

MAINE STATE LEGISLATURE

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STUDY REPORT ON THE BILLBOARD LAW

Business Legislation Committee

January 13, 1982

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SUMMARY

Last June the Legislative Council approved the Committee's request to study the impact of the Billboard Law on businesses and consumers. Six committee members volunteered to serve as a subcommittee to conduct the study; the members of the subcommittee were:

Rep. Joseph C. Brannigan, Chairperson
Sen. Nancy R. Clark
Rep. Katherine J. Garrett
Rep. Dan A. Gwadosky
Rep. Patrick T. Jackson
Rep. John Telow

In August DOT held a series of state-wide public workshops on the official business directional sign (OBDS) program (which is a system of standardized off-premise directional signs regulated and licensed by DOT). The purpose of these workshops was to identify problems with the OBDS program and to solicit proposed solutions. The workshops were well-attended by business people, signmakers, and members of the general public. Most of the objections raised at the workshops concerned either the high cost of erecting and licensing official directional signs or the rigid standards for their design and display.

The subcommittee sought to benefit from the DOT workshops by deferring its own meetings until the fall. It met 3 times with DOT officials and various business and other interest groups, including small farmers, campground owners, innkeepers, restaurateurs, and conservationists.

The Committee unanimously adopted the following recommendations made by the subcommittee:

- ° Businesses should have a choice between the present type of official directional sign and a new, less-expensive, less-standardized version that is cheap to license and that need not be professionally made
- ° Standard sizes of official directional signs should be modified to enable signmakers to make the most economical use of materials
- ° The statutory limit on the number of maximum-size directional signs per business should be repealed
- ° The annual license fee for the present type of official directional signs should be reduced to \$25 and the fee for the new optional version should be \$5
- ° Municipalities should have the right to establish their own programs of distinctive directional signs consistent with the general purposes of the Billboard Law
- ° A representative of the sign manufacturing industry should be added to the Traveler Information Advisory Council
- ° Special exemptions for seasonal campgrounds and farm-stands should be repealed

Adoption of these recommendations will dramatically reduce the cost to business of erecting and licensing official directional signs and will permit a desirable degree of variety and in-

dividuality without compromising the objectives of the law or the integrity of the OBDS program. Further, these changes will benefit all businesses, thereby eliminating the need for special exemptions for a few.

BACKGROUND

In the 1st Regular Session of the 110th Legislature, several bills were introduced concerning the Maine Traveler Information Services Act, popularly known as "the Billboard Law." Two of these bills were enacted: one amended the law to bring it into conformity with a federal court decision which ruled some of the law's provisions unconstitutional; the other exempted signs directing motorists to seasonal farmstands and campgrounds.

Although the Billboard Law took effect over 4 years ago, on January 1, 1978, implementation by the Department of Transportation has been gradual. The law itself granted a 6-year grace period for signs legally erected on secondary highways before 1978; slightly less than 2 years' grace remains. The law also provided for the "purchase" over a 4-year period of existing signs legally erected on interstate and primary highways; however, federal funds were not received in time to complete the purchase of these signs before the first of this year. Further, DOT's plans to purchase signs and to remove those not relieved by the grace period were suspended during the several months that litigation was pending. For these reasons, the impact of the Billboard Law had only begun to be felt - especially in the State's more populous, commercial areas - when the Committee met last year to consider the various amendments proposed.

The Committee concluded from its review of these bills that neither it nor the Legislature knew as much as it ought to about the practical effects of the law on businesses and consumers. Accordingly, the Committee asked the Legislative Council for authority to study the question - specifically in hopes of eliminating any unreasonable requirements or restrictions and of removing the incentives for various businesses to seek special exemptions from the law. The Council approved the Committee's request, and 6 members volunteered to serve as a subcommittee to conduct the study. The subcommittee members were:

Representative Joseph C. Brannigan, Chairperson

Senator Nancy R. Clarke

Representative Katherine J. Gavett

Representative Dan A. Gwadosky

Representative Patrick T. Jackson

Representative John Telow

Shortly after the study was approved, DOT announced that it would conduct a series of public workshops on the department's official business directional sign (OBDS) program. (Pursuant to the Billboard Law, DOT has established an exclusive system of standardized off-premise directional signs strictly regulated and licensed by the department.) The workshops were intended to identify problems with the OBDS program and to solicit proposed solutions. In view of the department's plans, the subcommittee decided to defer its meetings until after the DOT workshops to enable its members to acquaint themselves with the OBDS program at the workshops and to avoid possible duplication of effort.

The workshops were held in August in Bangor, Lewiston, and Portland and were well-attended by business people and signmakers as well as members of the general public. At least one subcommittee member was also present at each workshop. Various complaints and objections were raised, but most generally concerned either the high cost of erecting and maintaining official directional signs or the rigid standards for their design and display.

In September the subcommittee's chairperson and staff met with DOT officials to review the results of the workshops, to discuss the department's participation in the subcommittee's study, and to develop tentative proposals for the subcommittee's consideration. Over the next 3 months the subcommittee met 3 times with DOT officials and representatives of various business and interest groups, including small farmers, campground owners, innkeepers, restaurateurs, and conservationists. The findings and recommendations contained in the next section resulted from these meetings and were unanimously adopted by the Committee. The proposed legislation and regulations in the Appendix will implement the recommendations.

The Committee is very grateful to the department and the business and interest groups represented at the subcommittee's meetings for their cooperation and contributions to the successful completion of this study.

FINDINGS AND RECOMMENDATIONS

I. OBDS Requirements and Restrictions

Among other things, the Billboard Law establishes a system of DOT-licensed official business directional signs to replace the hodgepodge of outdoor advertising made illegal by the law. The law directs the commissioner to adopt regulations governing the design, display, and location of these official signs. The terms of the commissioner's statutory mandate are strict: the sizes, colors, and lettering of official signs, for example, must be uniform; signposts must be of uniform size, shape, and color and, with few exceptions, may be located only at intersections. Thus, much in the current regulations is virtually demanded - expressly or by clear implication - by the law itself; the remainder seems well within the commissioner's authority. Essentially then, the problems created by the Billboard Law lie more with certain statutory provisions than with the regulations.

A. Design standards

In a nutshell, the major problem is that official directional signs are so highly standardized under current law and regulations that almost no variety or originality is permitted; in effect, they must be professionally made at considerable cost. The Committee believes that this results in unnecessary monotony for motorists and undue expense for business and that the policy and objectives of the Billboard Law can be accomplished, and the basic integrity of the OBDS program preserved, without such rigidity. It therefore recommends that businesses be given the

option of using either the present type of official directional sign or a new, less-expensive, less-standardized version. This new optional version should be of a single size and made of nonreflectorized material to keep costs low. It should be required only to be neat and legible, and any color should be allowed. Businesses themselves should be allowed to erect the signs in appropriate locations. The Committee believes that creation of this alternative will dramatically reduce the cost of directional signs to business, thereby encouraging voluntary compliance and lessening DOT's enforcement burden. At the same time, it will permit a desirable degree of creativity and individuality without compromising the purposes of the law or the principles of the OBDS program.

B. Sign sizes

Signs - especially those that are professionally made - are ordinarily made of plywood. Plywood is normally purchased in 4' x 8' sheets. Current DOT regulations provide for 4 sign sizes, the 2 smallest sizes having widths of 15" and 10", respectively. These widths do not permit signmakers to maximize their utilization of standard 4' x 8' sheets. The cost of this inefficiency is passed on to business and, ultimately, to consumers. The Committee recommends that the sizes of official directional signs be modified by replacing the 2 smallest sizes with a single 12" x 48" size. This will enable signmakers to make the most economical use of their materials and to keep costs down.

C. Maximum-size signs

Much of Maine's Billboard Law was borrowed from Vermont's statute. While Vermont's law is well-known and highly regarded, not all of its provisions necessarily made good sense as applied in this State. This is true of the limit in our law on the number of maximum-size official signs allowed any one business. Maine adopted Vermont's limit of 2, apparently without any substantial thought or rationale. The Committee believes that a business should have the right to erect a maximum-size sign wherever otherwise appropriate and therefore recommends that the arbitrary limit presently in our law be repealed.

II. License Fees

The Billboard Law currently provides that the annual fee for licensing each official sign may not exceed \$30. The law also requires the commissioner to adjust the actual amount of the fee each year such that the OBDS program pays for itself without generating excess revenues. DOT regulations now set the fee at the maximum of \$30. Thus, for example, a business wishing to erect the maximum of 6 signs must pay annual license fees totalling \$180. The Committee and DOT officials agree that this amount is unreasonable and recommend that the fee for the present type of official directional sign be reduced to \$25 and that the fee for the new optional version be \$5.

III. Municipal Sign Programs

Presently under the Billboard Law the commissioner may permit any municipality to establish its own system of official

directional signs distinctive to that municipality. Contradictorily, the law then stipulates that any local sign program must comply with state law and all DOT regulations. The Committee believes that the idea of unique local sign programs is good, but the current statutory provision is both poorly thought out and confusing. Not only is it contradictory; there are also no standards for the commissioner's exercise of discretion. The Committee therefore recommends that the current provision be amended to allow any municipality to administer its own directional sign program if the commissioner determines that the municipality has an ordinance or regulation establishing a sign program, that the ordinance or regulation is administrable and enforceable, and that the ordinance or regulation is consistent with the Billboard Law's general policy and objectives.

IV. Traveler Information Advisory Council

The Billboard Law created the Traveler Information Advisory Council (TIAC) to advise the commissioner in his adoption of regulations and administration of the law. TIAC is composed of 8 members representing the public and commercial, environmental, and non-profit interests. One group which is vitally affected by the law, but which is not represented on the Council, is the sign manufacturing industry. The practical knowledge and perspective of signmakers is extremely important to the fair and timely implementation of the law. The Committee recommends that this oversight be corrected by adding a seat on the Council for a representative of the sign manufacturing industry.

V. Exemptions

Last year the Legislature categorically exempted from the Billboard Law all signs directing motorists to seasonal farmstands and campgrounds. The Committee is very sympathetic to the needs and interests of small business. However, exempting a few businesses without exempting others similarly situated is extremely difficult to justify or defend. If the law exempts seasonal farmstands and campgrounds, why shouldn't other seasonal businesses be exempted? Unless some relief is extended, the momentum for such exemptions will grow as the Billboard Law is implemented state-wide, and the law may eventually become a farce that unfairly burdens the dwindling number of businesses still subject to its provisions. Another factor must be considered as well - arbitrary exemptions for a few may well invite legal challenges of the sort that has already delayed the law's implementation. The Committee is convinced that the preferable, more equitable approach to alleviating the impact of the Billboard Law on small business is to relax the rules a bit for everyone. Creation of a new, less-standardized, less-expensive alternative to the present type of official directional sign will appreciably soften the law's impact on small business. This optional version will be easy for individuals to make and cheap for businesses to license. Since everyone will have the opportunity to use this inexpensive alternative, exemptions for particular businesses will no longer be necessary and should be repealed.

AN ACT to amend the Maine Traveler Information Services Act.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 23 M.R.S.A., Section 1903, Subsection 12, is repealed and subsection 13-17 are renumbered to subsection 12-16.

12. ~~Residential--directional--sign----"Residential--directional sign"--means--an--off-premise--sign--erected--and--maintained--by--an individual-to-indicate-the-location-of-his-residence."~~

Sec. 2. 23 M.R.S.A., Section 1904, Subsection 3, first sentence, as enacted by P.L. 1981, C. 318, is amended to read:

3. Membership. The Traveler Information Advisory Council shall have ~~8~~ 9 members as follows: One representing the lodging industry, one representing the restaurant industry, one representing the recreational industry, one representing the Keep Maine Scenic Committee, one representing agriculture, one representing environmental organizations, one representing nonprofit historical and cultural institutions, one representing sign design and fabrication artisans, and one representing the general public.

Sec. 3. 23 M.R.S.A., Section 1906, Subsection 2, as enacted by P.L. 1981, C. 318, is repealed and the following enacted in its place:

2. Agreements with municipalities. The commissioner may:

A. Enter into contractual or other arrangements with any municipality of this State providing for the erection of official business directional signs distinctive to that municipality upon finding that:

(1) the municipality has in effect an ordinance or regulation establishing a mandatory program of distinctive official business directional signs;

(2) the ordinance or regulation is administrable and enforceable and will be properly administered and enforced;

(3) the ordinance or regulation is consistent with the policy and purposes of this chapter.

B. Contract or arrange with any municipality for administration by that municipality within its boundaries of any appropriate matter under this chapter. Any contract or arrangement made under this paragraph and any action taken pursuant to it shall comply with the policy and purposes of this chapter.

Whenever any of the conditions set forth in this subsection are no longer being met, the commissioner shall promptly resume the administration of the official business directional sign program under this chapter. The commissioner shall provide written notice of his action to the municipality and may require nonconforming signs to be removed immediately.

Sec. 4. 23 M.R.S.A., Section 1910, 2nd sentence, as enacted by P.L. 1981, C. 318, is repealed as follows:

~~These regulations shall require uniformity among signs in accordance with the following minimum requirements. Signs shall be of uniform sizes; uniform colors shall be specified for each type of service and facility; lettering shall be of a uniform type; logos shall not exceed a uniform size; and posts shall be of a uniform size, shape and color.~~

Sec. 5. 23 M.R.S.A., Section 1911, Subsection 2, as enacted by P.L. 1981, C. 318, is amended to read:

2. Number limited. Notwithstanding section 1918, the Commissioner shall not issue more than 6 licenses for official business directional signs for any one place of business, facility or point of interest eligible therefor under section 1909, not more than one such official business sign shall be visible to traffic moving in any one public way leading toward the place of business, facility or point of interest nor shall license be issued for a sign located more than 10 miles radius from the place of business, facility or point of interest. ~~nor shall more than 2 licenses be issued to any one place of business, facility or point of interest for signs of the maximum size specified under section 1910.~~

Sec. 6. 23 M.R.S.A., Section 1921, second sentence, as enacted by P.L. 1981, C. 318, is amended to read:

The commissioner may implement the removal of signs for which compensation is paid on an area by area basis, provided all signs for which compensation is paid shall be removed ~~within 4 years from the effective date of this chapter~~ by January 1, 1982 if federal funds are sufficient under section 1915.

Sec. 7. 23 M.R.S.A., Section 1924, Subsection 3, as enacted by P.L. 1981, C. 318, is amended to read:

3. Existing directional signs. Upon implementation of this chapter, the commissioner may remove, or require to be removed, any existing directional sign erected and maintained pursuant to section 1153, Title 32, section 2722 prior to its repeal, and any sign erected and maintained pursuant to Title 32, section 2715 prior to its repeal, which does not qualify as an on-premise sign as defined by section 1914, or an an official business directional sign as defined by this chapter, no later than 6 years after January 1, 1978.

Sec. 8. 23 M.R.S.A., Section 1913, Subsection 1, as last amended by P.L. 1981, C. 311, is repealed.

STATEMENT OF FACT

Based on the suggestions of businesses and the public at three public workshop sessions conducted by the Department of Transportation, this bill amends the Maine Traveler Information Services Act to permit the Department of Transportation to develop more flexible guidelines in the installation of directional signs. This bill also corrects some technical errors.

1. Section 1 repeals the definition of "residential directional sign," which category is no longer in the law.
2. Section 2 adds a representative of the sign design and fabrication industry to the Traveler Information Advisory Council.
3. Section 3 will permit the Department to enter into agreements with municipalities for distinctive, local directional signing which are consistent with the policy and purposes of the Act rather than the more stringent standard of having to strictly conform to the Department's directional signing regulations. The Traveler Information Advisory Council will no longer be required to review each agreement.
4. Section 4 eliminates the requirement that all directional signing be totally uniform and will permit the Department to

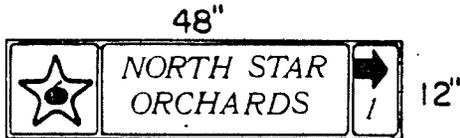
adapt more flexible regulations. This change will particularly aid small businesses by allowing for less expensive signing.

5. Section 5 eliminates the requirement that each business may only erect two directional signs of the maximum size.
6. Section 6 reestablishes the time schedule as set forth by the first Maine Traveler Information Services Act, P.L. 1977, C. 494. This time schedule was inadvertently not properly referenced when the second Maine Traveler Information Services Act, P.L. 1981, C. 318, was enacted.
7. Section 7 permits directional signs erected under prior law which are conforming with existing law to remain.
8. Section 8 repeals P.L. 1981, C. 311, An Act to Exempt Certain Signs from the Billboard Law, which exemptions are no longer necessary since the Department will be able to adopt more flexible regulations providing the option of less expensive signing to all businesses.

HIGHLIGHTS OF PROPOSED OBDS

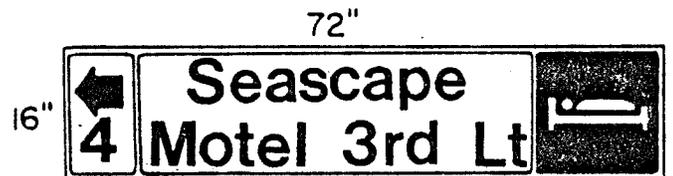
REGS. 12-16-81

NONREFLECTORIZED



1. \$ 5.00 ANNUAL FEE.
2. SIGN AND POST TO BE ERECTED BY APPLICANT.
3. SIGNS PERMITTED ON ALL HIGHWAYS EXCEPT INTERSTATE AND FULLY CONTROLLED ACCESS HIGHWAYS.
4. ANY COLORS MAY BE USED.
5. LOGO MAY BE OF ANY COLOR AND OCCUPY THE ENTIRE SIGN FACE EXCEPT FOR THE DIRECTIONAL BOX.
6. LETTERING AND LAYOUT TO CONFORM TO GOOD GRAPHIC PRACTICES.

REFLECTORIZED



1. \$ 25.00 ANNUAL FEE
2. SIGN AND POST TO BE ERECTED BY D.O.T.
3. SIGNS PERMITTED ON ALL HIGHWAYS EXCEPT INTERSTATE AND FULLY CONTROLLED ACCESS HIGHWAYS.
4. WHITE LETTERING ON A BLUE BACKGROUND; ENGINEERING GRADE REFLECTIVE SHEETING.
5. LOGO MAY BE OF ANY COLOR.
6. HELVETICA MEDIUM LOWER-CASE LETTERING WITH INITIAL UPPER-CASE REQUIRED. LAYOUT SPECIFIED.

SECOND DRAFT OF PROPOSED OBDS REGULATIONS
12/14/81

200.01 DEFINITIONS

- A. Logo. A single or multicolored symbolic design of a business, service facility, or point of interest used to identify its product or services.
- B. Official Business Directional Sign. An official business directional sign is a sign erected and maintained in accordance with the Maine Traveler Information Services Act and these regulations to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest.
- C. Public Way. Public way means any road capable of carrying motor vehicles, including, but not limited to, any State highway, municipal road, county road, unincorporated territory, or other road dedicated to the public.
- D. Sign Assembly. A sign assembly is the tiering of more than one official business directional sign on a support assembly.
- E. Symbol. There are two classes of symbols. The first class is a symbolic design used to identify traveler services and approved for use by the National Advisory Council on Uniform Traffic Control Devices and adopted by the Maine Department of Transportation as set forth in Figure 2. The second class of symbols are those designs which may be adopted by the Maine Department of Transportation for a particular category of business or point of interest as set forth in Figure 3.
- F. Traffic Control Sign or Device. Traffic control sign or device means an official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry, or airport, or sign regulating traffic which has been erected by officials having jurisdiction over the public way.

200.02 LOCATION

A. General Requirements

Official business directional signs shall be located within the highway right-of-way on approaches to intersections where travelers must change direction from one public way to another to reach a business, service, or point of interest. A business, service facility, or point of interest shall not be permitted more than one

sign at any one intersection approach. Each place of business, service, or point of interest shall be eligible for a maximum number of six official business directional signs. To qualify for an official business directional sign, the business, service, or point of interest must be within a ten mile radius of the proposed location of the sign.

Official business directional signs shall be located so as to avoid visual conflict with other signs, to have the least impact on the scenic environment and to take advantage of the natural terrain. Official business directional signs shall not be permitted at locations where the directional information contained thereon may be misinterpreted, misleading, or otherwise confusing to the traveling public.

B. Interstate and Controlled Access Highways

Official business directional signs shall not be permitted within the right-of-way of the interstate highway system and fully controlled access highways.

C. Lateral Clearances

The near edge of official business directional signs shall be located at least ten feet outside the highway shoulder except that in areas where insufficient right-of-way exists to maintain this clearance, or where physical obstructions make such a distance impossible, the near edge shall be located the maximum practical lateral distance from the edge of the traveled way. In urban areas signs shall be at least one foot from the curb face.

D. Distances

Official business directional signs must be within 2,500 feet of the intersection where a change in direction is required unless otherwise permitted under Section 200.06.

Official business directional signs shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device. Traffic control signs or devices placed at intersection approaches subsequent to the placement of official business directional signs shall have precedence as to location and may require the relocation of official business directional signs. Unless traffic safety is not adversely affected, official business directional signs in general shall be at least 200 feet from traffic control signs or devices.

Successive business directional sign assemblies shall be spaced sufficiently apart for drivers to comprehend the messages contained thereon.

E. Sign Assemblies

There shall be a maximum of three official business directional signs per assembly and each sign shall be mounted three inches from the next sign below or above it. Reflectorized and nonreflectorized signs shall not be mounted on the same sign assembly.

F. Sign Clusters

Notwithstanding 200.02E, sign clusters may be permitted whenever the Department determines that highway safety and visual quality will not be adversely affected.

G. Vertical Distances

Sign assemblies shall be erected so as to provide a minimum of five feet vertical clearance between the lower edge of the bottom sign and the surface of the highway. Signboards located near pedestrian and parking areas may be required to have a vertical clearance of seven feet.

200.03 MATERIALS

Sign panel material shall be high density overlaid plywood a minimum of one-half inch thick or other material sufficiently stable not to deform under normal conditions of weather and use. All materials furnished under this Section shall be durable and weather resistant.

200.04 REFLECTORIZED SIGNS

A. General

Reflectorized signs shall be standard in design, color, and reflectorization.

Sign legends shall be specific in identifying the name of the appropriate business or other service. Messages, symbols, and logos which interfere with, imitate, or resemble any official traffic control device or serve to advertise rather than identify a business are prohibited.

B. Size

Sign sizes, layout, and letter sizes shall conform to the dimensions and details shown in Figure 1. To protect highway safety and visual quality, the Department may require smaller sized signs for certain intersections and areas.

All signs in a sign assembly shall be the same size. Sign sizes at a particular location must be consistent with the visual and aesthetic character of that location and with sign sizes which have been previously approved.

C. Color

The background color of all signs shall be blue and shall be in accordance with highway blue color tolerance charts PR-Color #3.

All legend and border shall be silver. The edges and back of the signboards shall be sealed and painted brown. Specific color requirements shall be in accordance with the latest color tolerance charts published by the Federal Highway Administration and available at the office of the Maine Department of Transportation in Augusta. The logo may be of any color or colors.

D. Lettering and Layout

All lettering used in the name of the business or service, including the directional legend, shall be Helvetica medium lower-case lettering with initial upper-case. Letter sizes shall be as shown in Figure 1.

Sign legends shall begin in the upper left-hand corner of the space provided. Single line legends, if used, shall occupy the top line of the space starting in the upper left-hand corner.

Directional legend shall be located on the left edge or the right edge of the sign depending upon whether a left turn or a right turn is required. The distance in miles from the intersection to the business, service facility, or point of interest shall be shown below the directional arrow.

The logo or symbol, if used, shall be located on the opposite end of the sign from the directional arrow.

Layout of the signboard and legend including the logo and symbol shall conform to good graphic layout practices.

E. Symbols and Logos

A symbol or logo may be used at the owner's option. If a symbol is used, it shall be identical to the appropriate design as set forth in Figures 2 and 3.

F. Reflectorization

The background, sign legend, and border of all signs shall be reflectorized with reflective sheeting to show the same shape and

color for both day and night. Reflective sheeting shall consist of a smooth, flat exterior film with spherical glass lens elements embedded beneath the surface and a precoated adhesive backing protected by a removable liner. Reflective sheeting shall meet the requirements of Federal specifications LS-300B available at the office of the Department of Transportation in Augusta.

Illumination by special interior or exterior supplemental lighting is not permitted.

G. Installation and Maintenance

Official business directional signs shall be furnished by the owner or the applicant. The signs shall be installed by the State at approved locations on sign posts furnished by the State. The State shall be responsible for maintenance of the sign supports.

Signboards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the State.

The owners of official business directional signs which represent businesses, service facilities, or points of interest no longer offering such traveler assistance, or signs which are no longer applicable because of business name changes, business relocations, or for any other reason, shall notify the State to have such signs removed.

Failure to properly maintain the sign panel by the owner including covering seasonal signs and notifying the State that signs are no longer applicable may result in removal of such signs by the State.

200.05 NONREFLECTORIZED SIGNS

A. General

Sign legends shall be specific in identifying the name of the appropriate business or other service. Messages, symbols, and logos which interfere with, imitate, or resemble any official traffic control device or serve to advertise rather than identify a business are prohibited.

B. Size

Each sign shall be twelve inches in vertical length and forty-eight inches in horizontal length.

C. Color

Any color or colors may be used provided, however, that the lettering of the legend shall be one color and the background shall be a uniform second color.

The edges not on the sign face and back of the signboards shall be sealed and painted brown.

D. Lettering and Layout

Lettering and layout, including logo or symbol, shall conform to good graphic layout practices.

Directional legend shall be located on the left edge or the right edge of the sign depending upon whether a left turn or a right turn is required. The distance in miles from the intersection to the business, service facility, or point of interest shall be shown below the directional arrow.

Borders shall conform to the layout for the twelve inch by forty-eight inch sign shown in Figure 1.

E. Symbols and Logos

The logo or symbol, if used, may be located on all or part of the signboard. If a symbol is used, it shall be identical to the appropriate design as set forth in Figures 2 and 3.

F. Installation and Maintenance

Official business directional signs shall be erected by the owner or the applicant at locations approved by the Department. The sign post shall be at least four inches by four inches square and of suitable height for three signs.

Signboards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced and reinstalled by the owner.

The owners of official business directional signs which represent businesses, service facilities, or points of interest no longer offering such traveler assistance, or signs which are no longer applicable because of business name changes, business relocations, or for any other reason, shall notify the State to have such signs removed.

Failure to properly maintain the sign panel by the owner including covering seasonal signs and notifying the State that signs are no longer applicable may result in removal of such signs by the State.

200.06 WAIVER

Whenever the Commissioner determines that at a particular approach to an intersection the standards for sign assemblies as set forth in Section 200.02 will adversely affect highway safety or the visual quality of the immediate neighborhood, the Commissioner may impose more stringent standards including prohibition.

Whenever the Commissioner determines that a change in the distances, number of signs per assembly, and number of assemblies at an approach to an intersection will not interfere with highway safety nor adversely impact the visual quality of the immediate neighborhood, the Commissioner may waive the requirements contained in Section 200.02D and E.

The Commissioner may waive the specific requirements for location and number if an applicant can show unusual hardship due to conditions of topography, access or other physical characteristics.

In place of official business directional signs, the Commissioner or his designee may order the installation of an Official Information Center to be located within a reasonable distance of the intersection. Once a plaza is established, no official business directional sign shall be permitted at such intersection.

The Commissioner may designate members of the Department to exercise the responsibilities of this section.

200.07 SEASONAL BASIS

A. General

The owner of a business, service, or point of interest closed for sixty (60) or more consecutive days at any one time shall be required to cover the directional legend (mileage and arrow) of official business directional signs during the off-season. The cover will be held firmly in place so as not to injure or deface the signboard.

Applicants for a seasonal directional sign shall state the beginning and ending of the operating season and shall notify the Department of any changes.

200.08 PERMITS

A. Review and Approval of Application

Application for an official business directional sign shall be made on forms furnished by the State. Applications will be processed and permits issued in the order of receipt of applications by the State.

Any application for an official business directional sign is subject to review by the Department. The Department shall have final responsibility and authority to determine the specific size and location of any sign. Signs not deemed to meet the intent and purpose of the law or the criteria established in these regulations shall not be approved or erected.

B. Conformity with Laws

The owner of each business, service facility, or point of interest identified on an official business directional sign shall provide written assurance to the State that the existence of the business is in conformity with all applicable laws concerning licensing, zoning, and nondiscrimination.

The applicant for an official business directional sign shall provide certification from an appropriate municipal official that the proposed sign is in conformity with all applicable municipal sign ordinances.

C. Application Fees

Applications shall be accompanied by an initial permit fee of \$25.00 for each reflectorized sign and \$5.00 for each nonreflectorized sign. The initial permit fee will apply to installation for the remainder of the calendar year but will not be prorated for any fraction of a year.

D. Renewal Fees

Permits are to be renewed annually on January 1 at an annual cost of \$25.00 for each reflectorized sign and \$5.00 for each nonreflectorized sign.

Failure to pay renewal fees within thirty days will result in removal of signs by the State. Renewal fees are not refundable for installations of less than a full year.

E. Nontransferability

Permits for the installation of directional signs are not transferable. Any change in ownership of a business, service, or point of interest shall require reapplication and approval.

F. Variances

The Commissioner may alter the specific requirements for the number and location of signs as set forth in Section 200.02A if an applicant for a license can show unusual hardship due to conditions of topography, access or other physical characteristics.

200.09 HEARINGS

In instances where an application is not approved, the Commissioner shall return the application and fee stating the reasons for refusal and giving the applicant an opportunity to correct any defects or to be heard by the Commissioner or his designee within thirty (30) days. Upon written request by the applicant, the Commissioner or his designee shall hear the matter and notify the applicant of his findings and decision. Any person aggrieved by the decision of the Commissioner may, within thirty (30) days of receipt of the notice thereof, appeal to the Superior Court in the county where the sign is proposed to be located.