existence prior to the designation of a scenic byway, upon such designation, is a nonconforming advertising device under section 5516.07 of the Revised Code.

Effective Date: 09-16-1998

5516.06 Requirements for advertising devices along state primary highways.

No advertising device shall be erected or maintained within six hundred sixty feet of the edge of the right-of-way of a highway on the primary system except the following:

(A) Directional and other official signs and notices that conform to rules adopted by the director of transportation;

(B) Signs advertising the sale or lease of the property upon which they are located;

(C) Advertising devices indicating the name of the business, activities, or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property and that conform to rules adopted by the director;

(D) Precautionary signs relating to the premises;

(E) Signs, displays, or devices which locate, identify, mark, or warn of the presence of pipe lines, utility lines, or rail lines, and appurtenances thereof, including, but not limited to, markers used in the maintenance, operation, observation, and safety of said lines;

(F) Advertising devices located in zoned or unzoned industrial or commercial areas adjacent to highways on the primary system that conform to rules adopted by the director;

(G) Signs lawfully in existence on October 22, 1965, that the director, subject to the approval of the secretary of the United States department of transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance;

(H) Advertising devices that are located on the premises of a professional sports facility and that conform to rules adopted by the director.

Effective Date: 09-16-1998

5516.061 Requirements for advertising devices outside urban areas.

No advertising device shall be erected outside of urban areas further than six hundred sixty feet from the right-of-way of the main traveled way of a highway on the interstate or primary system if such device would be visible from such main traveled way, except the following:

(A) Directional and official signs and notices that conform to rules adopted by the director of transportation;

(B) Signs advertising the sale or lease of the property upon which they are located;

(C) Advertising devices indicating the name of the business, activities, or profession conducted on such property or that identify the goods produced, sold, or services rendered on such property and that conform to rules adopted by the director;

(D) Signs lawfully in existence on October 22, 1965, that the director, subject to the approval of the secretary of the United States department of transportation, has determined to be landmark signs, including signs on farm structures or natural surfaces, which are of historic or artistic significance.

Any advertising device lawfully in existence prior to November 28, 1975, or lawfully on any highway made a part of the interstate or primary system on or after that date, the erection of which would be illegal under this section, is nonconforming, and may be maintained subject to the permit provisions of section 5516.10 of the Revised Code. An advertising device existing prior to the effective date of this section which would be illegal under this section shall be considered a nonconforming advertising device and may be maintained subject to the permit provisions of section 5516.10 of the Revised Code.

As used in this section, "urban area" means an urbanized area or an urban place as designated by the bureau of the census having a population of five thousand or more, and within boundaries approved by the United States secretary of transportation.

Effective Date: 06-30-1997; 09-16-2004

5516.062 Prohibiting advertising devices outside urban areas without permit.

(A) No person shall erect, use, maintain, operate, construct, or cause or permit to be erected, used, maintained, operated, or constructed any advertising device that is located both inside an urban area, as defined by section 5516.061 of the Revised Code, and outside the boundaries of a

municipal corporation as such boundaries existed on September 21, 1959, without first obtaining a permit and permit plates from the director of transportation pursuant to section 5516.10 of the Revised Code.

(B) An advertising device existing prior to the effective date of this section which would be illegal under this section shall be considered a nonconforming advertising device and may be maintained subject to the permit provisions of section 5516.10 of the Revised Code.

Effective Date: 09-16-2004

5516.07 Nonconforming advertising devices.

All nonconforming advertising devices shall be maintained, subject to the provisions of sections 5516.10 and 5516.12 of the Revised Code.

A nonconforming advertising device found to be in violation of any of the provisions of this Chapter or the rules adopted thereunder may be subject to removal without compensation. A nonconforming advertising device may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. The director may adopt rules regarding the repair or maintenance of, or changes to, nonconforming advertising devices, including the size, lighting, replacement, rebuilding, or re-erection of the structure, and damage or depreciation of the nonconforming advertising device.

Effective Date: 06-30-1997

5516.08 Eminent domain actions against nonconforming devices.

(A) The director of transportation, or a state, county, municipal, or other local zoning authority, may order the removal of nonconforming advertising devices that are lawfully maintained pursuant to section 5516.07 of the Revised Code, or under a zoning ordinance or regulation. Each such removal ordered by the director or zoning authority shall be deemed to constitute a taking of all right, title, and interest in such advertising device, including any leasehold interest, of the owner of the advertising device and of the right of the owner of the real property on which the advertising device is located to erect and maintain such advertising device thereon. The director or zoning authority shall pay just compensation for all such interests in any such taking, in the same manner as other property is acquired pursuant to Chapter 163. of the Revised Code, notwithstanding the right or obligation of the owner of such advertising device, as against the owner of the real property on which the advertising device is located, to remove such device at any time. The director, or a state, county, municipal, or other local zoning authority is authorized to acquire by gift, purchase, or appropriation, devices ordered removed under this section.

If the director or zoning authority and any such owner of a compensable right or interest under this section do not reach agreement as to the amount of compensation to be paid for the taking of such right or interest, the director or zoning authority shall institute an action to appropriate the interest of such person in accordance with Chapter 163. of the Revised Code. In any such action, loss of business shall not be considered an item of compensable damages.

Neither the director nor a state, county, municipal, or other local zoning authority shall enter upon any property to cause the physical removal of any nonconforming advertising device, for which an owner is entitled to just compensation, until the owner and the director or zoning authority have reached agreement as to the compensation to be paid or until the compensation

proposed to be paid by the director or zoning authority has been deposited pursuant to section 163.06 of the Revised Code.

(B) The director shall not order the removal of any advertising device for which federal reimbursement is contemplated pursuant to 23 U.S.C.A. 131(g), nor approve any application for reimbursement made under division (C) of this section, unless and until federal funds for the federal share of compensation therefor have been appropriated by the federal government and made available to the director for such purposes. The director shall provide by rule for the making of reimbursements to state, county, municipal, and other local zoning authorities for the removal of nonconforming advertising devices for which federal reimbursement is contemplated.

(C) No state, county, municipal, or other local zoning authority shall be reimbursed by the director for the removal of any nonconforming advertising device as provided in this section unless the zoning authority, prior to such removal, makes application for reimbursement to the director and the director approves the application. The application shall include such information as the director requires by rule.

Effective Date: 06-30-1997

5516.09 Use of right-of-way.

Unless otherwise provided by law, both of the following are prohibited:

(A) The use of the right-of-way of a limited access highway for construction, maintenance, or copy change of a lawful advertising device;

(B) The use of the right-of-way of any highway other than a limited access highway to construct, maintain, or service a lawful advertising device without the written permission of the appropriate district office of the department of transportation.

Effective Date: 06-30-1997

5516.10 Permits and permit plates - application process.

(A) No person shall do either of the following without first obtaining a permit and permit plates from the director of transportation:

(1) Erect, use, maintain, operate, construct, or cause or permit to be erected, used, maintained, operated, or constructed, any advertising device located in either of the following:

(a) Commercial or industrial zones traversed by segments of the interstate system within the boundaries of a municipal corporation as such boundaries existed on September 21, 1959;

(b) Zoned or unzoned industrial or commercial areas adjacent to highways on the primary system.

(2) Maintain any nonconforming advertising device.

(B) Applications for such a permit shall be made on forms prescribed by the director, and a separate application shall be submitted for each sign face. The director shall adopt rules setting forth the requirements for completion of the application process and the issuance of permits consistent with this section.

(1) As part of the application process, the director may require an acknowledgment to be signed by the owner or person in lawful possession or control of the proposed location of the advertising device. Such acknowledgment may include, but shall not be limited to, a statement that the applicant has the right to occupy the land at the subject location, that if at any time removal is required, the owner or person in lawful possession or control of the location may be jointly liable, and that the applicant may only occupy the land for a specified time period. If legal use of the location is terminated at any time during the permit period, the permit is subject to cancellation pursuant to section 5516.12 of the Revised Code.

(2) As part of the application process, the director may require an applicant or the applicant's authorized representative to certify in a notarized signed statement that the applicant has not knowingly provided materially false, misleading, or inaccurate information.

(3) Each application shall be accompanied by the appropriate application fee as set forth in the fee schedule established by the director. Such fee schedule shall be based on the reasonable cost of administering and processing such permits. Application fees shall be nonrefundable.

(4) Applications for permits shall be disapproved and permits shall not be issued under any of the following conditions:

(a) The proposed location for an advertising device is not visible from the main traveled portion of the highway due to existing landscaping on the right-of-way of any highway.

(b) The advertising device can be erected or maintained only from the right-of-way of an interstate or primary highway system.

(c) The proposed location for the advertising device is on land that is used principally as a residence.

(d) The advertising device is erected or maintained on trees, or painted or drawn upon rocks or other natural features.

(e) The advertising device would be a traffic hazard or a danger to the safety of the traveling public.

(f) The advertising device would prevent the driver of a motor vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(g) The advertising device is illuminated so as to interfere with the effectiveness of an official sign, signal, or other traffic control device.

(h) The advertising device attempts, or appears to attempt, to direct the movement of traffic, or interferes with, imitates, or resembles an official sign, signal, or other traffic control device.

(C) The issuance of a permit under this section shall not be construed to invalidate municipal ordinances requiring a permit or license or providing for an inspection fee for advertising devices, or regulating such advertising devices. The cost of the application fee for such permits or licenses issued, or the cost of initial inspection fees charged under municipal ordinances shall be credited against and shall reduce the cost of the permit issued by the director under this section. If a permit is issued by a zoning authority pursuant to its ordinances, rules, or regulations controlling outdoor advertising devices, a copy thereof shall be furnished to the director with any application for a new permit required by this section or within thirty days of its issuance by a zoning authority.

(D) Where an application is submitted for the erection, use, maintenance, operation, or construction of an advertising device, the director may conditionally approve such application as to location only, and final approval shall remain pending until the advertising device is erected, used, maintained, or constructed or becomes operational. Upon notification by the permit applicant that the erection, use, maintenance, construction, or operation of the advertising device is completed, the director shall verify that the advertising device complies with the terms and conditions of the conditional permit. Upon verification of compliance with the terms and conditions of the conditional permit, the director may approve and issue a permit and permit plates, which shall be securely and permanently attached in the corner of the face of the advertising device nearest to the highway in such a manner as to be visible from the main traveled way of the interstate or primary highway system. Replacement plates may be issued upon request and upon the payment of a replacement fee to be determined by the director.

(E) All permits issued pursuant to this section shall be in effect for a period of two years. Permits may be renewed upon application made on forms designated by the director and upon the payment of a nonrefundable renewal fee in an amount to be determined by the director based on the reasonable cost of administering and processing such renewal permits. Any permits that are not renewed, and any permit plates issued in connection with such permits, shall be returned to the director for cancellation by the expiration date. The director may adopt rules for the reinstatement of permits canceled as a result of nonpayment of renewal fees, and shall develop a fee schedule for late renewals.

(F)(1) Where the director conditionally approves the issuance of a permit as to location only and the permit applicant fails to construct, erect, use, operate, or maintain an advertising device within the period for which the permit was issued, such permit shall not be renewed unless a renewal fee is paid to extend the privilege for one additional permit period. No conditional permit shall be renewed and no extensions shall be granted after the second renewal period.

(2) A last permit holder's application for a permit shall not be accepted until a permit issued pursuant to division (F)(1) of this section has expired for a period of six months, commencing from the expiration date, for any of the following locations:

(a) The expired location;

(b) A location within five hundred feet of the expired location on an interstate highway, a primary highway outside a municipal corporation, or a freeway inside a municipal corporation;

(c) A location within two hundred fifty feet of the expired location on any other primary highway inside a municipal corporation.

The director shall process written applications in the order in which they are received.

(G) Permits for advertising devices erected and maintained with a valid permit issued before July 1, 1997, may be renewed unless the director finds that the permit application contains materially false, misleading, or inaccurate information or the sign has been erected or maintained contrary to this chapter or the rules adopted thereunder, and in such event the director may take appropriate action pursuant to section 5516.12 of the Revised Code. An applicant who has a conditional permit issued by the director before June 30, 1997, and who has not yet exercised the privilege of constructing, using, operating, erecting, or maintaining an advertising device at the proposed location as of that date, shall have until December 31, 1997, to comply with the terms and conditions of the conditional permit or such permit shall be canceled. However, the applicant may request that the conditional permit be renewed by submitting a renewal application and paying a nonrefundable renewal fee to extend the privilege for one additional permit period.

(H) Permits may be transferred from one sign owner to another upon written acknowledgment from the current permittee and the payment of a transfer fee in an amount to be determined by the director for each permit to be transferred. The new permit holder is subject to all the terms and conditions of the prior permit holder and shall be subject to this chapter and the rules adopted thereunder.

(I) No person shall submit an application for an advertising device permit where the proposed location is adjacent to a proposed project on the interstate or primary system and the proposed location for the device would be illegal under this chapter upon completion of the project.

(J) Any permit issued by the director under this chapter or the rules adopted under it, is the property of the permit holder. Upon the sale of an advertising device, a permit issued under this section continues in effect for the period established under division (E) of this section.

Effective Date: 06-29-2001; 09-16-2004

5516.11 Regulation of advertising devices through zoning rules and regulations.

This chapter does not affect the authority of a state, county, municipal, or other local zoning authority to zone areas for commercial or industrial purposes under its respective zoning laws. Whenever a state, county, municipal, or other local zoning authority has adopted comprehensive zoning and established rules and regulations controlling the size, lighting, and spacing of outdoor advertising devices, that are equivalent to and consistent with the intent of this chapter, such rules and regulations will be accepted in lieu of the controls provided in division (D) of section 5516.02 and in section 5516.061 of the Revised Code in the commercial and industrial zones within the geographical jurisdiction of such authority.

Whenever a zoning authority establishes new comprehensive zoning rules or regulations, a copy thereof shall be furnished to the director of transportation within thirty days after its passage.

Chapter 5516. of the Revised Code shall not be construed to allow the erection of an advertising device in an area zoned by state, county, municipal, or other local authorities to exclude such devices.

Effective Date: 06-30-1997

5516.12 Disapproving, cancelling, or revoking permits.

The director of transportation may disapprove, cancel, or revoke any permit requested or issued under this chapter if the director determines any of the following:

(A) That the application for the permit contains materially false, misleading, or inaccurate information;

(B) An advertising device has been erected or maintained contrary to the terms and conditions of the permit;

(C) The required fee has not been paid;

(D) That the location does not conform to the laws and rules of the state;

(E) That any other provisions of this chapter or the rules adopted thereunder have been violated.

The director shall give thirty days' notice, by certified mail, to the owner or lessee of the land on which such advertising device is located and to the owner of such advertising device, if known. If the owner of such advertising device is unknown, the director shall make a reasonable attempt to ascertain the identity of such owner.

Such notice may specify any remedial action that is required to correct any false or misleading information or other violation of this chapter and advise that failure to take the remedial action within thirty days may result in denial, cancellation, or revocation of the permit and removal of the advertising device. The written notice shall further state that the applicant, or owner of the advertising device, or the owner or lessee of the land on which the advertising device is located, has a right to an adjudication hearing pursuant to section 119.06 of the Revised Code, which request must be filed with the director within thirty days after the receipt of the written notice. If a hearing is requested, it shall be conducted in accordance with the provisions of sections 119.01 to 119.13 of the Revised Code and any rules adopted by the director establishing procedures for such hearings.

Upon the expiration of the thirty days' notice, if no request for an adjudication hearing has been filed with the director, the director may declare the advertising device to be a public and private nuisance and order its removal. Removal of the advertising device shall proceed in accordance with divisions (B) and (C) of section 5516.04 of the Revised Code.

Effective Date: 06-30-1997

5516.13 Administering chapter.

The director of transportation shall exercise the powers and perform the duties delegated to the director by sections 5516.02 to 5516.14 of the Revised Code, in accordance with rules the director shall adopt under Chapter 119. of the Revised Code.

Effective Date: 06-30-1997

5516.14 Application for vegetation permit.

The director may issue a permit to any sign owner who has a lawful permit issued pursuant to section 5516.10 of the Revised Code to remove, cut, and trim vegetation located on the right-of-way of any highway of the interstate or primary system adjacent to the permitted advertising device and replace the same as directed, whenever such vegetation prevents clear visibility from the main traveled way of such highway. The director shall adopt rules for the enforcement of this section. The rules may include requirements for appropriate vehicle identification signage, appropriate bond or insurance, distance limits, and any other conditions as may be required by the director.

An application for a vegetation permit shall be made on forms designated by the director and a separate application must be submitted for each sign face. Each application shall be accompanied by a nonrefundable application fee in an amount to be determined by the director. Permits issued hereunder shall run for a period of one year and may be renewed upon application made upon forms prescribed by the director and upon the payment of a nonrefundable renewal fee in an amount to be determined by the director. Any permits that are not renewed shall be returned to the director for cancellation by the expiration date.

The director may modify any vegetation permit as is considered necessary for the safety of the traveling public. The director may revoke, cancel, or disapprove a permit or an application pursuant to section 5516.12 of the Revised Code for any violation of this section or the rules adopted thereunder.

Effective Date: 06-30-1997

5516.99 Penalty.

Whoever erects or maintains an advertising device in violation of sections 5516.01 to 5516.14 of the Revised Code, or rules adopted thereunder, shall be fined not less than one hundred nor more than five thousand dollars.

Effective Date: 06-30-1997

CHAPTER 5501:2-2 – OHIO ADMINISTRATIVE CODE (OAC)

Section

5501:2-2-01. Definitions.

5501:2-2-02. General provisions for the erection and control of outdoor advertising

5501:2-2-03. On-premise advertising devices

5501:2-2-04. Directional and official advertising devices

5501:2-2-05. Permits

5501:2-2-06. Nonconforming advertising devices.

5501:2-2-07. Illegal advertising device removal procedures.

5501:2-2-08. Penalties

5501:2-2-09. Advertising devices located on scenic byways

5501:2-2-10. Advertising devices located on premises of professional sports facility

5501:2-2-01 Definitions.

For the purpose of this rule, the following terms shall have the meanings given them in section 5516.01 of the Revised Code: "advertising device", "visible", "interstate system", "erect", "maintain", "national policy", "primary system", "zoned commercial or industrial areas", "unzoned commercial or industrial area", "commercial or industrial activities", "directional and official signs and notices", "nonconforming advertising device", "scenic byway", "director", and "commercial or industrial zone".

(A) "Abandoned or discontinued advertising device" means any permitted advertising device which has ceased to display advertising copy displays obsolete advertising copy or needs substantial repairs of more than seventy per cent of its replacement value for more than one year. An advertising device shall be considered to be abandoned or discontinued if neither the sign owner nor the landowner claim any responsibility for the advertising device.

(B) "Advertising copy" means any words, symbols, pictures, display or trade name which is intended to invite or draw the attention of the public to any goods, merchandise, property, business, services, entertainment, amusement or other commercial activity.

(C) "Advertising device" shall have the same meaning given in section 5516.01 of the Revised Code. All advertising devices shall be affixed to a structure. Such structures may include, but are not limited to, one of the following forms:

(1) "Single face" means one sign face, facing one direction of travel at a single location.

(2) "Back to back" means two sign faces, attached on each side of the structure and facing opposite directions of travel at a single location.

(3) "V-type" means sign faces, facing opposite directions of travel at a single location oriented at an angle to each other, the nearest points of which are not more than four and six tenth meters or fifteen feet apart.

(4) "Tri-face" means three sign faces at one location with no more than two sign faces facing one direction of travel, and one sign face facing the opposite direction of travel.

(5) "Double face, one way" means two sign faces stacked on the same supporting structure, facing one direction of travel, or two sign faces on two structures immediately adjacent to one another facing one direction of travel at a single location.

(6) "Double face, back to back" means four sign faces at one location with no more than two faces either stacked on the same supporting structure or on two structures, facing opposite directions of travel.

(D) "Bonafide comprehensive zoning plan" means a general plan to control and direct the use and development of property in a municipality or in a large part thereof by dividing it into districts according to the present and potential use of the properties.

(E) "Business activity" means the essential and customary facilities such as buildings, parking lots, storage or processing areas regularly used to conduct the business, and does not include driveways, fences, or structures placed for the purpose of qualifying a site for signage.

(F) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway or the centerline of the main-traveled way of a non-divided highway.

(G) "Contiguous property" means any configuration of adjoining land that is owned or leased by the identical business owner and/or lessee, and is required to support the business activity.

(H) "Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned non-profit natural wonders accredited by the Ohio department of natural resources or non-profit historic attractions accredited by the Ohio historical society.

(I) "Entrance roadway" means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of the interstate system as defined by division (C) of section 5516.01 of the Revised Code or system as defined by division (G) of section 5516.01 of the Revised Code from the general road system within a state. This definition applies whether or not traffic may also enter the main-traveled way by such road or turning roadway.

(J) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of the interstate system as defined by division (C) of section 5516.01 of the Revised Code or primary system as defined by division (G) of section 5516.01 of the Revised Code to reach the general road system within a state. This definition applies whether or not traffic may also enter the main-traveled way by such road or turning roadway.

(K) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(L) "Illegal sign" means an advertising device which was erected or is maintained in violation of federal, state, or local law or ordinance.

(M) "Immediately adjacent" means bordering one another no farther apart at their nearest point than four and six tenth meters or fifteen feet.

(N) "Interchange" means both a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams, and a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.

(O) "Last permit holder" includes, but is not limited to, the most recent holder of the advertising device permit; a business, cooperative, corporation, enterprise, joint venture, limited liability company, partnership, sole proprietorship or subsidiary, the viability of which is dependent on its relationship with the most recent holder of the advertising device permit; or any person or entity which is closely related to, or closely connected with, the most recent holder of the advertising device permit.

(P) "Lease" means an agreement, oral or in writing, by which possession or use of land or interests therein is given for a specified purpose, which is a valid contract under the laws of the state, and which grants an interest in the real estate for a specific time period.

(Q) "Main-traveled way" means the traveled way of a highway on which through traffic is carried.

(R) "Multiple message advertising device" means an advertising device whose whole sign face changes by rotating vertical slats or other electronic process or remote control.

(S) "Normal maintenance (nonconforming devices)" means that which is customary to keep a sign in ordinary repair, upkeep or refurbishing. Repairs will be allowed for acts of God, vandalism, or other criminal or tortuous acts.

(T) "Obsolete advertising device" means a device which displays advertising copy pertaining to activities which are no longer in use for over one year.

(U) "Off-premise advertising device" means an outdoor advertising device which advertises an activity, service or product located on property other than property at which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit.

(V) "Official sign" means an outdoor advertising device erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purpose of carrying out an official duty or responsibility.

(W) "On-premise advertising device" means an advertising device located at the same site as the activity or property advertised, and has as its purpose the identification of the activity, its products or services, or the sale or lease of the property on which the sign is located, rather than the purpose of general advertising. It must meet the requirements of divisions (B) and (C) of section 5516.02, divisions (B) and (C) of section 5516.06, and divisions (B) and (C) of section 5516.061 of the Revised Code and must be located upon property either owned or leased and used by the advertised business or profession for the purpose of conducting the business activity.

(X) "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge, or historic site.

(Y) "Proposed interchange" means an interchange or access point contained in the department's final alignment.

(Z) "Public service signs" includes, but is not limited to, time and temperature signs and signs located on school bus stop shelters.

(AA) "Public utility signs" means warning signs, informational signs, notices, or markers which are erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(BB) "Re-erect" means the placing of any device in a vertical position subsequent to its initial erection.

(CC) "Remove" means the complete disassembly of the device including all component parts, except if removal would result in substantial structural damage to a building. All electrical service shall be disconnected, if any, and there shall be a complete removal of wires, conduit and supporting structures including the removal from the property of all disassembled elements of the advertising device and its supporting structure.

(DD) "Safety rest area" means an area or site established and or control, for the convenience of the traveling public.

(EE) "Scenic area" means any public park or area of particular scenic beauty or historical significance designated by the director of transportation or constituted local authority.

(FF) "Service club and religious notice" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs, charitable associations, or religious services.

(GG) "Trade name" means any brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(HH) "Traveled way" means the portion of a roadway for the movement of vehicles including ramps and turning roadways but exclusive of shoulders.

(II) "Turning roadway" means a connecting roadway for traffic turning between two intersecting legs of an interchange.

(JJ) "Variable message advertising device" means one message is partially changed by electronic process or remote control, including, but not limited to, rotating cubes, rotating vertical triangular slats, messages changed by turning lights on and off, remote numeric displays, scrolling messages, glow cubes, light emitting diodes, cathode ray tubes and florescent discharge or other similar technology approved by the director. Furthermore, digit(s) changed infrequently is/are not to be considered moving, flashing, or intermittent lights or moving parts and will be deemed a change of copy only.

HISTORY: Eff 3-31-95; 3-2-98; 8-23-99; 7-1-2002; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.01 to 5516.14

R.C. 119.032 review dates: 08/28/03 and 11/14/08

Research Aids

Advertising on or along interstate and state primary highways

O-Jur3d: Advertis § 15

5501:2-2-02 General provisions for the erection and control of outdoor advertising.

(A) Restrictions on outdoor advertising adjacent to the interstate and primary highway systems: all advertising devices erected or maintained within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way shall conform to the following requirements:

(1) Zoning criteria: outdoor advertising must be located in areas zoned for commercial or industrial use or in areas which qualify for unzoned commercial or industrial use. Zoning action taken which is not part of a bona fide comprehensive zoning plan and is created primarily to permit outdoor advertising device structures shall not be recognized as zoning for the purpose of Chapter 5516. of the Revised Code or division level 5501:2 rules of the Administrative Code. A zone in which limited commercial or industrial activities are permitted as an incident to other primary land uses is not considered to be a commercial or industrial zone for outdoor advertising control purposes. Strip and spot zoning are not permitted for advertising device control purposes. The definition of an unzoned commercial or industrial area as used in division (I) of section 5516.01 of the Revised Code shall apply within a political subdivision or area if:

(a) A unit of government is not authorized to zone; or

(b) A unit of government has not zoned in accordance with statutory authority.

(2) Sizing criteria:

(a) Area:

(i) The maximum area for an advertising device shall be twelve hundred square feet, excluding decorative bases and supports. The minimum area for any such advertising device for which a permit is required shall be eight square feet. Two advertising devices may be permitted at a single location facing the same direction provided that they are immediately adjacent to each other. If there is a border or trim around a sign face, it shall be deemed to be a separate advertising device and the total combined area of both advertising devices may not exceed twelve hundred square feet.

(ii) The advertising device area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire advertising device including border, trim, cutout and extension.

(b) Height:

(i) Any advertising device exceeding one hundred fifty feet in height shall comply with the American association of state highway and transportation officials standards. The applicant shall submit all necessary plans and documentation to assist the department in the review and approval of the advertising device.

(3) Spacing criteria:

(a) Interstate highway systems: for any advertising device adjacent to an interstate highway system, the following spacing requirements shall apply:

(i) Advertising devices, visible to approaching traffic, on either or same side of the main traveled way shall have a minimum spacing of five hundred feet between each advertising device.

(ii) Advertising devices, whether or not visible to the main-traveled way of the interstate system, shall not be located at or within five hundred feet of an interchange or proposed interchange.

(iii) No advertising device, outside a municipal corporation, shall be located within five hundred feet of any visible and publicly owned, controlled or maintained safety rest area, parkland, garden, forest preserve, picnic ground, playground, swimming beach, elementary or secondary school playground or scenic area, that is visible from or whose property boundaries front the main traveled way.

(b) Primary highway systems: for any advertising device adjacent to a primary highway system, the following spacing requirements shall apply:

(i) Advertising devices visible to approaching traffic on either or same sides of the main-traveled way shall have a minimum spacing of:

(a) Five hundred feet outside of a municipal corporation and on freeways within a municipal corporation.

(b) Two hundred fifty feet on other highways inside a municipal corporation;

(ii) Advertising devices, whether or not visible to the main-traveled way of the primary system, shall not be located within five hundred feet of an interchange or proposed interchange.

(iii) No advertising device, outside a municipal corporation, shall be located within five hundred feet of any visible and publicly owned, controlled or maintained safety rest area, parkland, garden, forest preserve, picnic ground, playground, swimming beach, elementary or secondary

school playground or scenic area, that is visible from or whose property boundaries front the main traveled way.

(c) Measurements

(i) The distance from the edge of the right of way shall be measured horizontally along a line perpendicular to the centerline of the highway.

(ii) The distance between sign faces visible to approaching traffic shall be measured along the right edge of the main-traveled way of the highway in the direction of travel. Only advertising devices included in division (D) of section 5516.02 and divisions (F) and (G) of section 5516.06 and division (D) of section 5516.061 of the Revised Code shall be considered in determining spacing requirements.

(iii) The distance from an interchange shall be measured at the nearest point of the beginning or ending of pavement widening of the exit or entrance roadway to the main-traveled way along the right edge of the main-traveled way of the interstate system or primary system.

(iv) The distance from safety rest areas on freeways shall be measured at the nearest point of the beginning or ending of pavement widening from the exit or entrance roadway to the main-traveled way along the right edge of the main-traveled way of the interstate system or primary system.

(v) The distance from any parkland, safety rest area, park, garden, forest preserve, playground, picnic ground, swimming beach, any elementary or secondary school playground or scenic area shall be measured from the nearest property boundary and shall apply to both sides of the highway along which the area is located.

(4) Lighting criteria: lighting shall not be used in any way in connection with any advertising device 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 not to cause glare or impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(a) Off-premise advertising devices shall not contain, include or be illuminated by any flashing, intermittent, or moving light or lights except those giving only public service information such as time, date, temperature, weather, or similar information.

(b) A multiple message or variable message advertising device shall not be illuminated by flashing, intermittent, or moving lights. No multiple message or variable message advertising device may include any illumination which is flashing, intermittent, or moving when the sign face is in a fixed position.

(5) When an advertising device is erected which is visible from two or more highways, one or more of which is an interstate or primary highway, the more stringent of applicable control requirements shall apply.

- (6) All advertising devices must be clean and in good repair.
- (7) Obsolete advertising devices will not be permitted.
- (8) Abandoned, discontinued and damaged advertising devices.
- (a) When an advertising device is damaged by more than seventy percent of its replacement value immediately prior to the damaging incident, the device will be considered destroyed. This does not apply to advertising devices damaged by vandalism, other criminal or torturous acts or weather-related causes, upon satisfactory evidence submitted to the Ohio department of transportation.
- (b) An advertising device which has depreciation of more than seventy percent of its replacement value due to lack of maintenance is considered to be abandoned or discontinued.
- (c) An advertising device which ceases to display advertising matter or displays obsolete advertising matter longer than one year is considered to be abandoned or discontinued.
- (d) An "available for lease" or similar message that concerns the availability of the sign itself shall be treated as abandoned or discontinued after expiration of one year.
- (e) A sign whose message had been partially obliterated by the owner so as not to identify a particular product, service, or facility is considered to be abandoned or discontinued after expiration of one year.
- (f) Advertising devices, which have ceased to display or have never displayed advertising or other informative content, are subject to control and removal when advertising is added or affixed and becomes visible from the main, traveled way.
- (g) The re-erection of any abandoned, discontinued or appropriated advertising device requires the submission and approval of a new application pursuant to rule 5501:2-2-05 of the Administrative Code and must be erected in a conforming location.
- (B) Multiple message and variable message advertising devices: such advertising devices may be permitted on the interstate system or the primary system under the following conditions:
- (1) Each message or copy shall remain fixed for at least eight seconds;
- (2) When a message or copy changes by remote control or electronic process, it shall be accomplished in three seconds or less;
- (3) No such advertising device shall be placed within one thousand feet of another multiple message or variable message advertising device on the same side of the highway visible in the same direction of travel;

(4) Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs;

(5) Any maximum size limitations shall apply independently to each face of a multiple message or variable message advertising device; and

(6) Only one multiple message advertising device shall be permitted at a single location facing the same direction.

(C) Modifications.

(1) A conforming advertising device may be modified as follows:

(a) The addition of lights or other illumination to the advertising structure if such device did not previously have lighting for illumination; or

(b) Replacement of parts on the sign structure with materials other than the kind of materials with which the device was originally erected; or

(c) Reduce, enlarge or rebuild the advertising device or its structure; however, any enlargement of the advertising device must meet the size criteria of paragraph (A)(2) of this rule; or

(d) Change any device to a multiple message or to include variable message advertising device components.

(e) The addition of a temporary extension to the outside dimensions of an advertising device as incident to the copy may not exceed twenty percent of the permitted advertising device and may be maintained for a temporary period up to six months. Thereafter, the temporary extension must be removed for at least sixty days or the permit holder's permit will be revoked.

(2) No advertising device may be modified unless the permit holder has completed a modification application and submitted it to the advertising device control section. No modifications may be made until such application has been approved by the advertising device control section. All modification applications will be processed on a first come-first serve basis and will be time and date stamped.

(3) A one hundred dollar processing fee per sign face shall accompany any modification application except that the processing fee to modify a device to a multiple message or variable message advertising device shall be three hundred dollars. If the processing fee is not submitted with the modification application, the application will be returned unprocessed.

(4) No modification application will be processed until the permit holder has paid all delinquent renewal fees for all currently held permits.

(5) If ODOT discovers any advertising device has been modified without the prior approval of ODOT, ODOT will notify the permit holder and request that a modification application be

submitted within thirty days from the receipt of the notice or the permit for such device will be subject to cancellation pursuant to paragraph (G) of rule 5501:2-2-05 of the Administrative Code.

(6) No modification application will be processed until the permit holder has removed all illegal advertising devices it controls.

HISTORY: Eff 5-3-72; 3-31-95; 3-2-98; 7-1-2002; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.01 to 5516.14

R.C.. 119.032 review dates: 08/28/03 and 11/14/08

5501:2-2-03 On-premise advertising devices.

On-premise advertising devices are not required to have a permit under section 5516.10 of the Revised Code or rule 5501:2-2-05 of the Administrative Code. However, if an on-premise advertising device fails to conform to the following rules, it will be considered an off-premise advertising device subject to the statutes and rules governing such advertising devices.

(A) An advertising device will be considered to be an on-premise advertising device if it meets the following requirements:

(1) An advertising device must be located on the same premises as the activity or property advertised.

The following criteria shall be used in determining whether a device is located on the same premises as the activity or property advertised:

(a) An advertising device must be erected by an owner of, or lease holder to, the property; however, the on-premise advertising device may be erected upon contiguous property also owned or leased by the business activity and not used for a separate purpose unrelated to the advertised business activity as long as the advertising device is located within fifteen hundred feet of the business activity which shall be measured from the regularly used buildings, structures, parking, storage, or processing areas essential and customarily used in connection with the business or profession at this location.

(i) As used above, regularly used areas shall not include contiguous pieces of land which cannot be put to any reasonable use directly related to the advertised activity other than for signage.

(ii) If a corridor is used for access to reach the location of the advertised activity, the corridor shall be contiguous to an integral part of, and under the same ownership or leasehold interest as, the property where the advertised business activity is located.

(iii) Any buildings, structures, parking, storage, or processing areas established at remote locations from the principal activity area shall not be used for measurement purposes.

(b) The hours of operation compared to the normal industry practice for a business of that type.

(c) The percentage of business conducted on the site compared to the normal industry practice for a business of that type.

(d) The access road must have an adequate all weather surface suitable for safe operation of a motorized vehicle.

(2) An on-premise advertising device must have as its purpose the identification of the activity or its products or services, or the sale or lease of the property on which the sign is located, rather than the purpose of general advertising. Any advertising device which consists solely of the name of the establishment located on the property will be considered to be an on-premise advertising device.

(a) The following criteria shall be used for determining whether an advertising device has as its purpose the identification of the activity located on the premises or its products or services or the sale or lease of the property on which the advertising device is located, rather than the business of outdoor advertising:

(i) An advertising device which identifies the establishment's principal or accessory product or service is an on-premise advertising device. A principal or accessory product or service is that product or service directly related to the establishment and closely associated with it. An example of an accessory product would be a brand of tires offered for sale at a service station.

(B) The sign owner bears the burden of proving, by a preponderance of the evidence, that the advertised activity is conducted on the premises.

(C) On-premise advertising devices must comply with the lighting requirements set forth in paragraph (A)(4) of rule 5501:2-2-02 of the Administrative Code.

(D) On-premise advertising devices must comply with the variable or multiple message requirements set forth in paragraph (B) of rule 5501:2-2-02 of the Administrative Code.

HISTORY: Eff 5-3-72; 3-31-95; 3-2-98; 8-23-99; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.02, 5516.06, 5516.061

5501:2-2-03

R.C. 119.032 review dates: 11/14/08

5501:2-2-04 Directional and official advertising devices.

Directional and official advertising devices are not required to have a permit under section 5516.10 of the Revised Code or rule 5501:2-2-05 of the Administrative Code.

(A) All directional advertising devices shall conform to the following requirements:

- (1) Must contain only the identification of the activity and directional information.
- (2) Cannot exceed thirty-two square feet in area.
- (3) Must comply with spacing and lighting requirements contained in rule 5501:2-2-02 of the Administrative Code.
- (4) Must not use logos.

(B) All official signs shall conform to the following requirements:

- (1) The sign must be erected and maintained by a public official or agency.
- (2) The sign must be erected within the territorial jurisdiction or zoning jurisdiction of the public official or agency. The official or agency must exercise some form of governmental authority to enact or administer law over the area upon which the sign is located.
- (3) The sign must be erected and maintained pursuant to specific authority of statute.
- (4) The sign must be erected for the purpose of carrying out or furtherance of an official duty or responsibility.
- (5) The historical marker sign must be authorized by state law and erected by state or local government agencies or non-profit historical societies.

(C) All public service signs shall conform to the following requirements:

- (1) The sign must identify the donor, sponsor, or contributor of said sign;
- (2) The sign must contain public service messages, which shall occupy not less than fifty per cent of the area of the sign;
- (3) The sign must contain no other message;
- (4) The sign must be authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(5) The sign may not exceed thirty two square feet in area. Not more than one sign on each shelter shall face in any one direction.

(D) Service club and religious notices shall not exceed eight square feet in area. A bank of service signs will be permitted at one location provided the aggregate size of the service signs shall not exceed one hundred fifty square feet in area, and, no one dimension shall exceed twenty feet.

HISTORY: Eff 5-3-72; 3-31-95; 3-2-98; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.01 to 5516.14

RC. 119.032 review dates: 08/28/03 and 11/14/08

5501:2-2-05 Permits.

(A) Applications

(1) An application for a permit shall be obtained from and returned to the ODOT advertising device control section.

(2) An application for a permit shall be completed in its entirety. If an application is not completed, including all required signatures, the application and fees will be returned. All applications will be date and time-stamped and will be processed on a first come-first serve basis. If an application has to be returned for any reason, it will not retain its preference over any other application that may be submitted for the same location.

(3) Each sign face requires a separate permit. Applicants shall complete one application for each sign face requested, however, an applicant shall only complete one application when requesting a permit for a multiple message or variable message advertising device.

(B) Application fees.

The application fees shall be as follows:

(1) Two hundred twenty-five dollars per face for each sign face that is part of a device or structure

(2) Two hundred twenty-five dollars for each device or structure having only back to back advertising faces where each face is to be less than thirty-six square feet in area

(3) Two hundred twenty-five dollars for each device or structure having only back to back advertising faces where each face is identical in size ie., high rise pylon signs lighted from within

(4) Six hundred twenty-five dollars for multiple message or variable message advertising devices

(C) Local authorities.

(1) If a local authority requires a permit applicant to obtain any type of permit to erect an advertising device, the permit applicant must state in the application that they will apply for such permit or the application will be returned unprocessed. If a permit applicant has received the required local permits prior to submitting their application to ODOT, copies of such required permits must be submitted with the application. Any permit applicant who has not yet received the required permit from the local authority must submit to the advertising device control section a copy of such permit within thirty days of its issuance by the local authority and prior to the erection of the proposed advertising device before ODOT will approve the final permit. If litigation results from the pursuit of a local permit, the time will toll until final disposition of the pending litigation.

(2) The cost of the application fee or the cost of an initial inspection required by a municipal corporation may, upon request, be credited against and shall reduce the cost of the permit issued by the director. If a municipal corporation credit is requested, proof of payment from the municipal corporation must be included with the permit application or submitted within thirty days of issuance of the local building permit or no such credit shall be granted.

(D) No application will be processed for a new permit when the applicant has any outstanding delinquent bills, including outstanding renewal fees for other permits, or has erected or is maintaining an illegal device.

(E) If ODOT discovers any advertising device has been erected without the conditional approval of ODOT, ODOT will notify the sign owner and request that a permit application be submitted within thirty days from the receipt of the notice or the device will be subject to removal pursuant to section 5516.04 of the Revised Code. All application fees are doubled for applications submitted after the erection of an advertising device.

(F) Renewal, reinstatement, and late fees.

(1) Each permit is subject to a biennial renewal fee of one hundred twenty-five dollars except that the renewal fee for a multiple message or variable message advertising device permit shall be three hundred twenty-five dollars per permit. All permit holders must submit a renewal application from the advertising device control section before the expiration of the permit or within thirty days of the expiration of the permit.

(2) As part of the renewal application, the permit holder shall certify the condition of each advertising device including, but not limited to, whether the advertising device is in need of repair, has been removed, the permit plate is missing, has the wrong permit plate attached, the permit plate is illegible, the device is blank with no live copy, the advertisement on the device is illegible, only the structure is in place, or whether the device has been abandoned, discontinued or destroyed. If any of these conditions exist, they must be corrected within one year or the permit will be canceled.

(3) Each renewal application must be completed in its entirety and returned to ODOT, advertising device control section. If a renewal application is not completed, including all required signatures, the renewal application and fees will be returned. Renewal applications that contain false or misleading information regarding the condition of the advertising device shall result in the revocation of the permit holder's permit. The permit holder may request an administrative hearing pursuant to section 5516.12 of the Revised Code within the time allowed under section 119.09 of the Revised Code.

(4) All renewal fees shall be paid within thirty days of receipt of the renewal invoice. If the renewal fee remains unpaid after the thirty day grace period, it will be subject to a late fee of five per cent of the total amount of the renewal invoice and a notice of proposed cancellation will be sent to the permit holder notifying the permit holder that the permit will be canceled within thirty days unless the permit holder pays all renewal and late fees.

(5) Upon the expiration of the thirty day cancellation period, a notice of cancellation will be sent to the permit holder. The permit holder may request an administrative hearing pursuant to section 5516.12 of the Revised Code within the time allowed under section 119.09 of the Revised Code to show cause why the canceled permit should be reinstated. No permit shall be reinstated unless all outstanding fees have been paid.

(6) If a reinstatement hearing is not requested within the allowed time period and the advertising device has not been removed after its permit cancellation, it will be considered an illegal advertising device subject to the removal provisions of section 5516.04 of the Revised Code. Any unpaid invoices and late fees will be certified to the office of the attorney general for collection.

(G) Cancellation, replacement or transfer of permits.

(1) In order to cancel a permit, the permit holder must request cancellation of the device by notifying the advertising device control section in writing. The permit holder must remove the advertising device upon notification or within thirty days of the notification. If the advertising device is not removed within thirty days, the device will be considered an illegal device subject to the removal provisions of section 5516.04 of the Revised Code.

(2) If a permit plate is lost or missing, a replacement plate may be obtained from the advertising device control section for a fee of twenty-five dollars. The request must be submitted in writing. The permit holder may replicate and replace the permit, in a manner consistent with the size of the original permit plate, and the request must be submitted in writing. All permit plates must be oriented so that they are visible from the main, traveled way or the permit holder will be fined twenty-five dollars for each month the permit plate is lost, missing or not visible from the main, traveled way.

(3) A permit may be transferred to a new permit holder upon the submission of an application requesting such transfer. The application shall include the signatures of both the current and prospective permit holder. If both signatures are not contained on the application, the application will be returned unprocessed. A transfer fee of twenty-five dollars per permit shall be submitted with all transfer applications, with a maximum transfer fee of twenty thousand dollars per

acquisition. All delinquent bills for any permit must be paid before a transfer will be approved.

(H) Conditional permits.

(1) The issuance of a permit will be considered conditional until such time as the advertising device is erected at the location indicated on the application and the advertising device control section has verified that the erection of the advertising device complies with all the terms and conditions of the conditional permit and the statutes and rules included in this chapter.

(2) The applicant shall notify the advertising device control section in writing that an advertising device has been erected within thirty days after completion of construction. Failure to notify the advertising device control section within this thirty day period may result in disapproval of the final permit. Conditional permits automatically expire two years from the date of issuance. If the conditional permit expires, the last permit holder's application for any of the following shall not be accepted until the conditional permit has expired for a period of six months commencing from the expiration date. A written application in conformity with this provision will be processed when received on a first-come, first-served basis:

(a) The expired location.

(b) A location within five hundred feet of the expired location on an interstate highway, a primary highway outside a municipal corporation, or a freeway inside a municipal corporation.

(c) A location within two-hundred fifty feet of the expired location on any other primary highway inside a municipal corporation.

(3) An advertising device for which a final permit can be issued, shall, when erected, be a complete device intended to advertise a product or message. Where there are posts only, partial structure, company name markers or no structure at all, a final permit shall not be issued.

(4) A conditional permit may only be issued for a legal location. If a conditional permit is requested upon the condition that an already existing permit will be canceled so that the requested location can become a legal location, the advertising device control section may hold the location for the applicant for no more than sixty days. At the expiration of the sixty day period, the existing permit must be canceled and the existing advertising device must be completely removed. If the existing permit is not canceled or the removal is not completed, a conditional permit will not be issued and applications for legal locations will be accepted from new applicants in the order that they are received.

(5) All conditional permits must be staked permanently at the straight line mile marker (SLM) approved until the advertising device is erected.

HISTORY: Eff 3-2-98; 7-1-2002; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.01 to 5516.14

5501:2-2-06 Nonconforming advertising devices.

(A) A sign owner of a nonconforming advertising device must apply for and receive a permit pursuant to section 5516.10 of the Revised Code and rule 5501:2-2-05 of the Administrative Code. A nonconforming advertising device may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. Any transfer of a permit for a nonconforming advertising device shall follow the procedures for transfer of a permit under rule 5501:2-2-05 of the Administrative Code.

(B) A nonconforming advertising device, including its structure, may receive normal maintenance and repair. The following is considered normal maintenance and repair:

- (1) The in kind replacement of a wood or metal component with a like component.
- (2) The painting of supports and frames.
- (3) The replacement of torn or destroyed face panels with in kind panels.
- (4) The changing of an advertising message.

(C) A nonconforming advertising device, including its structure, must remain substantially the same as it was on the effective date of state law. A nonconforming device may continue to exist with normal maintenance and repair as long as it is not discontinued or abandoned. The following are considered to be substantial changes in a nonconforming advertising device and are not permitted:

- (1) Extension or enlargement of the advertising device;
- (2) Replacement, rebuilding, or re-erection of the nonconforming advertising device. An exception may be made for in kind rebuilding or of nonconforming advertising devices which have been damaged by acts of God, vandalism, or other criminal or torturous acts, upon satisfactory evidence submitted to ODOT.
- (3) A complete change in the structural support which would result in increased economic life such as replacement of wood posts with steel posts or the replacement of a wood frame with a steel frame.
- (4) The addition of lights to help illuminate an advertising device structure which previously had no lighting for illumination.

(D) Abandoned, discontinued or damaged nonconforming advertising devices.

(1) When a nonconforming advertising device is damaged by more than seventy per cent of its replacement value immediately prior to the damaging incident, the device will be considered destroyed. This does not apply to advertising devices damaged by vandalism, other criminal or torturous acts or weather-related causes, upon satisfactory evidence submitted to ODOT.

(2) An advertising device which has depreciation of more than seventy per cent of its replacement value due to lack of maintenance is considered to be abandoned or discontinued.

(3) An advertising device which ceases to display advertising matter or displays obsolete advertising matter longer than one year is considered to be abandoned or discontinued.

(4) An "available for lease" or similar message that concerns the availability of the sign itself shall be treated as abandoned or discontinued after expiration of one year.

(5) A sign whose message had been partially obliterated by the owner so as not to identify a particular product, service or facility is considered to be abandoned or discontinued after expiration of one year.

(6) Nonconforming advertising devices, which have ceased to display or have never displayed advertising or other informative content, are subject to control and removal when advertising is added or affixed and becomes visible from the main-traveled way.

(7) The re-erection of any abandoned, discontinued or appropriated nonconforming advertising device requires the submission and approval of a new application pursuant to rule 5501:2-2-05 of the Administrative Code and must be erected in a conforming location.

HISTORY: Eff 3-2-98; 11-1-99; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.07

R.C. 119.032 review dates: 08/28/03 and 11/14/08

5501:2-2-07 Illegal advertising device removal procedures.

When the advertising device control section determines that an advertising device is in violation of any section of Chapter 5516. of the Revised Code or any rule contained in Chapter 5501:2-2 of the Administrative Code, or an advertising device is being maintained without a validly issued permit, it shall send a letter of warning to the sign owner, if known, that such device is illegal. If the sign owner is not known or can not be located, such letter shall be sent to the owner or lessee of the land and shall be posted on the advertising device for thirty days. The letter shall indicate that the advertising device is illegal pursuant to the specific statute or rule which it violates, and shall request that the sign owner or land owner or lessee voluntarily remove the device or take

specific remedial action as outlined in the letter within a specified period of time, if remedial action is appropriate. Only one equal extension of time to take remedial action will be granted. If voluntary removal or remedial action is not taken within the specified time or its extension, the matter will be submitted to the director for the issuance of a removal order pursuant to section 5516.04 of the Revised Code.

HISTORY: Eff 3-2-98; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.01 to 5516.14

R.C. 119.032 review dates: 08/28/2003 and 11/14/2008

5501:2-2-08 Penalties.

(A) In addition to any removal procedures ordered by the director pursuant to section 5516.04 of the Revised Code and at the discretion of the director or a court of competent jurisdiction, a maximum fine in the amount of five thousand dollars may be assessed against a sign owner or landowner for failure to remove an illegal advertising device within the period of time indicated in the removal order issued pursuant to section 5516.04 of the Revised Code or ordered removed by a court pursuant to an action for abatement. Payment of the fine shall be remitted by certified check, made payable to "the Treasurer, State of Ohio," and received by the ODOT, advertising device control section.

(B) If the illegal advertising device is not removed within the period of time specified in the removal order issued pursuant to section 5516.04 of the Revised Code or as ordered removed by a court pursuant to an action for abatement, the fine will accrue in one hundred dollar increments for each day exceeding the removal date until the maximum of five thousand dollars is reached.

(C) If the illegal advertising device is removed by the sign owner or landowner within the requisite time period as stated in the removal order or as ordered removed by a court pursuant to an action for abatement, and the sign owner or landowner subsequently re-erects the device on an interstate or primary highway without first applying for a permit, the maximum penalty will be assessed immediately and full payment demanded by the advertising device control section.

HISTORY: Eff 3-2-98; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03

Rule amplifies: RC 5516.01 to 5516.14

R.C. 119.032 review dates: 08/28/2003 and 11/14/2008

5501:2-2-09 Advertising devices located on scenic byways.

(A) Once an application for the designation of a scenic byway has been submitted and received by the Ohio department of transportation, all applications for the erection of an advertising device to be erected on a proposed scenic byway subsequently received by the advertising device control section will be held in abeyance, and no decision will be made thereon, until the director has determined pursuant to section 5516.05 of the Revised Code whether to so designate that portion of the interstate highway system, the national highway system, or the primary highway system as a scenic byway.

(B) Advertising devices erected on a portion of the interstate highway system, the national highway system, or the primary highway system designated as a scenic byway without a valid permit will be subject to removal pursuant to section 5516.04 of the Revised Code.

HISTORY: Eff 8-23-99; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03, 5516.13

Rule amplifies: RC 5516.05

R.C. 119.032 review dates: 08/28/2003 and 11/14/2008

5501:2-2-10 Advertising devices located on premises of professional sports facility.

(A) "Professional sports facility" means all or any portion of a stadium, arena, or other capital facility in Ohio, the primary purpose of which is to provide a site or venue for the presentation to the public events of one or more major or minor league professional athletic or sports teams that are associated with the state or with an Ohio city or region, which facility is owned by, or is located on, real property owned by the state or a governmental entity, and including all parking facilities, walkways, and other auxiliary facilities, equipment, furnishings, and real property and personal property and interests and rights therein, that may be appropriate for or used for in connection with the facility or its operation.

(B) An advertising device located on the premises of a professional sports facility is not required to have a permit under section 5516.10 of the Revised Code or rule 5501:2-2-05 of the Administrative Code and will be considered to be an on-premises advertising device. However, if an advertising device located on the premises of a professional sports facility fails to conform to the following rules, it will be considered an off-premise advertising device subject to the statutes and rules governing such advertising devices.

(C) If a professional sports facility is owned by, or located on, real property owned by the state or a governmental entity and such real property is subsequently purchased by a private corporation or partnership registered to do business in the state of Ohio, any advertising device attached to the professional sports facility, or subsequently placed thereon, may be considered an on-premise advertising device subject to this rule, provided that the private owners of the real

property and/or the facility obtain any and all necessary approvals to erect and maintain such device from any and all necessary local zoning authorities or any other appropriate local governmental authorities and request the approval of the director of the department of transportation to maintain or erect an on-premises advertising device. Such request shall be submitted in writing to the director and shall include all necessary documentation establishing all necessary approvals and shall set forth, among other things, the name, address, and contact person, of the management company or owner who has the authority to contract for the display of advertising material on the advertising device. If the owners do not include, or have not secured, all necessary approvals from the proper governmental authorities, the director may reject the request and such advertising device shall be considered an off-premises device subject to all applicable statutes and rules governing such advertising devices. The decision of the director shall be final. If a professional sports facility is currently owned by or is located on property held by a private corporation or partnership, who directly purchased such property and/or facility from the state or another governmental entity, such owners shall have one hundred twenty days from the effective date of this rule to submit a request to the director of the department of transportation.

(D) An advertising device located on the premises of a professional sports facility will be considered to be in accordance with section 5516.02 (E) or section 5516.06 (H) of the Revised Code if it meets the following requirements:

(1) Number and size: only one advertising device shall be allowed on the premises of a professional sports facility. The maximum area for such device shall be twelve hundred square feet, excluding decorative bases and supports. Any additional advertising devices located on the premises will be considered off-premise advertising devices subject to the statutes and rules governing such advertising devices.

(2) Location: the advertising device must be located on, or within fifty feet of, the structure of the professional sports facility and shall be affixed, attached, or otherwise made an integral part of the professional sports facility.

(a) For purposes of this rule, "structure" shall not include any parking, storage, or other secondary buildings or facilities attached to, or located on the same premises as, the primary facility used by the professional sports team for league play. No advertising device may be located at any other remote location which cannot be put to any reasonable use directly related to the professional sport for which the professional sports facility was originally constructed.

(3) Lighting: an advertising device located on the premises of a professional sports facility must meet the lighting requirements as set forth in Administrative Code rule 5501:2-2-02 (A)(4).

(4) Variable or multiple message: an advertising device located on the premises of a professional sports facility may be a multiple or variable message advertising device. If so, it must meet the requirements for such devices as set forth in Administrative Code rule 5501:2-2-02(B).

(E) Prior to the erection of an advertising device located on the premises of a professional sports facility, each owner or operator of a professional sports facility shall register with the advertising device control section and complete a registration form setting forth, among other things, the name, address, and contact person of the management company or owner who has the authority to contract for the display of advertising material on the advertising device. Any advertising device erected without completing the required registration will be considered an off-premise advertising device subject to the statutes and rules governing such advertising devices. Annual updates of information may be required by the advertising device control section.

HISTORY: Eff 8-23-99; 11-14-03

Rule promulgated under: RC 119.03

Rule authorized by: RC 5516.03, 5516.13

Rule amplifies: RC 5516.02

R.C. 119.032 review dates: 08/28/2003 and 11/14/2008

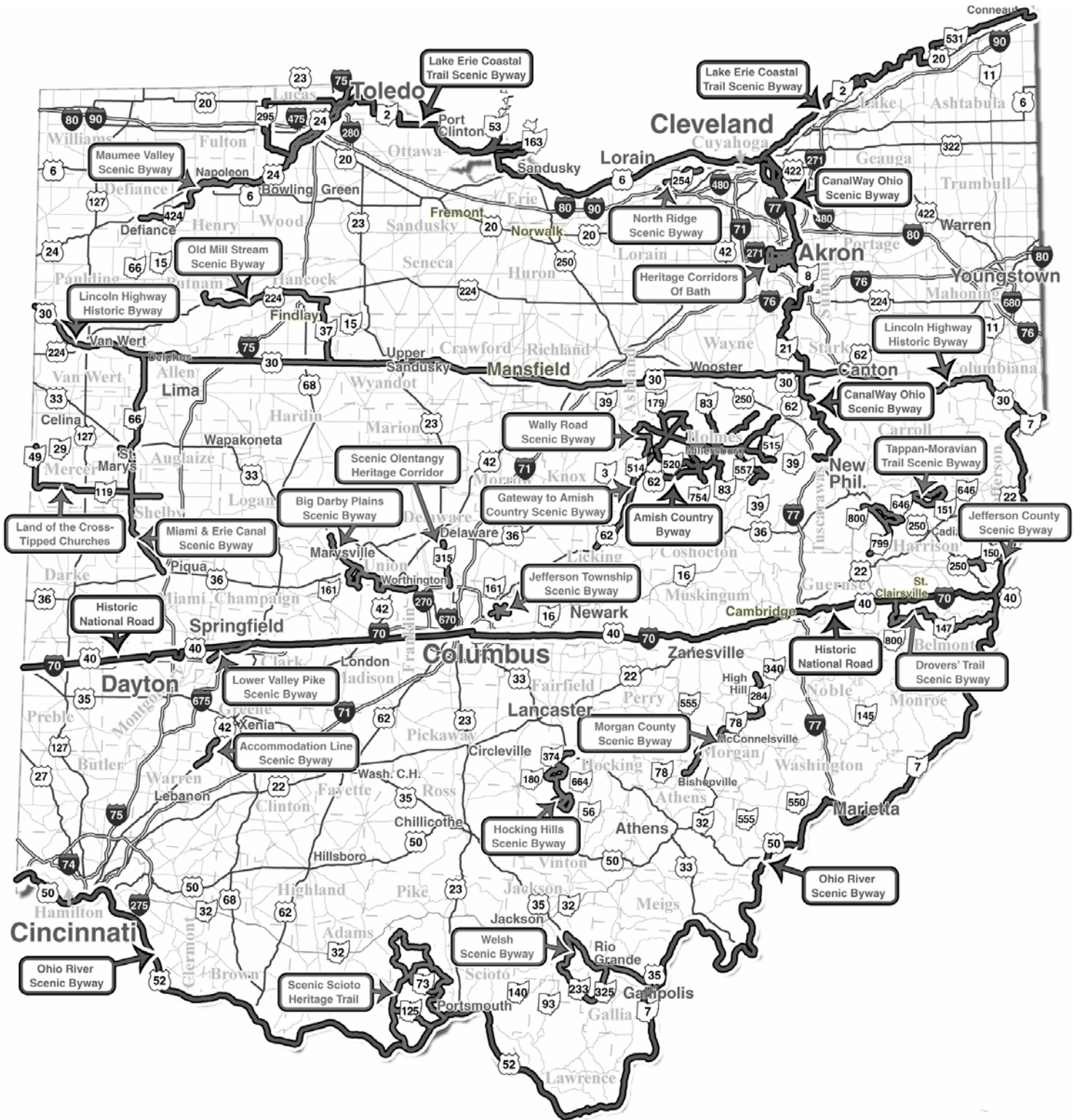
Areas of Control

	Interstate inside urban area and 1959 municipal boundaries	Interstate inside urban area but not in 1959 municipal boundaries	Interstate outside urban area and not in 1959 municipal boundaries
Right-of-way to 660 feet	Permit required (<i>ORC §5516.02</i>)	No new signs allowed (<i>ORC §5516.02</i>)	No new signs allowed (<i>ORC §5516.02</i>)
661 feet to 3,000 feet	No permit required (<i>No control</i>)	Permit required (<i>ORC §5516.062</i>)	No new signs allowed (<i>ORC §5516.02</i>)

	Primary inside urban area and 1959 municipal boundaries	Primary inside urban area but not in 1959 municipal boundaries	Primary outside of the urban area
Right-of-way to 660 feet	Permit required (<i>ORC §5516.06</i>)	Permit required (<i>ORC §5516.062</i>)	Permit required (<i>ORC §5516.061</i>)
661 feet to 3,000 feet	No permit required (<i>ORC §5516.061</i>)	Permit required (<i>ORC §5516.062</i>)	No new signs allowed (<i>ORC §5516.061</i>)

	Freeway inside urban area and 1959 municipal boundaries	Freeway inside urban area but not in the 1959 municipal boundaries	Freeway outside of the urban area
Right-of-way to 660 feet	Permit required (<i>ORC §5516.06</i>)	Permit required (<i>ORC §5516.062</i>)	Permit required (<i>ORC §5516.061</i>)
661 feet to 3,000 feet	No permit required (<i>ORC §5516.06</i>)	Permit required (<i>ORC §5516.062</i>)	No new signs allowed (<i>ORC §5516.061</i>)

Ohio Byways Map





APPLICATION FOR OUTDOOR ADVERTISING PERMIT/Revised 3/07
Ohio Department of Transportation

Owner Code Permit Number

Is sign existing? YES NO Erection Date Conditional (Proposed) Final

County Route Municipality or Township

Are you required to apply for a permit from a local authority? YES NO

If so, a copy of such permit must be sent to the Advertising Device Control Section within thirty (30) days of its issuance and prior to the erection of the advertising device. (Chapter 5516 of the Revised Code shall not be construed to allow the erection of an advertising device in an area zoned by state, county, municipal, or other local authorities to exclude such devices.)

SIGN LOCATION:

Sign Location Address is

Sign Location is miles (N, S, E, W) of (intersection, street address, or other major landmark)

Sign Position is feet from the highway right-of-way line on the (N, S, E, W) side of the highway.

Zoning Name of Zoning Official

Phone # ()

If Unzoned: Sign Position is feet of (name of business)

SIGN DESCRIPTION:

Size: width feet, height feet, area sq. feet

Lighted: YES NO

Structure Type: (refer to list on back)

LANDOWNER:

Address Phone # ()

I hereby acknowledge the sign owner's right to occupy the land at the sign location and understand that, if ordered by the Ohio Department of Transportation, removal of the sign is subject to the provisions of Section 5516.04 of the Ohio Revised Code.

Landowner Signature X Date

SIGN OWNER:

Address Phone # ()

Tax ID or SS #

E-Mail address

I hereby acknowledge and attest the advertising device referenced above will be erected in compliance with the statutes and rules governing outdoor advertising in the State of Ohio. I hereby state that, to the best of my knowledge, this application contains no inaccurate information. I acknowledge that my failure to adhere to the conditions and instructions of the approved permit, or the subsequent discovery that the location does not conform to the statutes or rules governing outdoor advertising in the State of Ohio will be cause for disapproval of this application or cancellation of the permit.

Signature of Applicant X Date

Type or Print Name of Applicant

Sworn or Affirmed and Subscribed before me this day of, 20

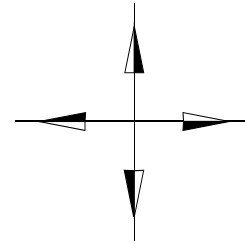
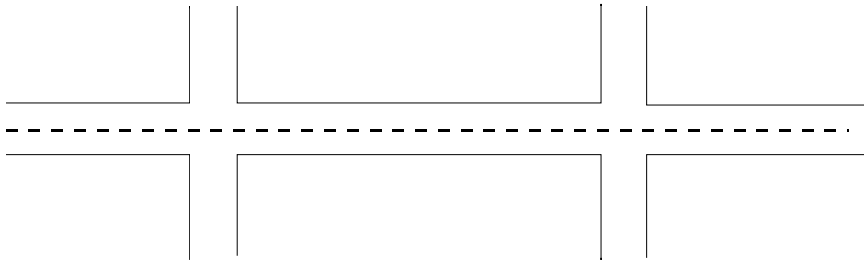
Notary Signature X

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OFFICE USE ONLY table with fields for COUNTY, ROUTE, SLM, MUNI CODE, OFFSET L/R, ZONE, DATE ERECTED, WIDTH HEIGHT, LIGHT STYLE, OWNER, PERMIT NO, EXP. DATE, MUNI CREDIT, ISSUE DATE, READER

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LOCATION SKETCH



- ◆ Please draw sign location in relation to intersecting streets and appropriate distances from existing landmarks.
- ◆ Please circle reader direction (N, S, E, W).

STRUCTURE TYPES See Structure Types Appendix A - D for diagrams in the Laws & Regulations Booklet.	
Single Face	Code A
Back to Back (2 faces)	Code B
V-Type (2 faces)	Code C
Double Face, Side by Side, One Way (2 faces)	Code D
Double Face, Back to Back (4 faces)	Code E
Double Face, One Way, Stacked, Top & Bottom (2 faces)	Top-Code F, Bottom-Code G
Double Face, Back to Back, Stacked, Top & Bottom (4 faces)	Top-Code H, Bottom-Code I
V-Type, Tri-Face (3 faces)	Code J
V-Type, Tri-Face, Stacked, Top & Bottom, Single Face (3 faces)	Top-Code K, Bottom-Code L, Single-Code M
Tri-Face, Side by Side (3 faces)	Code N
Tri-Face, Back to Back, Stacked, Top & Bottom, Single Face (3 faces)	Top-Code O, Bottom- Code P, Single-Code Q
V-Type, Double Face, Back to Back, Stacked, Top & Bottom (4 faces)	Top-Code R, Bottom-Code S
V-Type, Double Face, Back to Back (4 faces)	Code T
Multiple Message (3 to 6 faces)	Code U
Tri-Face, Stacked, Top & Bottom (3 to 6 faces)	Top-Code V, Bottom-Code W
Variable Message	

FEE SCHEDULE

- ⇒ \$225.00 processing fee per sign face (**non-refundable**)
- ⇒ **One application per sign face is required**
- ⇒ \$625.00 processing fee for multiple message or variable message advertising devices (**non-refundable**)
- ⇒ Fees must be submitted with the application
- ⇒ A renewal fee of \$125.00 per sign face will be billed to you every two years
- ⇒ A renewal fee of \$325.00 for multiple message or variable message advertising devices will be billed to you every two years
- ⇒ Make check or money order payable to: **Treasurer, State of Ohio**
- ⇒ Mail to: **Ohio Department of Transportation
Advertising Device Control Section
1980 West Broad Street, PO Box 899
Columbus, Ohio 43223-0899**

REMINDERS

Have you:

- Ⓞ acquired all original signatures?
- Ⓞ completed one application per sign face?
- Ⓞ completed the location sketch?
- Ⓞ completed all of the information?
- Ⓞ enclosed the correct payment (fee per sign face)?
- Ⓞ notarized your application?
- Ⓞ enclosed any additional surveys, plats, or schematic drawings?

REMEMBER:

- ◆ **If sign is not erected within 24 months after conditional permit is approved, this permit will be subject to cancellation.**
- ◆ **You may be required to provide additional documentation after the conditional permit is approved and before the final approval is issued.**

Questions?

Refer to ORC & OAC Handbook and/or call Advertising Device Control Section: **toll free 877-811-4090 or (614) 728-2007** or
Visit our website at: <http://www.dot.state.oh.us/CONTRACT/> and click on **Outdoor Advertising**

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**APPLICATION FOR MODIFICATION OF A CONFORMING
OUTDOOR ADVERTISING DEVICE PERMIT**
Ohio Department of Transportation

CountyRoute SLM Permit # Owner Code

Please check type of modification requested:

- Reduction or enlargement of the device; New size
- Replacement of parts on the sign structure with material other than the kind of materials with which the device was originally erected
- Complete rebuilding of the structure
- Addition of lights
- Change any device to a multiple message or to include a variable message advertising device components
- Other (please specify)

.....
.....

Signature Phone Number

FEE SCHEDULE

- ◆ **\$100.00** Processing Fee per permit (non-refundable)
- ◆ **\$300.00** Processing fee for multiple or variable message advertising device (non-refundable)
- ◆ Fees must be submitted with each application
- ◆ Make checks or money order payable to: **Treasurer, State of Ohio**
- ◆ Mail to: **Ohio Department of Transportation
Advertising Device Control Section
1980 West Broad Street, PO Box 899
Columbus, Ohio 43223-0899**

REMINDERS

Have you:

- completed a modification application per permit?
- completed all information?
- enclosed correct payment (fee per permit)?

- ◆ If modification is not completed within the period application is approved, this application will be subject to cancellation.
- ◆ When the modification is completed, please inform the Advertising Device Control Section in writing.

Questions?

Call Advertising Device Control Section:
toll free 877-811-4090 or (614)728-2007

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OFFICE USE ONLY

® Disapproved

® Approved

By.....
ADC Field Representative

Date.....

Specify Reason:

1 County	4 Route	SLM		
17 Offset	21 Zoning	26 Size	W	H
32 Lights	33 Style	Reader		

Comments:

Notes:

Sketch:

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Address Change Form

Name of Company _____

Old Address _____

New Address _____

Phone number _____

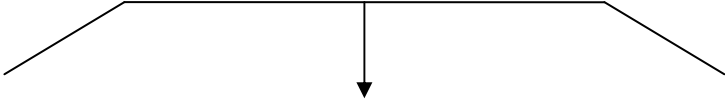
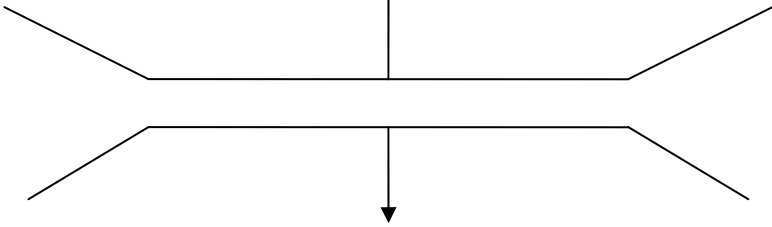
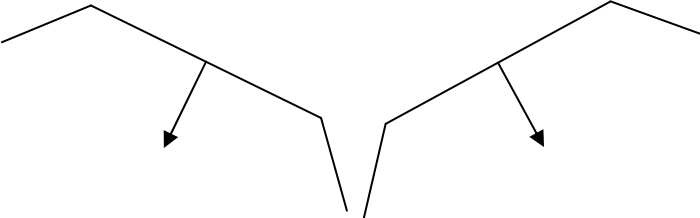

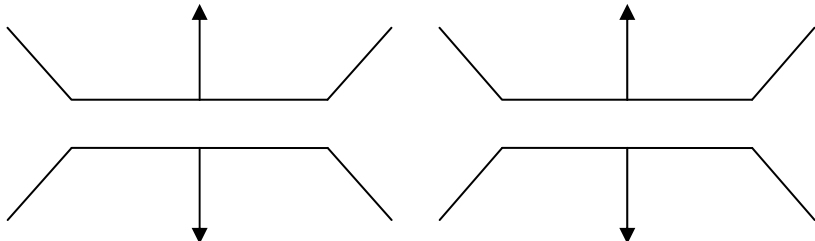
Please provide our office with address changes or new phone numbers for your company.

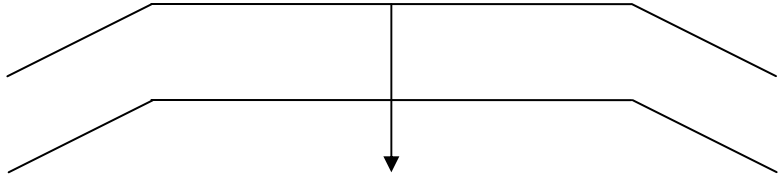
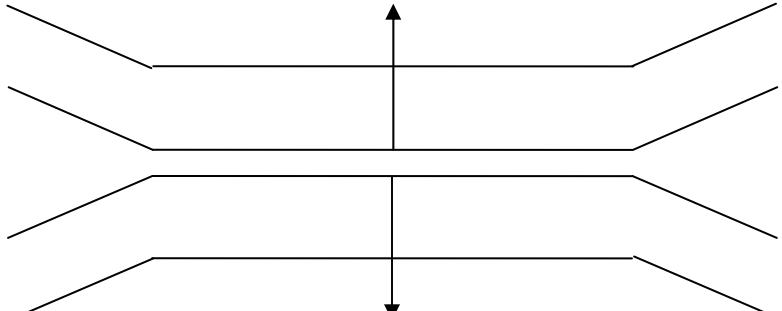
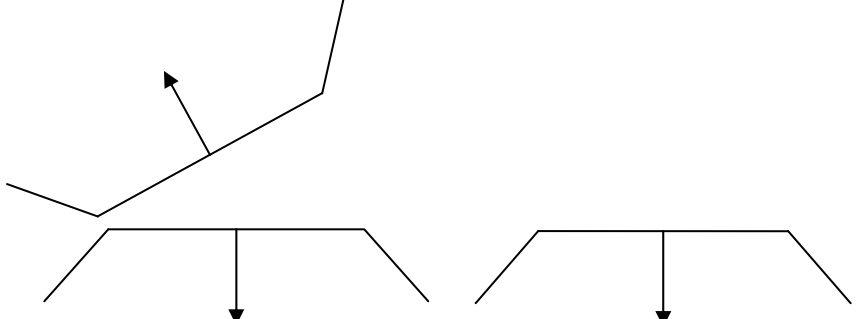
Please mail the completed form to:

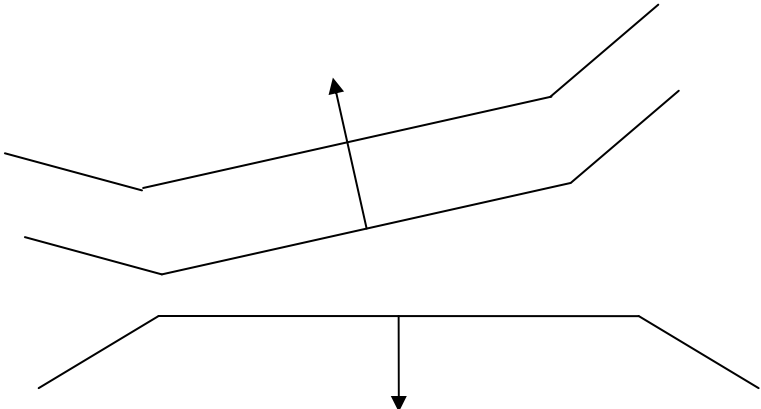
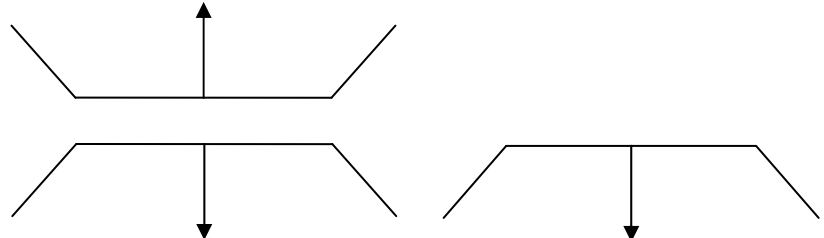
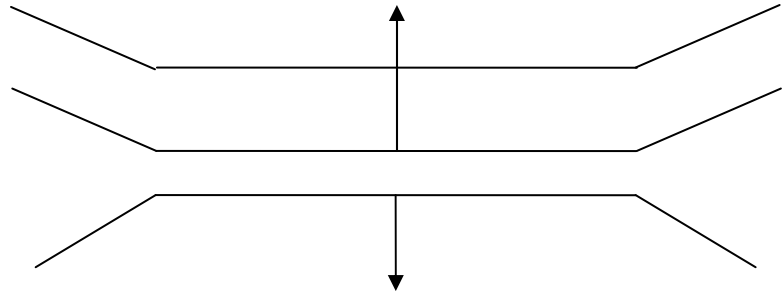
ODOT/ADC
1980 W. Broad St.
Columbus, Ohio 43223

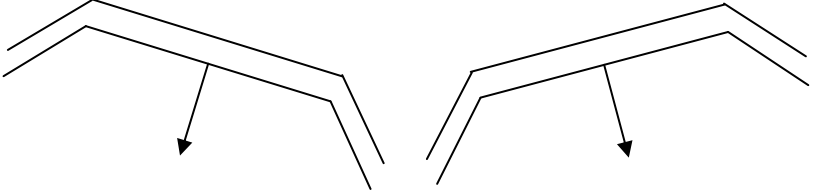
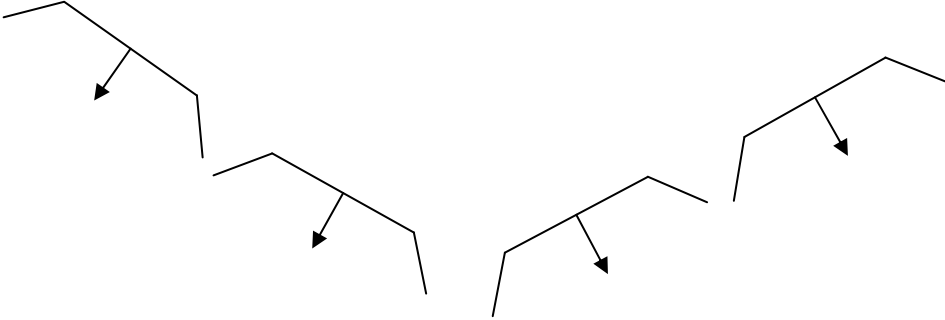
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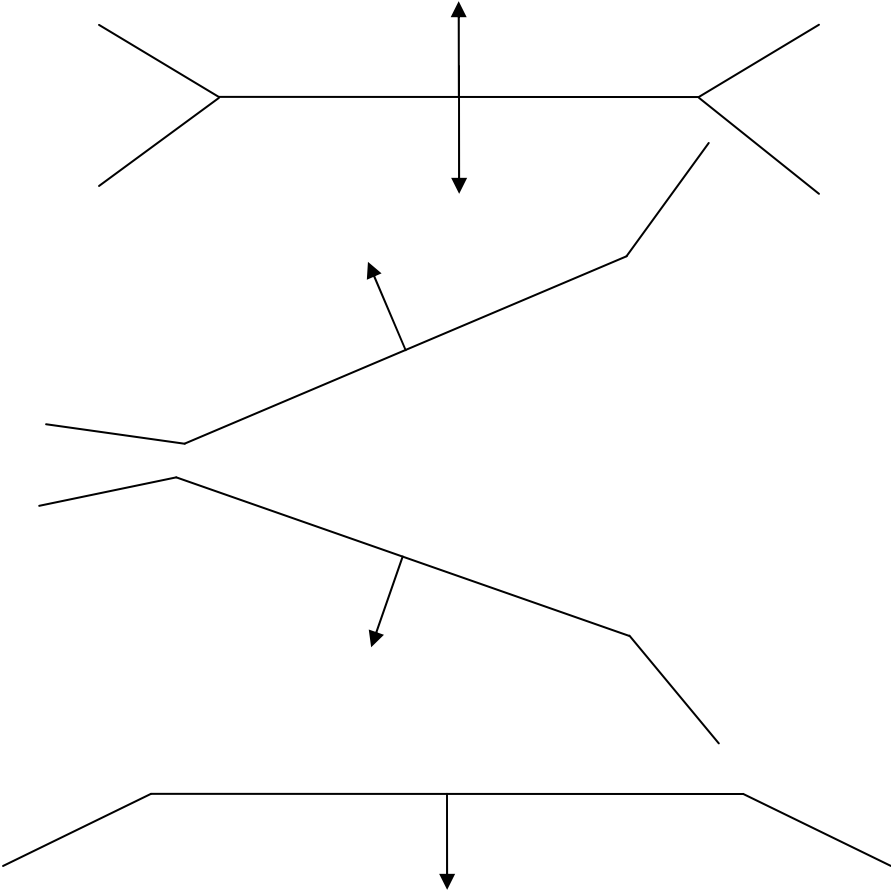
SIGN TYPES

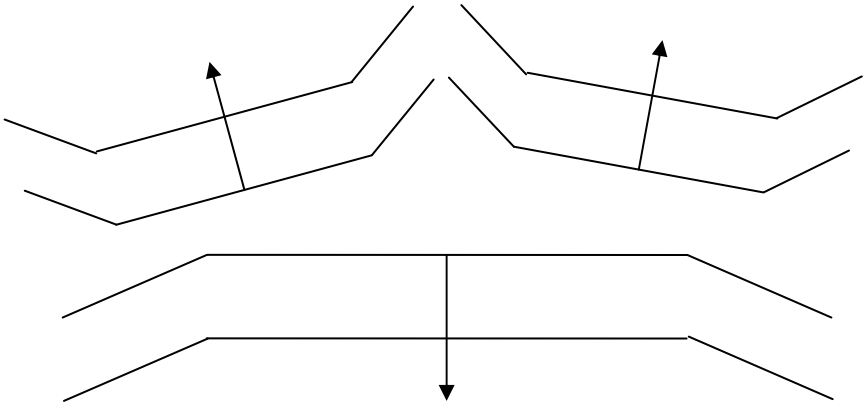
STRUCTURE TYPE	PICTORIAL DESCRIPTION	NUMBER OF PERMITS	STYLE CODE
SINGLE FACE		1	A
BACK TO BACK		2	B
V-TYPE (2 FACES)		2	C
DOUBLE FACE ONE WAY		2	D
DOUBLE FACE BACK TO BACK (4 FACES)		4	E

STRUCTURE TYPE	PICTORIAL DESCRIPTION	NUMBER OF PERMITS	STYLE CODE
DOUBLE FACE ONE WAY (STACKED)		2	TOP F BOTTOM G
DOUBLE FACE BACK TO BACK STACKED (4 FACES)		4	TOP H BOTTOM I
V-TYPE TR--FACE		3	J

STRUCTURE TYPE	PICTORIAL DESCRIPTION	NUMBER OF PERMITS	STYLE CODE
V-TYPE TRI-FACE STACKED		3	TOP K BOTTOM L SINGLE FACED M
TRI FACE SIDE BY SIDE		3	N
TRI FACE BACK TO BACK STACKED		3	TOP O BOTTOM P SINGLE FACE Q

STRUCTURE TYPE	PICTORIAL DESCRIPTION	NUMBER OF PERMITS	STYLE CODE
V-TYPE DOUBLE FACE BACK TO BACK STACKED (4 FACES)		4	TOP R BOTTOM S
V-TYPE DOUBLE FACE BACK TO BACK (4 FACES)		4	T

STRUCTURE TYPE	PICTORIAL DESCRIPTION	NUMBER OF PERMITS	STYLE CODE
MULTIPLE MESSAGE (3 TO 6 FACE)	 <p>The diagram illustrates three horizontal lines representing message faces. The top line is a simple horizontal line with a double-headed vertical arrow above it, indicating vertical movement. The middle line is a horizontal line with a slight upward slope on the right side, with a single-headed arrow pointing up from below it. The bottom line is a horizontal line with a slight downward slope on the right side, with a single-headed arrow pointing down from above it.</p>	3 TO 6	U

STRUCTURE TYPE	PICTORIAL DESCRIPTION	NUMBER OF PERMITS	STYLE CODE
TRI-FACE STACKED (VISIBLE TO MORE THAN 1 ROUTE)		6	TOP V BOTTOM W

