



TRAFFIC AND SAFETY MANUAL

Billboard Permitting

Limitations on Applicability

The Iowa DOT does not use this manual for operational purposes regarding outdoor advertising control. All matters of interpretation, definition, and application rest upon Iowa Code 306B, Iowa Code 306C, Iowa Code 306D, Iowa Administrative Code 761 IAC 117, and the established practices of the Advertising Management Section.

Purpose of Control

In 1965 Congress passed the Highway Beautification Act, codified in 23 U.S.C. Section 131 and 23 CFR 750. The law was intended to regulate the placement of outdoor advertising signs along the nation's primary highway system. The primary purposes were to counter the visual deterioration of the roadside views, reduce driver distraction, and to protect the public's investment in our nation's highway systems. The law contained a condition that if States did not oblige the terms, their highway funding could be reduced by ten percent. Iowa conforms to the Federal requirements.

Subject to Control

The highways which are subject to control are the interstates, all routes which are on the National Highway System, and all routes which existed on the Federal-Aid Primary System as of June 1, 1991. The advertising signs which are subject to control are the ones visible to any of these systems from the travelled portion of the controlled route. An exception exists for areas inside the city limits; the control only extends to 660 feet from the right-of-way line in these areas.

Key Definitions

“Advertising Device” is the technical term used by Iowa Code 306C and includes any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or give information in the nature of advertising. This definition captures just about anything that is designed to convey a message. The sign or object does not have to have words to convey a message (placing an object along the highway which is representative of a business product in order to mark or direct traffic down an intersecting road still qualifies as an advertising device). Furthermore, no exemption exists for signs mounted on trailers which have been strategically placed along the highways to direct traffic to a business. These trailers still qualify as advertising devices.

“Commercial or industrial zone” is an important term also defined by Iowa Code 306C. It means those areas which are zoned commercial or industrial under authority of law, regulation, or ordinance of this state, its subdivisions, or a municipality. Classifications such as “manufacturing” and “highway business” are generally included if they are constructed and applied similarly to a

commercial or industrial classification. Iowa Code Chapters 335 and 414 describe the requirements for zoning. While local jurisdictions are not required to be “zoned” in accordance with these chapters, the Iowa DOT may examine the construction and application of a local ordinance to see if it qualifies and operates as “zoned” for outdoor advertising control purposes. This examination is required by the Code of Federal Regulations 23 CFR 750. There are two standards of application; one for zoned areas and one for unzoned areas.

“Unzoned commercial or industrial area” is the term for eligible areas for which the Iowa DOT has determined do not qualify as “zoned”. If a city or county does not have zoning, or if they do have some ordinances but the zoning matters are not handled in accordance with Iowa Code 335 or 414, the jurisdiction may be classified as “unzoned” by the Department. An unzoned commercial or industrial area includes a qualifying commercial or industrial activity and the land along the highway for a distance of 750 feet immediately adjacent to the activities. This area is limited to the same side of the highway as the qualifying activity. The 750 feet is measured from the outer edge of the regularly used buildings, parking lots, storage, or processing areas for the qualifying activity, and the measurement is taken on a line parallel to the roadway. The measurement isn’t taken from the property line unless that happens to coincide with the limits of the activity. The qualifying activity must be visible to the highway and the property must be assessed as commercial or industrial by the local taxing authority. The qualifying activity must be one that typical zoned jurisdictions would consider to be a commercial or industrial activity which would be allowed in the principle permitted use section for a commercial or industrial classification of a standard zoning ordinance. The Iowa DOT may conduct a survey of zoned jurisdictions to aid in making this determination. Lastly, the qualifying activity must be open and staffed for at least 20 hours per week, and the hours of operation must be posted.

“Visible”, also defined in Iowa Code 306C, means capable of being read or comprehended without visual aid by a person of normal visual acuity. Signs which are not visible are not controlled.

On-Premise vs. Off-Premise

Notwithstanding the definitions in Iowa Code 306C and Iowa Administrative Code 761 IAC 117, an on-premise sign displays a message concerning the principle products, activities, or services available on the property. An off-premise sign displays a message concerning products, activities, or services which are not available on the property.

On-premise signs are not generally regulated, with some exceptions. Off-premise signs, commonly referred to as billboards, are regulated.

Incidental products – those which are not the principle product being offered on the property but still offered on site – can be listed on a sign provided they, in total, do not exceed 49% of the sign’s total display area. Income should not be derived from the display of incidental products, unless the sign is declared an off-premise sign and the proper permits are secured.

One of the exclusions for qualifying as “on-premise” is a sign which is located on a narrow strip of land that cannot be reasonably used for a purpose related to the advertised activity other than signing.

If the landowner and the signowner are the same party, this does not necessarily mean that the sign is on-premise. The business or activity displayed on the sign must still occur on the property where the sign is located. There are some complex land ownership situations involving subdivisions of parcels and these will require study before a determination can be made.

General Prohibitions

1. No sign may encroach upon the highway right of way.
2. No sign may be lighted so it impairs the vision of any motor vehicle driver.
3. No sign may obstruct the view of any highway or railroad to the extent it makes it dangerous to use the highway.
4. No sign may imitate, resemble, obscure, or interfere an official traffic control device or sign.
5. No sign may obscure or physically interfere with an official traffic control sign, signal, or device.

Billboard Permits

All outdoor advertising signs in areas subject to control must be permitted. Each face of a sign needs a permit. A “face” includes all display areas facing the same direction of travel. To obtain a permit, applicants may contact the Advertising Management Section of the Iowa DOT at 515-239-1673, or by written request to the address of 800 Lincoln Way, Ames, Iowa 50010. Applications and other information are also available at www.iowaroadsigns.com. An electronic application process is also in development and this document will be updated when that website address is available.

Highway Classifications

It’s important to know which class of highway from which your billboard will visible. There are three types:

1. Interstate Highways: Clearly labelled on an Iowa map and internet mapping systems. This class is the most restrictive on placements. In brief, the locations must be zoned commercial or industrial and used for commercial or industrial purposes. A block-out area exists around interchanges. Spacing between permits is 250 feet if inside city limits and 500 feet if outside city limits. However, see more details in later sections on how spacing is applied.
2. Freeway-Primary Highways: These are four-lane divided highways such as U.S. 20 with access given only at interchanges. Some routes, like U.S. 30 may alter between a freeway-primary route and nonfreeway-primary route. The best way to recall the application of standards for this classification is the spacing acts like the class above and the zoning acts like the class below.
3. Nonfreeway-Primary Highways: This includes all of the rest of the routes and is often referred to simply as “primary highways” (though an improper use of the term). Locations must be zoned commercial or industrial. Spacing between permits is 100 feet, if inside the city limits and 300 feet if outside city limits. Daylight areas, or site triangles, are protected near intersection areas. Again, see later sections on how spacing is applied.

Zoning Requirements

If the jurisdiction is zoned, billboard permits can only be issued in areas zoned commercial or industrial. Classifications such as manufacturing or highway business may also be accepted. Mixed-use classifications will be studied by Advertising Management staff before acceptance. A zone in which limited commercial or industrial activities are permitted and other (residential, agricultural, institutional, recreational, etc.) land uses are permitted will not be accepted. Zoning actions, such as rezoning, taken for the primary purpose of securing billboard permits will not be accepted. State and Federal regulations prohibit our staff from using zoning in this manner for outdoor advertising control

purposes. When a property is rezoned and an outdoor advertising permit application is submitted for that property, Advertising Management staff will review the rezoning request and associated meeting minutes to ascertain the primary purpose behind the zoning action.

Property Use Requirements [Interstate Placements]

Eligibility for permitting along the interstate system is limited not just to the commercial or industrial zones but also to the properties where actual commercial or industrial activity exists. The proposed billboard location must be within 750 feet of the regularly used portion of the activity, as well as on the same property. The activity must be one that is listed in the principle permitted use section for the commercial or industrial classifications of the local zoning ordinance.

The activity must be open and staffed for business for at least 20 hours per week. The hours of operation must be posted in a visible area upon entering the premises. The property must be assessed as commercial or industrial by the local taxing authority. To reduce the occurrences of contrived or sham businesses, Advertising Management staff may put into effect a 180-day delay for situations where the qualifying activity lacks some basic utilities, was recently constructed, appears to be temporary or easily moved, generates a low volume of customers, required a low start-up cost to develop, has just one employee on site at times, and when the applicant was involved in the creation of the business.

Requirements for Unzoned Areas

Note: this section does not apply to Interstate placements. All permits for the interstate system must be in zoned areas only.

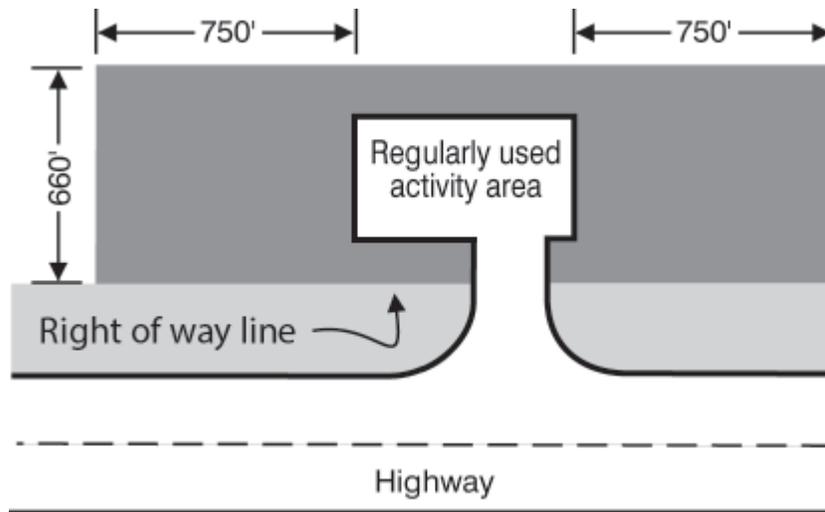
There are approximately 20 counties and many cities which do not have comprehensive zoning in effect pursuant to Iowa Code Chapters 335 and 414. Advertising Management staff will make a determination as to whether the jurisdiction will be considered “zoned” for outdoor advertising control purposes. In some cases, a jurisdiction may claim to be zoned, but upon examination of the construction of the ordinance, Advertising Management staff may determine that the construction or application of the ordinance is such that it falls short of comprehensive zoning as outlined in the statutory code. This does not mean that the ordinance is unenforceable; it merely means that the unzoned rule shall apply for outdoor advertising control purposes.

In unzoned areas, a qualifying commercial or industrial activity, visible to the highway, must exist within 750 feet of the proposed location for the sign, and furthermore exist on the same side of the highway as the proposed location for the sign. The measurement shall be taken from the outer edge of the regularly used area for the qualifying activity and run along parallel to the highway (see Figure 1). Advertising Management staff can aid in determining where the outer edge of the regularly used area exists. The property line is not generally used for this purpose unless it happens to coincide with the outer edge of the regularly used area. Attempting to stretch the measurement by labelling grassy areas as “parking” will result in adjustments being made by Advertising Management staff during performance of the field review.

The activity must be one that is generally accepted by zoning authorities in the state as commercial or industrial. In other words, in a typical zoning ordinance, the subject activity would be one normally found in the principle permitted use section of the commercial or industrial classification. To aid in making this determination for cases where the subject activity may not be specifically called out, Advertising Management staff may survey some zoned jurisdictions and ask hypothetical questions. The qualifying activity must be open and staffed for business for at least 20 hours per week. The hours of operation must be posted in a visible area upon entering the premises. The property must be assessed as commercial or industrial by the local taxing authority. To reduce the occurrences of

contrived or sham businesses, Advertising Management staff may put into effect a 180-day delay for situations where the qualifying activity lacks some basic utilities, was recently constructed, appears to be temporary or easily moved, generates a low volume of customers, required a low start-up cost to develop, has just one employee on site at times, and when the applicant was involved in the creation of the business.

Figure 1



Spacing Requirements

For the application of spacing requirements, the distance is measured parallel to centerline of the controlled route and not as the crow flies. Advertising Management staff typically conduct measurements using a right-angle viewer and walking along the shoulder of the highway. For longer, less precise measurements (from a milepost located some distance away), staff may use a vehicle equipped with an electronic measuring device accurate to a foot-per-thousand feet of travel.

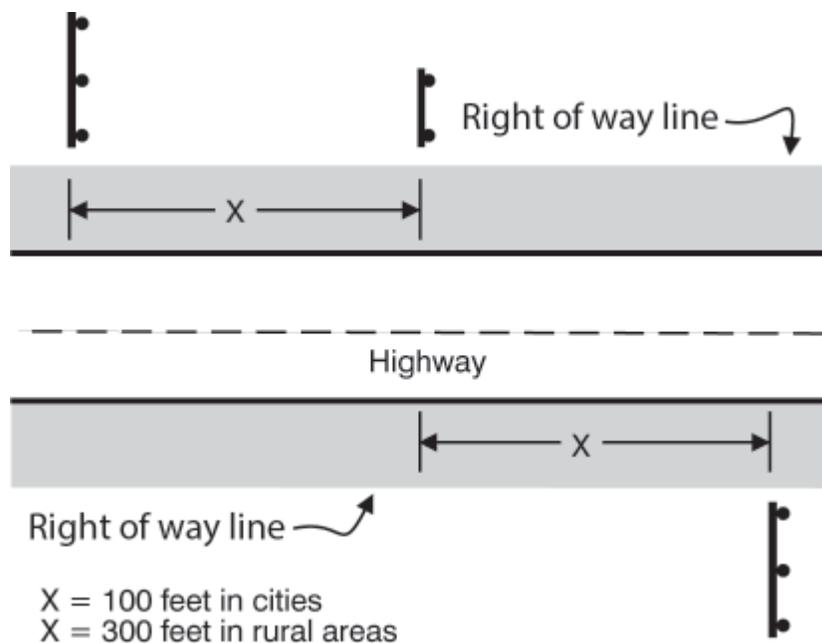
Spacing standards apply between permitted signs and are not affected by on-premise signs. Spacing standards will apply between permitted signs facing the same direction of vehicular travel, regardless of which side of the highway they are located (see figure 2).

For interstate placements, the spacing is 250' between permitted signs, if the more permissive city spacing is in effect. The spacing is 500' between permitted signs, if the more restrictive rural spacing is in effect. City spacing is in effect when, at the proposed location, city jurisdiction completely envelops the adjacent area (660 feet from the right-of-way line) on both sides of the highway. Otherwise, rural spacing is in effect. At the corp line or the line which has been calculated to separate city from rural spacing, there exists a 500' block-out zone on the side of the line where rural spacing will apply. This is to ensure that the more restrictive spacing can still be met near corp lines. Permits cannot be issued in interchange areas, nor within 250' of either side of the interchange ramps, as measured from whichever ramp extends the furthest outward. The minimum spacing between two billboards with LED displays, if both are visible, is doubled (500' for city spacing and 1000' for rural spacing).

For freeway-primary highway placements, the spacing is applied in the same manner as an interstate placement.

For nonfreeway-primary highway placements, the spacing is 100' between permitted signs, if the more permissive city spacing is in effect. The spacing is 300' between permitted signs, if the more restrictive rural spacing is in effect. City spacing is in effect when, at the proposed location, city jurisdiction extends out to 660 feet from the right-of-way line on both sides of the highway. Otherwise, rural spacing is in effect. If two billboards with LED displays exist in the same vicinity and are visible to traffic, the minimum spacing is 500 feet if city spacing applies, and 1000 feet, if rural spacing applies. At the corp line or line which has been calculated to separate city from rural spacing, there exists a 300' block-out zone on the side of the line where rural spacing will apply. This is to ensure that the more restrictive spacing can still be met near corp lines.

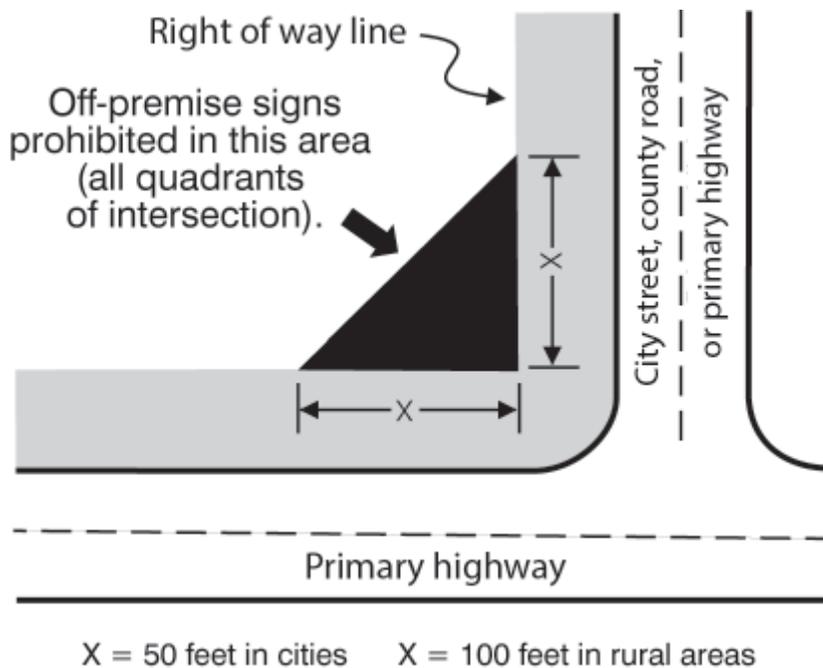
Figure 2



Daylight Area

For interstates and freeway-primary highway placements, this requirement does not apply.

For nonfreeway-primary highway placements, a site-triangle or daylight area is calculated near intersection areas and is not an eligible area for permits. This is applied by observing where the state right-of-way line meets with the side road right-of-way line and then measuring back 50 feet (if city spacing is in effect) or 100 feet (if rural spacing is in effect) on both right-of-way lines and then connecting the two points, forming a triangle in most cases (see figure 3). In some cases, additional right-of-way has already been purchased in the area. In that case, the right-of-way lines are extended as if the additional purchase was never made and the same calculation is made. Whether additional daylighting is applied depends upon the amount of daylight that was purchased and the results of the calculation. The daylight area is applied regardless of whether the sign will physically obstruct any view. The daylight area is not applied at intersections with private roads, alleys, and platted streets for which the local jurisdiction does not plan to construct.

Figure 3

Size Limits

The maximum size for a single-faced sign is 1200 square feet.

The maximum size for back-to-back signs and v-type signs is 750 square feet per side.

Setback Areas along the Interstates

There is no “safe setback” distance from the interstate to where advertising signs can be placed, with one exception. Inside city limits, areas beyond 660 feet from the right-of-way line for the primary highway are not subject to control. The existing signs setback and visible in the rural areas were constructed previous to the passage of Iowa Code 306C in 1972 and permits were obtained for a legal but nonconforming status.

Local Control

Local jurisdictions may have sign ordinances which remain in effect. State regulations do not negate the enforcement of local regulations, nor do local regulations negate State regulations. Both sets of regulations must be followed.

Light-Emitting Diode (LED) Displays

Permitted billboards may not flash or scroll messages. In fact, the messages cannot move at all. The messages must be static and held for eight seconds before the transition to the next message. The transition should be nearly instant without the appearance of movement. Segmented messages, or those which take two (or more) screens to convey the whole message, are not allowed.

Scenic Byways

New advertising signs cannot be constructed along routes which have been designated a scenic byway. Iowa has 14 scenic byways. Information is available at the link below:

<https://iowadot.gov/iowasbyways>

Permit Fees

The initial application fee is \$100 per face. Annual renewal fees are due by June 30 of each year, and are based on size as follows:

- For signs measuring between 1 and 375 square feet, the annual renewal fee is \$15
- For signs measuring between 376 and 999 square feet, the annual renewal fee is \$25
- For signs measuring over 1000 square feet, the annual renewal fee is \$50

For signs measuring 32 square feet or less in size, and not exceeding 8 feet in any one dimension, and for which both sides of the sign identifies the same business or service, the applicant can just submit one application and associated initial fee of \$100, instead of two.

Permits automatically cancel on July 1st of each year, unless payment is made and postmarked by June 30th. New permits cannot be issued for signs in nonconforming areas.

Storm Damage and Deterioration

Sign owners are permitted to perform routine maintenance on signs. However, if the sign sustains damage to the extent that the total cost of repairs exceeds 60% of the whole replacement cost of the sign, the permit must be cancelled. Rebuilding the sign constitutes reconstruction, an action which is prohibited unless a new permit can be obtained. If a sign sustains damage, consultation with Advertising Management Staff can ensure that repair work is legal, new permits are obtained if applicable, and expenses are not incurred for a sign which may be subject to cancellation.

When performing work on a sign, be advised that the structure may not be modified from the permit details, such as the number and type of supports and the size. Questions pertaining to what component parts can be replaced or whether a billboard can be rebuilt following storm damage or deterioration should be directed to the Advertising Management staff at 515-239-1673.

Document Revision History: