

HOUSE BILL NO. 531

INTRODUCED BY S. MORIGEAU

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION FOR OUTDOOR ADVERTISING
5 WHEN THE ADVERTISEMENT FOR AN ACTIVITY IS LOCATED WITHIN 3 MILES OF THE PLACE WHERE
6 THE ACTIVITY IS CONDUCTED AND IS OWNED BY THE SAME ENTITY; AND AMENDING SECTIONS
7 75-15-111, 75-15-112, 75-15-113, AND 75-15-122, MCA."

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

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11 **Section 1.** Section 75-15-111, MCA, is amended to read:
12 **"75-15-111. Outdoor advertising prohibited in proximity to highway -- exceptions.** (1) Outdoor
13 advertising may not be erected or maintained that is within 660 feet of the nearest edge of the right-of-way and
14 that is visible from any place on the main-traveled way of an interstate or primary system, except:
15 (a) directional and other official signs and notices, which signs and notices include but are not limited
16 to signs and notices pertaining to natural wonders and scenic and historical attractions, as authorized or required
17 by law;
18 (b) signs, displays, and devices advertising the sale or lease of property upon which they are located;
19 (c) signs, displays, and devices advertising activities conducted on the property upon which they are
20 located;
21 (d) signs, displays, and devices advertising activities conducted on property under the same ownership
22 as the property on which the sign, display, or device is located when the property is located within a 3-mile radius
23 of the sign, display, or device;
24 ~~(d)~~(e) signs, displays, and devices located in areas that are zoned industrial or commercial by a bona
25 fide state, county, or local zoning authority;
26 ~~(e)~~(f) signs, displays, and devices located in unzoned commercial or industrial areas, which areas must
27 be determined from actual land uses and by agreement between the department and the secretary and defined
28 by rules adopted by the commission. The exception granted by this subsection is limited to two signs and may
29 not apply to signs, displays, and devices located within an unzoned area in which the commercial or industrial
30 activity used in defining the area has ceased for a period of 9 months.

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

4 ~~(g)~~(h) signs that are consistent with the policy of this state and with the national policy set forth in 23
 5 U.S.C. 131 and the regulations promulgated under 23 U.S.C. 131 and that are designed to provide information
 6 in the specific interest of the traveling public as provided in 60-5-504, 60-5-505, 60-5-511 through 60-5-513, and
 7 60-5-519 through 60-5-521.

8 (2) Outdoor advertising authorized under subsections (1)(a), (1)(d), (1)(e), and ~~(1)(e)~~ (1)(f) must conform
 9 with standards contained in and must bear permits required in rules that are adopted by the commission and this
 10 part.

11 (3) Outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the
 12 right-of-way of an interstate or primary highway outside of an urban area if the outdoor advertising is or was
 13 erected with the purpose of its message being read from the main-traveled way and visible from the main-traveled
 14 way unless the outdoor advertising meets the criteria of subsections ~~(1)(a), (1)(b), or (1)(e)~~ (1)(a) through (1)(d).
 15 If the outdoor advertising meets that criteria, it must conform with standards contained in rules that are adopted
 16 by the commission and with this part.

17 (4) An outdoor advertising structure in an unzoned commercial or industrial area that is lawfully in
 18 existence on April 21, 1995, that meets the size requirements in 75-15-113, but that exceeds the restrictions in
 19 subsection ~~(1)(e)~~ (1)(f) of this section:

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

21 (b) may not be increased in size;

22 (c) may be maintained each year if the value of the materials used in the maintenance does not exceed
 23 75% of the value of all of the materials required to replace the sign new; and

24 (d) may be replaced, if damaged, at up to and including 100% of its replacement cost."
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26 **Section 2.** Section 75-15-112, MCA, is amended to read:

27 **"75-15-112. Unlawful advertising.** Outdoor advertising is unlawful:

28 (1) when erected after June 24, 1971, contrary to this part or erected after June 24, 1971, beyond 660
 29 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area with the
 30 purpose of its message being read from ~~such~~ the main-traveled way and visible from ~~such~~ the main-traveled way,

1 unless ~~such~~ the outdoor advertising meets the criteria of ~~subsections (a), (b), or (c) of 75-15-111(1)(a) through~~
 2 (1)(d);

3 (2) when a permit is not obtained as prescribed in this part; or

4 (3) when a permittee fails to comply with a notice of violation as provided in 75-15-132."

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6 **Section 3.** Section 75-15-113, MCA, is amended to read:

7 **"75-15-113. Standards for permitted advertising.** Except for outdoor advertising beyond 660 feet of
 8 the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area, outdoor
 9 advertising permitted under ~~75-15-111(1)(d)~~ 75-15-111(1)(e) and ~~(1)(e)~~ (1)(f) must conform to the following
 10 requirements:

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

13 (2) Signs may not exceed 48 feet in length.

14 (3) The maximum height of the sign structure, including the sign face, is 30 feet, measured at a right
 15 angle from the surface of the roadway at the centerline of the interstate or primary highway.

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

19 (5) Double-faced, back-to-back, and V-type signs are considered to be a single sign or structure.

20 (6) When two or more faces, back to back, are supported by separate structures, each is considered to
 21 be a single sign.

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

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

28 (a) public parks;

29 (b) public forests;

30 (c) public playgrounds;

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

3 (e) cemeteries.

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

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

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

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

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

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

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

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

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25 **Section 4.** Section 75-15-122, MCA, is amended to read:

26 **"75-15-122. Permits required -- identification tags -- preexisting structures -- fees.** (1) (a) A sign
27 authorized by 75-15-111(1)(a), ~~(1)(d)~~ (1)(e), and ~~(1)(e)~~ (1)(f) may not be constructed or maintained without a
28 permit. Applications for permits must be made to the department on forms furnished by it. The department shall
29 require reasonable information to be furnished, including a statement that the owner or occupant of the land has
30 consented to the erection or maintenance of the sign on the land. A permit must be obtained for each sign, and

1 the application for the permit must be accompanied by a nonrefundable, initial fee.

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

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

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

10 (3) Notwithstanding the foregoing provisions of this section, the department shall issue permits and
11 identification tags upon application and payment of the requisite fee for a structure lawfully in existence on June
12 23, 1971, and the permits must be renewed for a period of time as is prescribed in this section unless the
13 structure is removed for improper maintenance.

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

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