

1 SENATE BILL NO. 181
 2 INTRODUCED BY Weldon Ream
 3 Bob Brown BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION Bob Brown
 4 Bob Brown

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR
 6 INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING; REVISING THE LIMITATIONS ON CERTAIN
 7 OUTDOOR ADVERTISING SIGNS; REVISING THE FEES FOR CERTAIN SIGN PERMITS; AMENDING
 8 SECTIONS 75-15-103, 75-15-113, AND 75-15-122, MCA; AND PROVIDING AN EFFECTIVE DATE."
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STATEMENT OF INTENT

11 A statement of intent is required for this bill because the department of transportation is directed
 12 in 75-15-122 to adopt rules relating to the fees charged for the issuance and renewal of certain permits
 13 for outdoor advertising signs. It is anticipated that the department will adopt fees commensurate with the
 14 costs of administering and enforcing the issuance and renewal of the sign permits.
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17

18

Section 1. Section 75-15-103, MCA, is amended to read:

19

"75-15-103. Definitions. As used in this part, the following definitions apply:

20

(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities

21

generally recognized as commercial or industrial by zoning authorities in this state, except that none of the
 22 following activities ~~shall be~~ are considered commercial or industrial:

22

23

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce

24

stands;

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(b) transient or temporary activities;

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(c) activities not visible from the main-traveled way;

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(d) activities conducted in a building principally used as a residence;

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(e) railroad tracks and minor sidings;

29

(f) activities more than 660 feet from the nearest edge of the right-of-way.

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(2) "Commercial or industrial zone" means an area ~~which~~ that is used or reserved for business,

1 commerce, or trade pursuant to comprehensive local zoning ordinances, ~~or~~ regulations, or enabling state
 2 legislation ~~or state legislation itself~~, including highway service areas lawfully zoned as highway service
 3 zones, where the primary use of the land is or is reserved for commercial and roadside services, other than
 4 outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by
 5 an interim regulation or map adopted as an emergency measure pursuant to 76-2-206 ~~shall~~ are not be
 6 ~~considered as~~ covered by this definition.

7 (3) "Commission" means the highway commission of Montana.

8 (4) "Department" means the department of transportation.

9 (5) "Information center" means an area or site established or maintained at safety rest areas for
 10 the purpose of informing the public of places of interest within the state and providing ~~such~~ other
 11 information ~~as~~ that the commission may consider desirable.

12 (6) "Interchange" or "intersection" means those areas and their approaches where traffic is
 13 channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to
 14 another federal, state, county, city, or other route.

15 (7) "Interstate system" means that portion of the national system of interstate and defense
 16 highways located within this state as officially designated or as may ~~hereafter~~ be ~~so~~ designated by the
 17 commission and approved by the secretary pursuant to the provisions of Title 23, United States Code,
 18 "Highways".

19 (8) "Maintain" means to allow to exist, subject to the provisions of this part.

20 (9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure
 21 in a state suitable for use.

22 (10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing,
 23 message, plaque, poster, billboard, or other structure ~~which~~ that is designed, intended, or used to advertise
 24 or inform and ~~which~~ that is visible from any place on the main-traveled way of the interstate or primary
 25 systems.

26 (11) "Primary system" means that portion of connected main highways as officially designated or
 27 as may ~~hereafter~~ be ~~so~~ designated by the commission and approved by the secretary pursuant to the
 28 provisions of Title 23, United States Code, "Highways".

29 (12) "Safety rest area" means an area or site established and maintained within or adjacent to the
 30 right-of-way, by or under public supervision or control, for the convenience of the traveling public.

1 (13) "Secretary" means the secretary of the United States department of transportation.

2 (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law,
3 regulation, or ordinance ~~which that~~ is occupied by one or more industrial or commercial activities, other
4 than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent
5 to the activities ~~and those lands directly opposite on the other side of the highway to the extent of the~~
6 ~~same dimensions and to a maximum depth of 660 feet when measured from the highway right of way;~~
7 ~~provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value~~
8 ~~as determined by the commission.~~

9 (15) "Urban area" means an urbanized area or place, as designated by the United States bureau of
10 the census, ~~having that has~~ a population of 5,000 or more and ~~that is~~ within boundaries fixed by the
11 department, ~~which~~ The boundaries shall as must at a minimum encompass the entire urban place
12 designated by ~~said the~~ bureau of the census.

13 (16) "Visible" means capable of being seen and legible without visual aid by a person of normal
14 visual acuity."

15

16 **Section 2.** Section 75-15-113, MCA, is amended to read:

17 **"75-15-113. Standards for permitted advertising.** Except for outdoor advertising beyond 660 feet
18 of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area,
19 outdoor advertising permitted under ~~subsections (1)(d) and (1)(e) of 75-15-111~~ (1)(d) and (1)(e) shall must
20 conform to the following requirements:

21 (1) Signs may not be erected or maintained ~~which that~~ exceed ~~4,200~~ 672 square feet in area,
22 including border and trim but excluding base or apron, supports, and other structural members.

23 (2) ~~Maximum length, 60~~ Signs may not exceed 48 feet in length.

24 (3) ~~Maximum height, 40~~ The maximum height of the sign structure, including the sign face, is 30
25 feet, measured at a right angle from the surface of the roadway at the centerline of the interstate or primary
26 highway. feet as measured from the ground or, if the sign is attached to a structure, as measured from
27 the base of the sign itself.

28 (4) No more than two facings visible and readable from the same direction on the main-traveled
29 way may be erected on any one sign structure. Whenever two facings are so positioned, neither ~~shall~~ may
30 exceed 325 square feet.

1 (5) Double-faced, back-to-back, and V-type signs ~~shall be~~ are considered as to be a single sign or
2 structure.

3 (6) ~~Where~~ When two or more faces, back to back, are supported by separate structures, each ~~shall~~
4 ~~be is~~ considered to be a single sign.

5 (7) No two signs ~~shall~~ may be spaced less than 500 feet apart adjacent to an interstate highway
6 or limited-access primary highway, except that signs may be erected closer than 500 feet if they are
7 separated by buildings or other obstructions in ~~such~~ a manner that only one sign facing located within the
8 ~~above~~ 500-foot spacing distance is visible from the highway at any one time.

9 (8) Signs may not be located within 500 feet of any of the following ~~which~~ that are adjacent to
10 the highway unless the signs are in an incorporated area:

11 (a) public parks;

12 (b) public forests;

13 (c) public playgrounds;

14 (d) scenic areas designated as such by the department or other state agency having and exercising
15 this authority;

16 (e) cemeteries.

17 (9) A sign may not be located on an interstate highway or freeway within 500 feet of an
18 interchange or intersection at a grade or rest area. The 500 feet is to be measured along the interstate or
19 freeway from the beginning or ending of the pavement widening at the exit from or entrance to the
20 main-traveled way.

21 (10) Signs may be illuminated, subject to the following restrictions:

22 (a) Signs ~~which~~ that contain, include, or are illuminated by a flashing, intermittent, or moving light
23 or lights are prohibited, except those giving public service information such as time, date, temperature,
24 weather, or similar information.

25 (b) Signs ~~which~~ that are not effectively shielded as to prevent beams or rays of light from being
26 directed at a portion of the traveled ways of the interstate or federal-aid primary highway, ~~or which~~ that
27 are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle,
28 or ~~which~~ that otherwise interfere with a driver's operation of a motor vehicle are prohibited.

29 (c) A sign may not be so illuminated that it interferes with the effectiveness of or obscures an
30 official traffic sign, device, or signal.

1 (11) The location of sign structures situated on the primary highways between streets, roads, or
 2 highways entering or intersecting the main-traveled way ~~shall~~ must conform to the following minimum
 3 spacing criteria:

4 (a) ~~Where~~ When the distance between centerlines of intersecting streets or highways is less than
 5 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting
 6 streets or highways.

7 (b) ~~Where~~ When the distance between centerlines of intersecting streets or highways is 1,000 feet
 8 or more, minimum spacing between sign structures ~~shall~~ must be 300 feet."

9
 10 **Section 3.** Section 75-15-122, MCA, is amended to read:

11 **"75-15-122. Permits required -- identification tags -- preexisting structures -- fees.** (1) (a) A sign
 12 authorized by ~~subsections (a), (d), and (e) of 75-15-111(1)(a), (1)(d), and (1)(e)~~ (a), (1)(d), and (1)(e) may not be constructed
 13 or maintained without a permit. Applications for permits ~~shall~~ must be made to the department on forms
 14 furnished by it. The department shall require reasonable information to be furnished, including a statement
 15 that the owner or occupant of the land has consented to the erection or maintenance of the sign on the
 16 land. A permit must be obtained for each sign, and the application for the permit must be accompanied
 17 by ~~an~~ a nonrefundable, initial fee ~~of \$6~~.

18 ~~(2)(b)~~ (b) Permits ~~shall~~ must be issued for 3 years, assigned a permit number, and renewed every 3
 19 years ~~thereafter~~ after issuance upon payment of ~~\$3~~ a fee without the filing of a new application. All fees
 20 received ~~shall~~ must be paid into the highway account in the state special revenue fund.

21 (c) The fees described in subsections (1)(a) and (1)(b) are to be determined by the square footage
 22 of the sign face and established, by rule, by the department to cover the costs of administering and
 23 enforcing this section.

24 ~~(3)(2)~~ (2) The department shall issue with each new permit a permanent identification tag not larger
 25 than 36 square inches ~~which shall~~ that must be affixed to the sign in a position readily visible from the
 26 highway.

27 ~~(4)(3)~~ (3) Notwithstanding the foregoing provisions of this section, the department shall issue permits
 28 and identification tags upon application and payment of the requisite fee for a structure lawfully in existence
 29 on June 23, 1971, and the permits ~~shall thereafter~~ must be renewed for a period of time as is prescribed
 30 in this section unless the structure is removed for improper maintenance.

1 ~~(5)~~(4) Notwithstanding the foregoing provisions of this section, the department shall issue permits
2 and identification tags upon application and payment of the requisite fee for outdoor advertising lawfully
3 in existence on June 23, 1971, and made nonconforming by virtue of 75-15-111(3), and the permits ~~shall~~
4 ~~thereafter~~ must be renewed for a period of time as is prescribed in this section unless the structure is
5 removed for improper maintenance."

6

7 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 1995.

8

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0181, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising the definition of "unzoned commercial or industrial area" as applied to outdoor advertising; revising the limitations on certain outdoor advertising signs; revising the fees for certain sign permits.

ASSUMPTIONS:

1. The actual fee structure will be determined upon passage of bill by rulemaking.
2. For purposes of this fiscal note, the fee schedule used by the Oregon Dept. of Transportation is used for illustrative purposes:

FEE SCHEDULE

<u>FEE</u>	<u>SIGN SIZE</u>
\$25.00	25 SQ. FEET OR LESS
\$50.00	26 TO 50 SQ. FEET
\$150.00	51 TO 400 SQ. FEET
\$200.00	401 TO 672 SQ. FEET

RENEWALS (3 YR.)

\$10.00	50 SQ. FEET OR LESS
\$15.00	51 TO 400 SQ. FEET
\$20.00	401 TO 672 SQ. FEET

3. Average of 100 new sign applications/fiscal year
4. 1,333 renewals based on 1/3 of 4,000 permitted signs/year
5. Current revenue generated by program is approximately \$4,600/year (\$600/year permitting \$4,000/year renewals)
6. Current annual cost to regulate outdoor advertising control program is approximately \$50,000/year

FISCAL IMPACT:

<u>Revenues:</u>	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Permitting	\$11,900	\$11,900
Renewals	<u>16,000</u>	<u>16,000</u>
Total Highway Special Revenue (02)	\$27,900	\$27,900

David Lewis 1-25-95
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Jeff Weldon 1-26-95
 JEFF WELDON, PRIMARY SPONSOR DATE

SENATE BILL NO. 181

INTRODUCED BY WELDON, REAM, SOMERVILLE, BROWN, MCCULLOCH, CAREY, BARNHART
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING;~~ REVISING THE LIMITATIONS ON CERTAIN OUTDOOR ADVERTISING SIGNS; REVISING THE FEES FOR CERTAIN SIGN PERMITS; AMENDING SECTIONS ~~75-15-103~~ 75-15-111, 75-15-113, AND 75-15-122, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the ~~department of transportation~~ HIGHWAY COMMISSION is directed in 75-15-122 to adopt rules relating to the fees charged for the issuance and renewal of certain permits for outdoor advertising signs. It is anticipated that the department will adopt fees commensurate with the costs of administering and enforcing the issuance and renewal of the sign permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Section 75-15-103, MCA, is amended to read:~~

~~"75-15-103. Definitions. As used in this part, the following definitions apply:~~

~~(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be are considered commercial or industrial:~~

~~(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;~~

~~(b) transient or temporary activities;~~

~~(c) activities not visible from the main traveled way;~~

~~(d) activities conducted in a building principally used as a residence;~~

~~(e) railroad tracks and minor sidings;~~

~~(f) activities more than 660 feet from the nearest edge of the right of way.~~



1 ~~(2) "Commercial or industrial zone" means an area which that is used or reserved for business,~~
2 ~~commerce, or trade pursuant to comprehensive local zoning ordinances, or regulations, or enabling state~~
3 ~~legislation or state legislation itself, including highway service areas lawfully zoned as highway service~~
4 ~~zones, where the primary use of the land is or is reserved for commercial and roadside services, other than~~
5 ~~outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by~~
6 ~~an interim regulation or map adopted as an emergency measure pursuant to 76-2-206 shall are not be~~
7 ~~considered as covered by this definition.~~

8 ~~(3) "Commission" means the highway commission of Montana.~~

9 ~~(4) "Department" means the department of transportation.~~

10 ~~(5) "Information center" means an area or site established or maintained at safety rest areas for~~
11 ~~the purpose of informing the public of places of interest within the state and providing such other~~
12 ~~information as that the commission may consider desirable.~~

13 ~~(6) "Interchange" or "intersection" means these areas and their approaches where traffic is~~
14 ~~channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to~~
15 ~~another federal, state, county, city, or other route.~~

16 ~~(7) "Interstate system" means that portion of the national system of interstate and defense~~
17 ~~highways located within this state as officially designated or as may hereafter be so designated by the~~
18 ~~commission and approved by the secretary pursuant to the provisions of Title 23, United States Code,~~
19 ~~"Highways".~~

20 ~~(8) "Maintain" means to allow to exist, subject to the provisions of this part.~~

21 ~~(9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure~~
22 ~~in a state suitable for use.~~

23 ~~(10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing,~~
24 ~~message, plaque, poster, billboard, or other structure which that is designed, intended, or used to advertise~~
25 ~~or inform and which that is visible from any place on the main traveled way of the interstate or primary~~
26 ~~systems.~~

27 ~~(11) "Primary system" means that portion of connected main highways as officially designated or~~
28 ~~as may hereafter be so designated by the commission and approved by the secretary pursuant to the~~
29 ~~provisions of Title 23, United States Code, "Highways".~~

30 ~~(12) "Safety rest area" means an area or site established and maintained within or adjacent to the~~

1 right of way, by or under public supervision or control, for the convenience of the traveling public.

2 ~~(13) "Secretary" means the secretary of the United States department of transportation.~~

3 ~~(14) "Unzoned commercial or industrial area" means an area not zoned by state or local law,~~
 4 ~~regulation, or ordinance which that is occupied by one or more industrial or commercial activities, other~~
 5 ~~than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent~~
 6 ~~to the activities and those lands directly opposite on the other side of the highway to the extent of the~~
 7 ~~same dimensions and to a maximum depth of 660 feet when measured from the highway right of way;~~
 8 ~~provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value~~
 9 ~~as determined by the commission.~~

10 ~~(15) "Urban area" means an urbanized area or place, as designated by the United States bureau of~~
 11 ~~the census, having that has a population of 5,000 or more and that is within boundaries fixed by the~~
 12 ~~department, which The boundaries shall as must at a minimum encompass the entire urban place~~
 13 ~~designated by said the bureau of the census.~~

14 ~~(16) "Visible" means capable of being seen and legible without visual aid by a person of normal~~
 15 ~~visual acuity."~~

16
 17 **SECTION 1. SECTION 75-15-111, MCA, IS AMENDED TO READ:**

18 **"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions.** (1) Outdoor
 19 advertising may not be erected or maintained ~~which that~~ is within 660 feet of the nearest edge of the
 20 right-of-way and ~~which that~~ is visible from any place on the main-traveled way of an interstate or primary
 21 system, except:

22 (a) directional and other official signs and notices, which signs and notices include but are not
 23 limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as
 24 authorized or required by law;

25 (b) signs, displays, and devices advertising the sale or lease of property upon which they are
 26 located;

27 (c) signs, displays, and devices advertising activities conducted on the property upon which they
 28 are located;

29 (d) signs, displays, and devices located in areas ~~which that~~ are zoned industrial or commercial by
 30 a bona fide state, county, or local zoning authority;

1 (e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas shall
 2 must be determined from actual land uses and by agreement between the department and the secretary
 3 and defined by rules adopted by the commission. The exception granted by this subsection shall is limited
 4 to two signs and may not apply to signs, displays, and devices located within an unzoned area in which
 5 the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

6 (f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if
 7 the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section
 8 750, subpart B; or

9 (g) signs that are consistent with the policy of this state and with the national policy set forth in
 10 23 U.S.C. 131 and the regulations promulgated ~~thereunder~~ under 23 U.S.C. 131 and that are designed to
 11 provide information in the specific interest of the traveling public as provided in 60-5-504, 60-5-505,
 12 60-5-511 through 60-5-513, and 60-5-519 through 60-5-521.

13 (2) Outdoor advertising authorized under subsections (1)(a), (1)(d), and (1)(e) ~~of (1) of this section~~
 14 ~~shall must~~ conform with standards contained in and ~~shall must~~ bear permits required in rules ~~which that~~
 15 are adopted by the commission and this part.

16 (3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of
 17 the right-of-way of an interstate or primary highway outside of an urban area if ~~such the~~ outdoor advertising
 18 is or was erected with the purpose of its message being read from ~~such the~~ main-traveled way and visible
 19 from ~~such the~~ main-traveled way unless ~~such the~~ outdoor advertising meets the criteria of subsections
 20 (1)(a), (1)(b), or (1)(c) ~~of (1) of this section~~. ~~Should such~~ if the outdoor advertising ~~meet~~ meets ~~said that~~
 21 criteria, it ~~shall must~~ conform with standards contained in rules ~~which that~~ are adopted by the commission
 22 and with this part."
 23

24 **Section 2.** Section 75-15-113, MCA, is amended to read:

25 **"75-15-113. Standards for permitted advertising.** Except for outdoor advertising beyond 660 feet
 26 of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area,
 27 outdoor advertising permitted under ~~subsections (1)(d) and (1)(e) of 75-15-111~~ (1)(d) and (1)(e) shall must
 28 conform to the following requirements:

29 (1) Signs may not be erected or maintained ~~which that~~ exceed ~~4,200~~ 672 square feet in area,
 30 including border and trim but excluding base or apron, supports, and other structural members.

1 (2) ~~Maximum length, 60~~ Signs may not exceed 48 feet in length.

2 (3) ~~Maximum height, 40~~ The maximum height of the sign structure, including the sign face, is 30
 3 feet, measured at a right angle from the surface of the roadway at the centerline of the interstate or primary
 4 highway OR 30 FEET AS MEASURED FROM THE GROUND. ~~feet as measured from the ground or, if the~~
 5 ~~sign is attached to a structure, as measured from the base of the sign itself.~~

6 (4) No more than two facings visible and readable from the same direction on the main-traveled
 7 way may be erected on any one sign structure. Whenever two facings are so positioned, neither ~~shall~~ may
 8 exceed 325 square feet.

9 (5) Double-faced, back-to-back, and V-type signs ~~shall be~~ are considered as to be a single sign or
 10 structure.

11 (6) ~~Where~~ When two or more faces, back to back, are supported by separate structures, each ~~shall~~
 12 be is considered to be a single sign.

13 (7) No two signs ~~shall~~ may be spaced less than 500 feet apart adjacent to an interstate highway
 14 or limited-access primary highway, except that signs may be erected closer than 500 feet if they are
 15 separated by buildings or other obstructions in ~~such~~ a manner that only one sign facing located within the
 16 ~~above~~ 500-foot spacing distance is visible from the highway at any one time.

17 (8) Signs may not be located within 500 feet of any of the following ~~which~~ that are adjacent to
 18 the highway unless the signs are in an incorporated area:

19 (a) public parks;

20 (b) public forests;

21 (c) public playgrounds;

22 (d) scenic areas designated as such by the department or other state agency having and exercising
 23 this authority;

24 (e) cemeteries.

25 (9) A sign may not be located on an interstate highway or freeway within 500 feet of an
 26 interchange or intersection at a grade or rest area. The 500 feet is to be measured along the interstate or
 27 freeway from the beginning or ending of the pavement widening at the exit from or entrance to the
 28 main-traveled way.

29 (10) Signs may be illuminated, subject to the following restrictions:

30 (a) Signs ~~which~~ that contain, include, or are illuminated by a flashing, intermittent, or moving light

1 or lights are prohibited, except those giving public service information such as time, date, temperature,
2 weather, or similar information.

3 (b) Signs ~~which~~ that are not effectively shielded as to prevent beams or rays of light from being
4 directed at a portion of the traveled ways of the interstate or federal-aid primary highway, ~~or which~~ that
5 are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle,
6 or ~~which~~ that otherwise interfere with a driver's operation of a motor vehicle are prohibited.

7 (c) A sign may not be so illuminated that it interferes with the effectiveness of or obscures an
8 official traffic sign, device, or signal.

9 (11) The location of sign structures situated on the primary highways between streets, roads, or
10 highways entering or intersecting the main-traveled way ~~shall~~ must conform to the following minimum
11 spacing criteria:

12 (a) ~~Where~~ When the distance between centerlines of intersecting streets or highways is less than
13 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting
14 streets or highways.

15 (b) ~~Where~~ When the distance between centerlines of intersecting streets or highways is 1,000 feet
16 or more, minimum spacing between sign structures ~~shall~~ must be 300 feet."

17

18 **Section 3.** Section 75-15-122, MCA, is amended to read:

19 "**75-15-122. Permits required -- identification tags -- preexisting structures -- fees.** (1) (a) A sign
20 authorized by ~~subsections (a), (d), and (e) of 75-15-111(1)~~ (a), (1)(d), and (1)(e) may not be constructed
21 or maintained without a permit. Applications for permits ~~shall~~ must be made to the department on forms
22 furnished by it. The department shall require reasonable information to be furnished, including a statement
23 that the owner or occupant of the land has consented to the erection or maintenance of the sign on the
24 land. A permit must be obtained for each sign, and the application for the permit must be accompanied
25 by ~~an a nonrefundable, initial fee of \$6.~~

26 ~~(2)(b)~~ Permits ~~shall~~ must be issued for 3 years, assigned a permit number, and renewed every 3
27 years ~~thereafter~~ after issuance upon payment of ~~\$3 a fee~~ without the filing of a new application. All fees
28 received ~~shall~~ must be paid into the highway account in the state special revenue fund.

29 (c) The fees described in subsections (1)(a) and (1)(b) are to be determined by the square footage
30 of the sign face and established, by rule, by the department COMMISSION to cover the costs of

1 administering and enforcing this section.

2 ~~(3)~~(2) The department shall issue with each new permit a permanent identification tag not larger
3 than 36 square inches ~~which shall~~ that must be affixed to the sign in a position readily visible from the
4 highway.

5 ~~(4)~~(3) Notwithstanding the foregoing provisions of this section, the department shall issue permits
6 and identification tags upon application and payment of the requisite fee for a structure lawfully in existence
7 on June 23, 1971, and the permits ~~shall thereafter~~ must be renewed for a period of time as is prescribed
8 in this section unless the structure is removed for improper maintenance.

9 ~~(5)~~(4) Notwithstanding the foregoing provisions of this section, the department shall issue permits
10 and identification tags upon application and payment of the requisite fee for outdoor advertising lawfully
11 in existence on June 23, 1971, and made nonconforming by virtue of 75-15-111(3), and the permits ~~shall~~
12 ~~thereafter~~ must be renewed for a period of time as is prescribed in this section unless the structure is
13 removed for improper maintenance."
14

15 NEW SECTION. Section 4. Effective date. [This act] is effective ~~July 1, 1995~~ ON PASSAGE AND
16 APPROVAL.

17 -END-

1 SENATE BILL NO. 181

2 INTRODUCED BY WELDON, REAM, SOMERVILLE, BROWN, MCCULLOCH, CAREY, BARNHART

3 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

4
5 A BILL FOR AN ACT ENTITLED: "~~AN ACT REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR~~
6 ~~INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING; REVISING THE LIMITATIONS ON CERTAIN~~
7 ~~OUTDOOR ADVERTISING SIGNS; REVISING THE FEES FOR CERTAIN SIGN PERMITS; AMENDING~~
8 ~~SECTIONS 75-15-103, 75-15-111, 75-15-113, AND 75-15-122, MCA; AND PROVIDING AN IMMEDIATE~~
9 ~~EFFECTIVE DATE."~~

10
11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because the ~~department of transportation~~ HIGHWAY
13 COMMISSION is directed in 75-15-122 to adopt rules relating to the fees charged for the issuance and
14 renewal of certain permits for outdoor advertising signs. It is anticipated that the department will adopt
15 fees commensurate with the costs of administering and enforcing the issuance and renewal of the sign
16 permits.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:19 ~~Section 1. Section 75-15-103, MCA, is amended to read:~~20 ~~"75-15-103. Definitions. As used in this part, the following definitions apply:~~

21 ~~(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities~~
22 ~~generally recognized as commercial or industrial by zoning authorities in this state, except that none of the~~
23 ~~following activities shall be are considered commercial or industrial:~~

24 ~~(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce~~
25 ~~stands;~~

26 ~~(b) transient or temporary activities;~~27 ~~(c) activities not visible from the main traveled way;~~28 ~~(d) activities conducted in a building principally used as a residence;~~29 ~~(e) railroad tracks and minor sidings;~~30 ~~(f) activities more than 660 feet from the nearest edge of the right of way.~~

1 ~~(2) "Commercial or industrial zone" means an area which that is used or reserved for business,~~
 2 ~~commercial, or trade pursuant to comprehensive local zoning ordinances, or regulations, or enabling state~~
 3 ~~legislation or state legislation itself, including highway service areas lawfully zoned as highway service~~
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8 ~~(3) "Commission" means the highway commission of Montana.~~

9 ~~(4) "Department" means the department of transportation.~~

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 11 ~~the purpose of informing the public of places of interest within the state and providing such other~~
 12 ~~information as that the commission may consider desirable.~~

13 ~~(6) "Interchange" or "intersection" means those areas and their approaches where traffic is~~
 14 ~~channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to~~
 15 ~~another federal, state, county, city, or other route.~~

16 ~~(7) "Interstate system" means that portion of the national system of interstate and defense~~
 17 ~~highways located within this state as officially designated or as may hereafter be so designated by the~~
 18 ~~commission and approved by the secretary pursuant to the provisions of Title 23, United States Code,~~
 19 ~~"Highways".~~

20 ~~(8) "Maintain" means to allow to exist, subject to the provisions of this part.~~

21 ~~(9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure~~
 22 ~~in a state suitable for use.~~

23 ~~(10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing,~~
 24 ~~message, plaque, poster, billboard, or other structure which that is designed, intended, or used to advertise~~
 25 ~~or inform and which that is visible from any place on the main traveled way of the interstate or primary~~
 26 ~~systems.~~

27 ~~(11) "Primary system" means that portion of connected main highways as officially designated or~~
 28 ~~as may hereafter be so designated by the commission and approved by the secretary pursuant to the~~
 29 ~~provisions of Title 23, United States Code, "Highways".~~

30 ~~(12) "Safety rest area" means an area or site established and maintained within or adjacent to the~~

1 ~~right of way, by or under public supervision or control, for the convenience of the traveling public.~~

2 ~~(13) "Secretary" means the secretary of the United States department of transportation.~~

3 ~~(14) "Unzoned commercial or industrial area" means an area not zoned by state or local law,~~
 4 ~~regulation, or ordinance which that is occupied by one or more industrial or commercial activities, other~~
 5 ~~than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent~~
 6 ~~to the activities and those lands directly opposite on the other side of the highway to the extent of the~~
 7 ~~same dimensions and to a maximum depth of 660 feet when measured from the highway right of way;~~
 8 ~~provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value~~
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14 ~~(16) "Visible" means capable of being seen and legible without visual aid by a person of normal~~
 15 ~~visual acuity."~~

16

17 **SECTION 1. SECTION 75-15-111, MCA, IS AMENDED TO READ:**

18 **"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions.** (1) Outdoor
 19 advertising may not be erected or maintained ~~which that~~ is within 660 feet of the nearest edge of the
 20 right-of-way and ~~which that~~ is visible from any place on the main-traveled way of an interstate or primary
 21 system, except:

22 (a) directional and other official signs and notices, which signs and notices include but are not
 23 limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as
 24 authorized or required by law;

25 (b) signs, displays, and devices advertising the sale or lease of property upon which they are
 26 located;

27 (c) signs, displays, and devices advertising activities conducted on the property upon which they
 28 are located;

29 (d) signs, displays, and devices located in areas ~~which that~~ are zoned industrial or commercial by
 30 a bona fide state, county, or local zoning authority;

1 (e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas ~~shall~~
 2 must be determined from actual land uses and by agreement between the department and the secretary
 3 and defined by rules adopted by the commission. The exception granted by this subsection ~~shall~~ is limited
 4 to two signs and may not apply to signs, displays, and devices located within an unzoned area in which
 5 the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

6 (f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if
 7 the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section
 8 750, subpart B; or

9 (g) signs that are consistent with the policy of this state and with the national policy set forth in
 10 23 U.S.C. 131 and the regulations promulgated ~~thereunder~~ under 23 U.S.C. 131 and that are designed to
 11 provide information in the specific interest of the traveling public as provided in 60-5-504, 60-5-505,
 12 60-5-511 through 60-5-513, and 60-5-519 through 60-5-521.

13 (2) Outdoor advertising authorized under subsections ~~(1)(a), (1)(d), and (1)(e) of (1) of this section~~
 14 ~~shall~~ must conform with standards contained in and ~~shall~~ must bear permits required in rules ~~which that~~
 15 are adopted by the commission and this part.

16 (3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of
 17 the right-of-way of an interstate or primary highway outside of an urban area if ~~such the~~ outdoor advertising
 18 is or was erected with the purpose of its message being read from ~~such the~~ main-traveled way and visible
 19 from ~~such the~~ main-traveled way unless ~~such the~~ outdoor advertising meets the criteria of subsections
 20 ~~(1)(a), (1)(b), or (1)(c) of (1) of this section. Should such~~ If the outdoor advertising ~~meet~~ meets ~~said that~~
 21 criteria, it ~~shall~~ must conform with standards contained in rules ~~which that~~ are adopted by the commission
 22 and with this part."
 23

24 **Section 2.** Section 75-15-113, MCA, is amended to read:

25 **"75-15-113. Standards for permitted advertising.** Except for outdoor advertising beyond 660 feet
 26 of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area,
 27 outdoor advertising permitted under ~~subsections (1)(d) and (1)(e) of 75-15-111~~ (1)(d) and (1)(e) ~~shall~~ must
 28 conform to the following requirements:

29 (1) Signs may not be erected or maintained ~~which that~~ exceed ~~4,200~~ 672 square feet in area,
 30 including border and trim but excluding base or apron, supports, and other structural members.

1 (2) ~~Maximum length, 60~~ Signs may not exceed 48 feet in length.

2 (3) ~~Maximum height, 40~~ The maximum height of the sign structure, including the sign face, is 30
3 feet, measured at a right angle from the surface of the roadway at the centerline of the interstate or primary
4 highway OR 30 FEET AS MEASURED FROM THE GROUND. ~~feet as measured from the ground or, if the~~
5 ~~sign is attached to a structure, as measured from the base of the sign itself.~~

6 (4) No more than two facings visible and readable from the same direction on the main-traveled
7 way may be erected on any one sign structure. Whenever two facings are so positioned, neither ~~shall~~ may
8 exceed 325 square feet.

9 (5) Double-faced, back-to-back, and V-type signs ~~shall be~~ are considered as to be a single sign or
10 structure.

11 (6) ~~Where~~ When two or more faces, back to back, are supported by separate structures, each ~~shall~~
12 be is considered to be a single sign.

13 (7) No two signs ~~shall~~ may be spaced less than 500 feet apart adjacent to an interstate highway
14 or limited-access primary highway, except that signs may be erected closer than 500 feet if they are
15 separated by buildings or other obstructions in ~~such~~ a manner that only one sign facing located within the
16 ~~above~~ 500-foot spacing distance is visible from the highway at any one time.

17 (8) Signs may not be located within 500 feet of any of the following ~~which~~ that are adjacent to
18 the highway unless the signs are in an incorporated area:

19 (a) public parks;

20 (b) public forests;

21 (c) public playgrounds;

22 (d) scenic areas designated as such by the department or other state agency having and exercising
23 this authority;

24 (e) cemeteries.

25 (9) A sign may not be located on an interstate highway or freeway within 500 feet of an
26 interchange or intersection at a grade or rest area. The 500 feet is to be measured along the interstate or
27 freeway from the beginning or ending of the pavement widening at the exit from or entrance to the
28 main-traveled way.

29 (10) Signs may be illuminated, subject to the following restrictions:

30 (a) Signs ~~which~~ that contain, include, or are illuminated by a flashing, intermittent, or moving light

1 or lights are prohibited, except those giving public service information such as time, date, temperature,
2 weather, or similar information.

3 (b) Signs ~~which~~ that are not effectively shielded as to prevent beams or rays of light from being
4 directed at a portion of the traveled ways of the interstate or federal-aid primary highway, ~~or which~~ that
5 are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle,
6 or ~~which~~ that otherwise interfere with a driver's operation of a motor vehicle are prohibited.

7 (c) A sign may not be so illuminated that it interferes with the effectiveness of or obscures an
8 official traffic sign, device, or signal.

9 (11) The location of sign structures situated on the primary highways between streets, roads, or
10 highways entering or intersecting the main-traveled way ~~shall~~ must conform to the following minimum
11 spacing criteria:

12 (a) ~~Where~~ When the distance between centerlines of intersecting streets or highways is less than
13 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting
14 streets or highways.

15 (b) ~~Where~~ When the distance between centerlines of intersecting streets or highways is 1,000 feet
16 or more, minimum spacing between sign structures ~~shall~~ must be 300 feet."

17

18 **Section 3.** Section 75-15-122, MCA, is amended to read:

19 **"75-15-122. Permits required -- identification tags -- preexisting structures -- fees.** (1) (a) A sign
20 authorized by ~~subsections (a), (d), and (e) of 75-15-111(1)(a), (1)(d), and (1)(e)~~ (a), (1)(d), and (1)(e) may not be constructed
21 or maintained without a permit. Applications for permits ~~shall~~ must be made to the department on forms
22 furnished by it. The department shall require reasonable information to be furnished, including a statement
23 that the owner or occupant of the land has consented to the erection or maintenance of the sign on the
24 land. A permit must be obtained for each sign, and the application for the permit must be accompanied
25 by ~~an~~ a nonrefundable, initial fee ~~of \$6~~.

26 ~~(2)(b)~~ Permits ~~shall~~ must be issued for 3 years, assigned a permit number, and renewed every 3
27 years ~~thereafter~~ after issuance upon payment of ~~\$3~~ a fee without the filing of a new application. All fees
28 received ~~shall~~ must be paid into the highway account in the state special revenue fund.

29 (c) The fees described in subsections (1)(a) and (1)(b) are to be determined by the square footage
30 of the sign face and established, by rule, by the department COMMISSION to cover the costs of

1 administering and enforcing this section.

2 ~~(3)~~(2) The department shall issue with each new permit a permanent identification tag not larger
3 than 36 square inches ~~which shall~~ that must be affixed to the sign in a position readily visible from the
4 highway.

5 ~~(4)~~(3) Notwithstanding the foregoing provisions of this section, the department shall issue permits
6 and identification tags upon application and payment of the requisite fee for a structure lawfully in existence
7 on June 23, 1971, and the permits ~~shall thereafter~~ must be renewed for a period of time as is prescribed
8 in this section unless the structure is removed for improper maintenance.

9 ~~(5)~~(4) Notwithstanding the foregoing provisions of this section, the department shall issue permits
10 and identification tags upon application and payment of the requisite fee for outdoor advertising lawfully
11 in existence on June 23, 1971, and made nonconforming by virtue of 75-15-111(3), and the permits ~~shall~~
12 ~~thereafter~~ must be renewed for a period of time as is prescribed in this section unless the structure is
13 removed for improper maintenance."
14

15 NEW SECTION. Section 4. Effective date. [This act] is effective ~~July 1, 1995~~ ON PASSAGE AND
16 APPROVAL.

17 -END-



HOUSE STANDING COMMITTEE REPORT

March 9, 1995

Page 1 of 4

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 181 (third reading copy -- blue) be concurred in as amended.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

Carried by: Rep. Ream

And, that such amendments read:

1. Title, line 6.

Following: "ADVERTISING,"

Insert: "REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING;"

2. Title, line 8.

Following: "~~75-15-103~~"

Insert: "75-15-103, 75-15-105,"

3. Page 3.

Following: line 15

Insert: "Section 1. Section 75-15-103, MCA, is amended to read:

"75-15-103. Definitions. As used in this part, the following definitions apply:

(1) "Commercial or industrial activities" means for purposes of subsection (14) those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities ~~shall be~~ are considered commercial or industrial:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

Committee Vote:

Yes 17, No 1. Rep. Ream no

SB181
HOUSE
551355SC.Hbk

- (c) activities not visible from the main-traveled way;
- (d) activities conducted in a building principally used as a residence;
- (e) railroad tracks and minor sidings;
- (f) activities more than 660 feet from the nearest edge of the right-of-way.

(2) "Commercial or industrial zone" means an area ~~which~~ that is used or reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances, ~~or~~ regulations, or enabling state legislation ~~or state legislation itself~~, including highway service areas lawfully zoned as highway service zones, where the primary use of the land is or is reserved for commercial and roadside services, other than outdoor advertising, to serve the traveling public. Areas temporarily zoned as commercial or industrial by an interim regulation or map adopted as an emergency measure pursuant to 76-2-206 ~~shall~~ are not ~~be considered as~~ covered by this definition.

(3) "Commission" means the highway commission of Montana.

(4) "Department" means the department of transportation.

(5) "Information center" means an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing ~~such~~ other information ~~as~~ that the commission may consider desirable.

(6) "Interchange" or "intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, including the deceleration lanes or acceleration lanes from or to another federal, state, county, city, or other route.

(7) "Interstate system" means that portion of the national system of interstate and defense highways located within this state as officially designated or as may ~~hereafter~~ ~~be~~ designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(8) "Maintain" means to allow to exist, subject to the provisions of this part.

(9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure in a state suitable for use.

(10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other structure ~~which~~ that is designed, intended, or used to advertise or inform and ~~which~~ that is visible from any place on the main-traveled way of the interstate or primary systems.

(11) "Primary system" means that portion of connected main highways as officially designated or as may ~~hereafter~~ ~~be~~

designated by the commission and approved by the secretary pursuant to the provisions of Title 23, United States Code, "Highways".

(12) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way, by or under public supervision or control, for the convenience of the traveling public.

(13) "Secretary" means the secretary of the United States department of transportation.

(14) "Unzoned commercial or industrial area" means an area not zoned by state or local law, regulation, or ordinance ~~which that~~ is occupied by one or more industrial or commercial activities, other than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent to the activities ~~and those lands directly opposite on the other side of the highway to the extent of the same dimensions and to a maximum depth of 660 feet when measured from the highway right of way; provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value as determined by the commission.~~

(15) "Urban area" means an urbanized area or place, as designated by the United States bureau of the census, ~~having that~~ has a population of 5,000 or more and that is within boundaries fixed by the department, ~~which The~~ boundaries shall as must at a minimum encompass the entire urban place designated by ~~said the~~ the bureau of the census.

(16) "Visible" means capable of being seen and legible without visual aid by a person of normal visual acuity."

Section 2. Section 75-15-105, MCA, is amended to read:

"75-15-105. Relaxation of regulations if federal law changed. In the event the general requirements of Title 23, United States Code, "Highways", or existing rules and regulations of the United States department of transportation become amended or changed to less restrictive conditions than presently exist, then the commission ~~must~~ shall amend or change ~~such the~~ the rules that it may have adopted to come into conformity with the federal law, rule, and regulation, ~~however, in no event shall this part become more restrictive than is indicated herein by said federal action."~~

Renumber: subsequent sections

4. Page 4.

Following: line 22

Insert: "(4) An outdoor advertising structure in an unzoned commercial or industrial area that is lawfully in existence on [the effective date of this act], that meets the size

requirements in 75-15-113, but that exceeds the restrictions in subsection (1)(e) of this section:

(a) must be classified as nonconforming by the department;

(b) may not be increased in size;

(c) may be maintained each year if the value of the materials used in the maintenance does not exceed 75% of the value of all of the materials required to replace the sign new; and

(d) may be replaced, if damaged, at up to and including 100% of its replacement cost."

-END-

Conference Committee
on SB 181
Report No. 1, April 5, 1995

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on SB 181, met and considered:

House Committee amendments

We recommend that SB 181 (reference copy - salmon) be amended as follows:

Accept House committee amendments

And that this Conference Committee report be adopted.

For the Senate:

Grosfield

Chair

Tveit

Weldon

Amd. Coord.

Sec. of Senate

For the House:

Anderson

Chair

McKee

Tropila

ADOPT

REJECT

CCR #1
SB 181
781110CC.SPV

SENATE BILL NO. 181

INTRODUCED BY WELDON, REAM, SOMERVILLE, BROWN, MCCULLOCH, CAREY, BARNHART
BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING;~~ REVISING THE DEFINITION OF "UNZONED COMMERCIAL OR INDUSTRIAL AREA" AS APPLIED TO OUTDOOR ADVERTISING; REVISING THE LIMITATIONS ON CERTAIN OUTDOOR ADVERTISING SIGNS; REVISING THE FEES FOR CERTAIN SIGN PERMITS; AMENDING SECTIONS ~~75-15-103~~ 75-15-103, 75-15-105, 75-15-111, 75-15-113, AND 75-15-122, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the ~~department of transportation~~ HIGHWAY COMMISSION is directed in 75-15-122 to adopt rules relating to the fees charged for the issuance and renewal of certain permits for outdoor advertising signs. It is anticipated that the department will adopt fees commensurate with the costs of administering and enforcing the issuance and renewal of the sign permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1. Section 75-15-103, MCA, is amended to read:~~

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~~(c) activities not visible from the main traveled way;~~

~~(d) activities conducted in a building principally used as a residence;~~



1 ~~(e) railroad tracks and minor sidings;~~

2 ~~(f) activities more than 660 feet from the nearest edge of the right of way.~~

3 ~~(2) "Commercial or industrial zone" means an area which that is used or reserved for business,~~
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18 commission and approved by the secretary pursuant to the provisions of Title 23, United States Code,
19 "Highways".

20 (8) "Maintain" means to allow to exist, subject to the provisions of this part.

21 (9) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure
22 in a state suitable for use.

23 (10) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing,
24 message, plaque, poster, billboard, or other structure ~~which~~ that is designed, intended, or used to advertise
25 or inform and ~~which~~ that is visible from any place on the main-traveled way of the interstate or primary
26 systems.

27 (11) "Primary system" means that portion of connected main highways as officially designated or
28 as may ~~hereafter~~ be ~~so~~ designated by the commission and approved by the secretary pursuant to the
29 provisions of Title 23, United States Code, "Highways".

30 (12) "Safety rest area" means an area or site established and maintained within or adjacent to the

1 right-of-way, by or under public supervision or control, for the convenience of the traveling public.

2 (13) "Secretary" means the secretary of the United States department of transportation.

3 (14) "Unzoned commercial or industrial area" means an area not zoned by state or local law,
4 regulation, or ordinance ~~which that~~ is occupied by one or more industrial or commercial activities, other
5 than outdoor advertising, on the lands along the highway for a distance of 600 feet immediately adjacent
6 to the activities ~~and those lands directly opposite on the other side of the highway to the extent of the~~
7 ~~same dimensions and to a maximum depth of 660 feet when measured from the highway right-of-way;~~
8 ~~provided those lands on the opposite side of the highway are not deemed scenic or having aesthetic value~~
9 ~~as determined by the commission.~~

10 (15) "Urban area" means an urbanized area or place, as designated by the United States bureau of
11 the census, ~~having that has~~ a population of 5,000 or more and ~~that is~~ within boundaries fixed by the
12 department, ~~which~~ The boundaries shall as must at a minimum encompass the entire urban place
13 designated by ~~said~~ the bureau of the census.

14 (16) "Visible" means capable of being seen and legible without visual aid by a person of normal
15 visual acuity."

16
17 **SECTION 2. SECTION 75-15-105, MCA, IS AMENDED TO READ:**

18 **"75-15-105. Relaxation of regulations if federal law changed.** In the event the general requirements
19 of Title 23, United States Code, "Highways", or existing rules and regulations of the United States
20 department of transportation become amended or changed to less restrictive conditions than presently
21 exist, then the commission ~~must~~ shall amend or change ~~such~~ the rules that it may have adopted to come
22 into conformity with the federal law, rule, and regulation; ~~however, in no event shall this part become more~~
23 ~~restrictive than is indicated herein by said federal action."~~

24
25 **SECTION 3. SECTION 75-15-111, MCA, IS AMENDED TO READ:**

26 **"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions.** (1) Outdoor
27 advertising may not be erected or maintained ~~which that~~ is within 660 feet of the nearest edge of the
28 right-of-way and ~~which that~~ is visible from any place on the main-traveled way of an interstate or primary
29 system, except:

30 (a) directional and other official signs and notices, which signs and notices include but are not

1 limited to signs and notices pertaining to natural wonders and scenic and historical attractions, as
2 authorized or required by law;

3 (b) signs, displays, and devices advertising the sale or lease of property upon which they are
4 located;

5 (c) signs, displays, and devices advertising activities conducted on the property upon which they
6 are located;

7 (d) signs, displays, and devices located in areas ~~which~~ that are zoned industrial or commercial by
8 a bona fide state, county, or local zoning authority;

9 (e) signs, displays, and devices located in unzoned commercial or industrial areas, which areas ~~shall~~
10 must be determined from actual land uses and by agreement between the department and the secretary
11 and defined by rules adopted by the commission. The exception granted by this subsection ~~shall~~ is limited
12 to two signs and may not apply to signs, displays, and devices located within an unzoned area in which
13 the commercial or industrial activity used in defining the area has ceased for a period of 9 months.

14 (f) signs or displays advertising the cultural exhibits of nonprofit historical or arts organizations if
15 the signs or displays conform with the standards provided in Title 23, Code of Federal Regulations, section
16 750, subpart B; or

17 (g) signs that are consistent with the policy of this state and with the national policy set forth in
18 23 U.S.C. 131 and the regulations promulgated ~~thereunder~~ under 23 U.S.C. 131 and that are designed to
19 provide information in the specific interest of the traveling public as provided in 60-5-504, 60-5-505,
20 60-5-511 through 60-5-513, and 60-5-519 through 60-5-521.

21 (2) Outdoor advertising authorized under subsections ~~(1)(a), (1)(d), and (1)(e) of (1) of this section~~
22 ~~shall~~ must conform with standards contained in and ~~shall~~ must bear permits required in rules ~~which~~ that
23 are adopted by the commission and this part.

24 (3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of
25 the right-of-way of an interstate or primary highway outside of an urban area if ~~such~~ the outdoor advertising
26 is or was erected with the purpose of its message being read from ~~such~~ the main-traveled way and visible
27 from ~~such~~ the main-traveled way unless ~~such~~ the outdoor advertising meets the criteria of subsections
28 ~~(1)(a), (1)(b), or (1)(c) of (1) of this section. Should such~~ if the outdoor advertising meet meets said that
29 criteria, it ~~shall~~ must conform with standards contained in rules ~~which~~ that are adopted by the commission
30 and with this part.

1 (4) AN OUTDOOR ADVERTISING STRUCTURE IN AN UNZONED COMMERCIAL OR INDUSTRIAL
 2 AREA THAT IS LAWFULLY IN EXISTENCE ON [THE EFFECTIVE DATE OF THIS ACT], THAT MEETS THE
 3 SIZE REQUIREMENTS IN 75-15-113, BUT THAT EXCEEDS THE RESTRICTIONS IN SUBSECTION (1)(E) OF
 4 THIS SECTION:

5 (A) MUST BE CLASSIFIED AS NONCONFORMING BY THE DEPARTMENT;

6 (B) MAY NOT BE INCREASED IN SIZE;

7 (C) MAY BE MAINTAINED EACH YEAR IF THE VALUE OF THE MATERIALS USED IN THE
 8 MAINTENANCE DOES NOT EXCEED 75% OF THE VALUE OF ALL OF THE MATERIALS REQUIRED TO
 9 REPLACE THE SIGN NEW; AND

10 (D) MAY BE REPLACED, IF DAMAGED, AT UP TO AND INCLUDING 100% OF ITS REPLACEMENT
 11 COST."

12
 13 **Section 4.** Section 75-15-113, MCA, is amended to read:

14 **"75-15-113. Standards for permitted advertising.** Except for outdoor advertising beyond 660 feet
 15 of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area,
 16 outdoor advertising permitted under ~~subsections (1)(d) and (1)(e) of 75-15-111~~ (1)(d) and (1)(e) shall must
 17 conform to the following requirements:

18 (1) Signs may not be erected or maintained ~~which that~~ exceed 1,200 672 square feet in area,
 19 including border and trim but excluding base or apron, supports, and other structural members.

20 (2) ~~Maximum length, 60~~ Signs may not exceed 48 feet in length.

21 (3) ~~Maximum height, 40~~ The maximum height of the sign structure, including the sign face, is 30
 22 feet, measured at a right angle from the surface of the roadway at the centerline of the interstate or primary
 23 highway OR 30 FEET AS MEASURED FROM THE GROUND. ~~feet as measured from the ground or, if the~~
 24 ~~sign is attached to a structure, as measured from the base of the sign itself.~~

25 (4) No more than two facings visible and readable from the same direction on the main-traveled
 26 way may be erected on any one sign structure. Whenever two facings are so positioned, neither ~~shall~~ may
 27 exceed 325 square feet.

28 (5) Double-faced, back-to-back, and V-type signs ~~shall be~~ are considered as to be a single sign or
 29 structure.

30 (6) ~~Where~~ When two or more faces, back to back, are supported by separate structures, each ~~shall~~

1 ~~be is~~ considered to be a single sign.

2 (7) No two signs ~~shall~~ may be spaced less than 500 feet apart adjacent to an interstate highway
3 or limited-access primary highway, except that signs may be erected closer than 500 feet if they are
4 separated by buildings or other obstructions in ~~such~~ a manner that only one sign facing located within the
5 ~~above~~ 500-foot spacing distance is visible from the highway at any one time.

6 (8) Signs may not be located within 500 feet of any of the following ~~which~~ that are adjacent to
7 the highway unless the signs are in an incorporated area:

8 (a) public parks;

9 (b) public forests;

10 (c) public playgrounds;

11 (d) scenic areas designated as such by the department or other state agency having and exercising
12 this authority;

13 (e) cemeteries.

14 (9) A sign may not be located on an interstate highway or freeway within 500 feet of an
15 interchange or intersection at a grade or rest area. The 500 feet is to be measured along the interstate or
16 freeway from the beginning or ending of the pavement widening at the exit from or entrance to the
17 main-traveled way.

18 (10) Signs may be illuminated, subject to the following restrictions:

19 (a) Signs ~~which~~ that contain, include, or are illuminated by a flashing, intermittent, or moving light
20 or lights are prohibited, except those giving public service information such as time, date, temperature,
21 weather, or similar information.

22 (b) Signs ~~which~~ that are not effectively shielded as to prevent beams or rays of light from being
23 directed at a portion of the traveled ways of the interstate or federal-aid primary highway, ~~or which~~ that
24 are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle,
25 or ~~which~~ that otherwise interfere with a driver's operation of a motor vehicle are prohibited.

26 (c) A sign may not be so illuminated that it interferes with the effectiveness of or obscures an
27 official traffic sign, device, or signal.

28 (11) The location of sign structures situated on the primary highways between streets, roads, or
29 highways entering or intersecting the main-traveled way ~~shall~~ must conform to the following minimum
30 spacing criteria:

1 (a) ~~Where~~ When the distance between centerlines of intersecting streets or highways is less than
 2 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting
 3 streets or highways.

4 (b) ~~Where~~ When the distance between centerlines of intersecting streets or highways is 1,000 feet
 5 or more, minimum spacing between sign structures ~~shall~~ must be 300 feet."

6
 7 **Section 5.** Section 75-15-122, MCA, is amended to read:

8 **"75-15-122. Permits required -- identification tags -- preexisting structures -- fees.** (1) (a) A sign
 9 authorized by ~~subsections (a), (d), and (e) of 75-15-111(1)(a), (1)(d), and (1)(e)~~ may not be constructed
 10 or maintained without a permit. Applications for permits ~~shall~~ must be made to the department on forms
 11 furnished by it. The department shall require reasonable information to be furnished, including a statement
 12 that the owner or occupant of the land has consented to the erection or maintenance of the sign on the
 13 land. A permit must be obtained for each sign, and the application for the permit must be accompanied
 14 by ~~an~~ a nonrefundable, initial fee ~~of \$6~~.

15 ~~(2)(b)~~ Permits ~~shall~~ must be issued for 3 years, assigned a permit number, and renewed every 3
 16 years ~~thereafter~~ after issuance upon payment of ~~\$3~~ a fee without the filing of a new application. All fees
 17 received ~~shall~~ must be paid into the highway account in the state special revenue fund.

18 (c) The fees described in subsections (1)(a) and (1)(b) are to be determined by the square footage
 19 of the sign face and established, by rule, by the department COMMISSION to cover the costs of
 20 administering and enforcing this section.

21 ~~(2)(2)~~ The department shall issue with each new permit a permanent identification tag not larger
 22 than 36 square inches ~~which shall~~ that must be affixed to the sign in a position readily visible from the
 23 highway.

24 ~~(4)(3)~~ Notwithstanding the foregoing provisions of this section, the department shall issue permits
 25 and identification tags upon application and payment of the requisite fee for a structure lawfully in existence
 26 on June 23, 1971, and the permits ~~shall thereafter~~ must be renewed for a period of time as is prescribed
 27 in this section unless the structure is removed for improper maintenance.

28 ~~(5)(4)~~ Notwithstanding the foregoing provisions of this section, the department shall issue permits
 29 and identification tags upon application and payment of the requisite fee for outdoor advertising lawfully
 30 in existence on June 23, 1971, and made nonconforming by virtue of 75-15-111(3), and the permits ~~shall~~

1 ~~thereafter~~ must be renewed for a period of time as is prescribed in this section unless the structure is
2 removed for improper maintenance.”

3
4 NEW SECTION. Section 6. Effective date. [This act] is effective ~~July 1, 1995~~ ON PASSAGE AND
5 APPROVAL.

6 -END-