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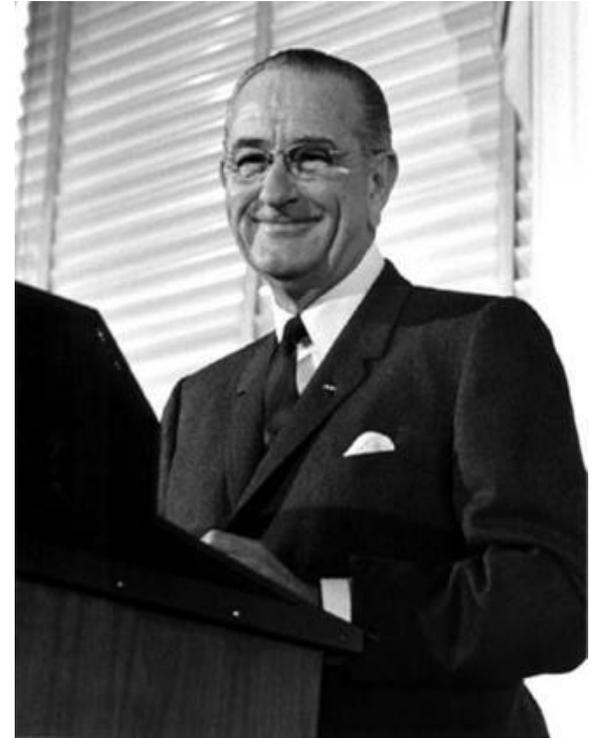
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Outdoor Advertising Control



Origins of Outdoor Advertising Control

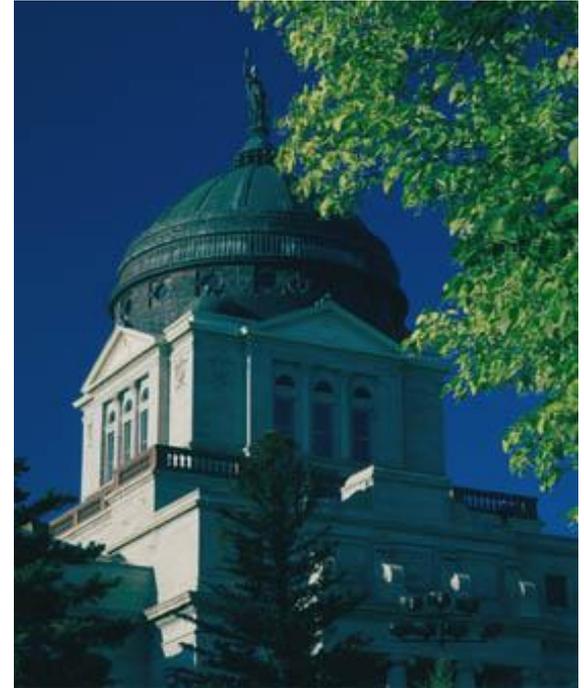
- President Lyndon B. Johnson signed the Highway Beautification Act into public law on October 22, 1965. The first section of the law sets forth program objectives.
- “The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate and Primary highway system should be controlled in order to protect the public investment on such highways, and to promote the safety and recreation value of public travel, and to preserve natural beauty.”



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Statutory Requirements, Authority for Control & Administration

- To comply with the Federal Highway Beautification Act (Title 23, United States Code), the Montana Legislature passed the Outdoor Advertising Act, effective June 21, 1971.
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- The statutes are supplemented by administrative rules promulgated by the Highway (now Transportation) Commission. The administrative rules are contained in Sections 18.6.201 through 18.6.270, Administrative Rules of Montana (ARM).



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Statutory Requirements, Authority for Control & Administration

- The Department of Transportation has the responsibility for the regulation and control of outdoor advertising along the National Highway System (NHS) or the Primary Highway System, as those systems are defined in Section 60-2-125, MCA. The Department assigned the Right-of-Way Bureau the overall administration of the program with regard to developing and administering policies and procedures.
- Within the Right-of-Way Bureau, it is the responsibility of the Outdoor Advertising Coordinator to perform these functions. Activities including recommendation of permit issuance, surveillance and initiating the removal of unlawful signs, are the responsibility of the Districts.



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Scope of Sign Control Program

- The outdoor advertising program involves the regulation and control of the location, size, spacing, lighting and maintenance of signs and devices along the state's NHS system and remaining primary system not included in the NHS. The program involves:
- The review, approval or rejection of sign permit applications.
- The purchase and removal of lawfully erected signs which do not conform with established standards for location, spacing, size, lighting or other criteria, subject to availability of federal funds for such purposes.



Scope of Sign Control Program

- The inventory of all affected routes to determine sign owners' compliance with regulations of the program.
- The removal of any signs unlawfully erected or maintained.



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Features of Outdoor Advertising Control



- The State of Montana agreed to provide “effective control” of outdoor advertising by establishing a sign permit system; maintenance of an inventory of all permitted signs, and periodic surveillance of the controlled routes to discover unlawful signs and monitor other signs as required by state law.



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Features of Outdoor Advertising Control

- An unlawful sign is one which is erected and/or maintained in violation of the law.
- A sign is nonconforming if it was erected prior to the effective date of state law, but does not conform to the law's requirements.
- The term “grandfathered” sign is often used in relation to nonconforming signs.



Signs can not be affixed to trees, painted on rock, or any other natural resources.

Administrative Rules of Montana 18.6.244 (1)(a)(iii)



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Signs cannot be located on government-owned right-of-way.



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Enforcement Impacts

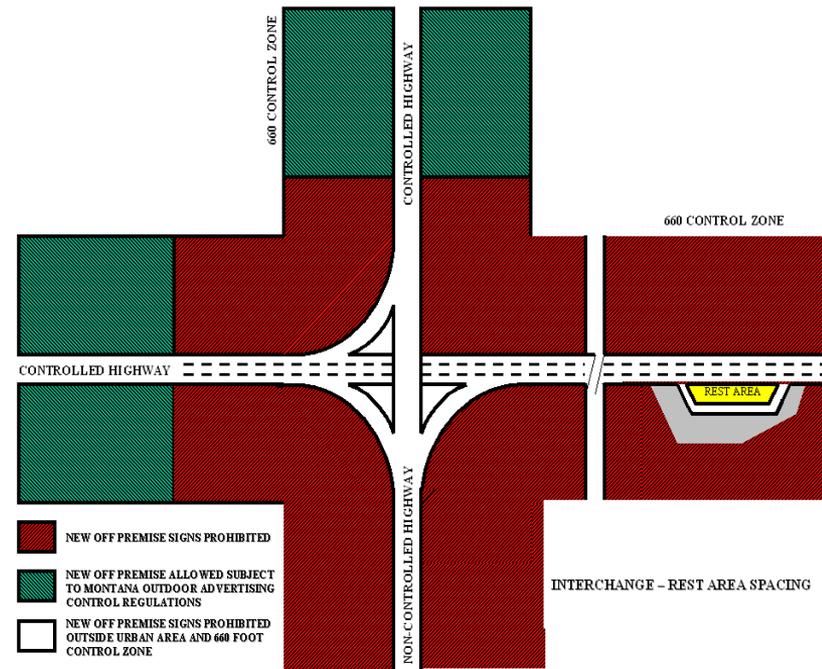
- Two distinct enforcement impacts emanate from the “effective control” provisions:
- The removal of unlawful signs
- The reasonable enforcement of land use control concepts that are applicable to nonconforming signs such as abandonment, destruction, and customary maintenance.



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What is the control area?

- Inside urban boundaries, outdoor advertising is controlled within 660 feet from the edge of the right of way.
- Outside urban boundaries, outdoor advertising is controlled to the limit of visibility or readability of the sign. In commercial and industrial areas, conforming signs must be erected within 660 feet from the edge of the right of way.
- The urban boundary definition and maps are available from the Montana Department of Transportation. In Montana, the urban designation is for cities of populations of 5,000 or more. The boundaries are set by agreement among federal, state, and local governments.



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Are there any signs that are exempt from control under this program?

- Yes, some signs that are visible from controlled highways are exempt from this program. They include:
- Official traffic signs.
- Temporary Signs advertising the sale or lease of property on which they are located assuming the sign is not encroaching on state right-of-way. See ARM 18.6.240
- Signs advertising the products and activities conducted on the property on which they are located. These signs are referred to as “on premise” signs. See ARM 18.6.204



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Are there any signs that are exempt from control under this program (cont)?

- Political signs. Signs promoting political candidates or issues shall be placed on private property only and cannot be placed without landowner permission and must be removed within 14 days following the applicable election. See ARM 18.6.246
- LOGO and TODS signs authorized under the Motorist Information Sign Act.



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Are there any signs that can be erected along the controlled highways, in which the rules and regulation are less restrictive than advertising signs?

- Yes, the following signs may be erected outside a zoned or unzoned commercial or industrial area. In the case of the signs identified below, a permit is required from the Montana Department of Transportation, but the three-year renewal fees are waived:
- Directional signs pertaining to natural wonders; scenic or historical attractions, nonprofit historical and arts organizations, ranching, grazing and farming activities as authorized by law. See ARM 18.6.243



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- Noncommercial signs such as “Community Welcome to Signs” may be erected within the community’s territorial jurisdiction. These signs must not contain any form of commercial advertising. Sponsors may be recognized as long as they are secondary. These signs maybe placed within state-controlled right of way limits with certain criteria. See ARM 18.6.238



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Are there any signs that can be erected along the controlled highways, in which the rules and regulation are specific to certain types of advertising signs?

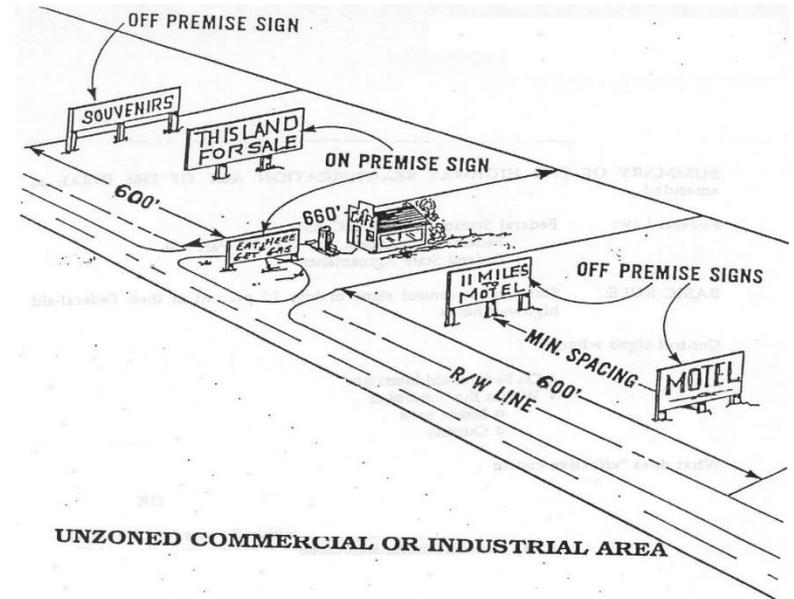
- Yes. Transit Advertising on Shelters and Benches must obtain a department issued permit. Applicants for Transit permits must be a local transit agency or government entity. Department issued encroachment permits must be included with the application for structures to be located within right of way. See ARM 18.6.236



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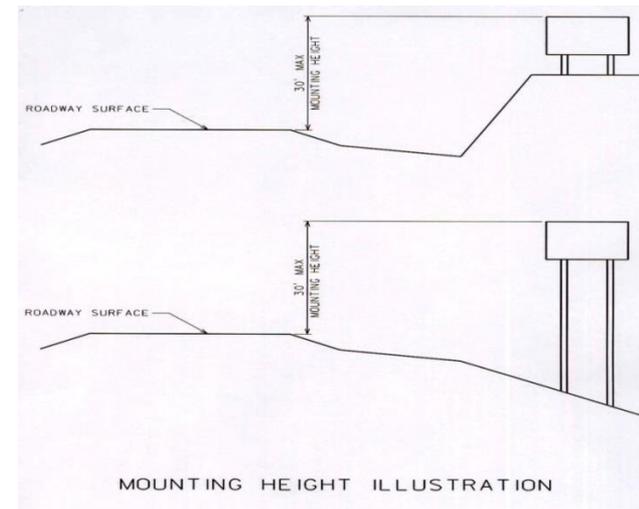
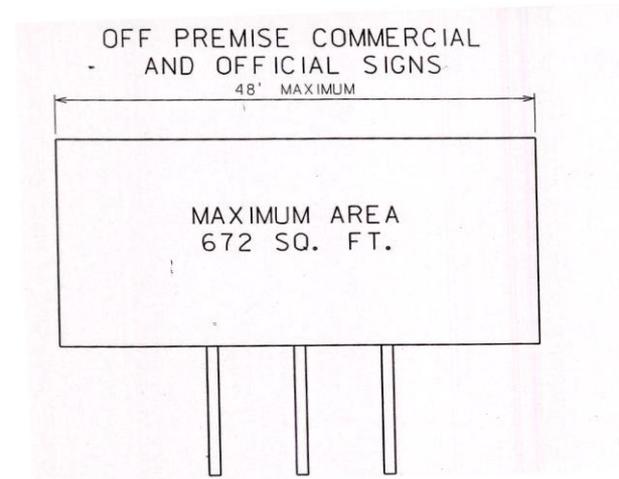
What are the rules and regulations for the placement of any Off Premise advertising signs or billboards?

- Off premise advertising signs can only be placed in zoned commercial or industrial areas, or in unzoned commercial or industrial areas, as determined by the Montana Department of Transportation. Signs in unzoned areas must be located within 600 feet of a qualifying business and must be on the same side of the highway. There is a limit of two signs for each qualifying business.
- Signs adjacent to the interstate highways or limited access primary routes must be a minimum of 500 feet from other permitted signs. Signs along most primary routes may be spaced 300 feet apart from other permitted signs. There are other spacing requirements for signs within cities or towns.
- See ARM 18.6.231



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- The law provides that advertising signs may not be erected that:
- Exceed 672 square feet in area (a 48 foot by 14 foot sign is 672 square feet).
- Exceed 48 feet in length
- Exceed a maximum height of 30 feet when measured at the right angle from the surface of the roadway.
- All advertising sign permits require an initial application fee and the payment of a three year renewal fee.



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How much are permit fees?

- All fees are based on the square footage of the sign face for both the application fee and the three-year renewal fee period.
- The initial permit fee runs from a minimum of \$10 for a 32 square foot sign or less up to \$150 for a sign whose aggregate faces exceeds 672 square feet. A sign that is 30 feet wide, by 10 feet high, or 300 square feet is \$75.
- The three-year renewal fee runs from a minimum of \$15 for a sign that is 32 square foot or less up to \$225 for a sign whose aggregate faces exceed 672 square feet. See ARM 18.6.215



Please contact the OAC office for more information

- This presentation is a summary of the many rules and regulations involving Outdoor Advertising Control. For complete regulations please consult the Administrative Rules of Montana, Montana Code Annotated, the Code of Federal Regulations or call the OAC office in Helena, MT at 406-444-6068.

