Outdoor Advertising Brochure

Department of Transportation
Outdoor Advertising Control Branch
200 N.E. 21st Street Rm 2-A1
Oklahoma City, OK 73105
Office: 405-521-3005
Fax: 405-522-0386

(*Photo by Russell Perkins*)

TABLE OF CONTENTS

Introduction..... 2

Fee List 3

Application for Sign Registration & Permit 4

Anatomy of a Sign with Illustrations 6

Unzoned Commercial Industrial Area Illustration 7

Adjacent or Control Area Illustration (Divided Roadway) 8

Adjacent or Control Area Illustration (Undivided Roadway).....9

Confirmation of Zoning Form (Z-504) 10

Memo to Zoning Authorities 11

FHWA Bulletin re: Annexation & Zoning 12

Application for Highway Advertising License 14

Oklahoma State Statutes re: Outdoor Advertising Control 15

Oklahoma Administrative Code re: Outdoor Advertising Control.....30

Determining Intent of Advertising Device (OAC-Pro 6.117-2).....53

Changeable Electronic Variable Message Signs (OAC-Pro 6.117-14).....55

Vegetation Clearing Agreement Application 58

Reference for Sign Relocation & Vegetation Clearance Permits 64

HBA Regulated Routes 65

OKLAHOMA DEPARTMENT OF TRANSPORTATION

Outdoor Advertising Control Branch
200 N.E. 21st Street, Room 2A1
Oklahoma City, OK 73105-3204
(405)521-3005

Dear Sign Owner or Applicant:

Enclosed are rules and regulations, a fee list and other information pertaining to the outdoor advertising control program in the State of Oklahoma. Included in this packet are application forms for the following:

1. **Sign Registration and Permit (for each individual sign or sign site.) The requirements for a complete application are as follows:**

- The application must be completely filled out and notarized.
- If the applicant is not the landowner then written land use consent must be submitted. (Signs cannot be placed on or overhang state rights-of-way.)
- The proposed sign location must be staked, flagged or visibly marked in some manner. A photograph of the intended location must then be submitted with the application. (Please keep in mind that this photograph is used by inspectors to help find the proposed location, so be sure to include surrounding area when taking your photographs.)
- When applying for a Class "A" Permit, the location must be either zoned commercial/industrial, or the site can be un-zoned, but must be within 600 feet of a conforming commercial or industrial business. (See rules for definitions of these qualifiers.) In cases of zoned areas, a Zoning Confirmation form (Form Z-504,) or some other official document confirming the zoning designation must be submitted with the application. For other Class "A" Permit requirements be sure and review Section 730:35-5-12 of the Oklahoma Administrative Code, which is included in this packet.
- A one-hundred dollar ($100) application fee must be submitted with each application. Please keep in mind that this is an application fee only and is non-refundable. (Permit renewal fees are twenty ($20) dollars, and are renewed every two years. Notices are sent out the first of every month due.)

2. **Outdoor Advertising License (A license is only required if advertisement, other than your own is placed on your sign.) The requirements for a complete license application are as follows:**

- The application must be completely filled out and notarized.
- A four-hundred dollar ($400) application fee is required for new license applicants. (The renewal fee for an outdoor advertising license is two-hundred dollars ($200) every year thereafter, and expires every June 30th. Renewal notices are sent out the first of every June.)
- Part II of the form is to supply information concerning an Agent for Service of Process. This portion of the form is only required to be completed by companies or individuals who are not physically located or residing in the State of Oklahoma.

There is a color-coded map depicting which highways are "regulated" and therefore fall within the control of the Highway Beautification Act. State maps can be sent to you upon request.

Please be advised that permits issued from this office shall not be construed to supersede or override any ordinance, act or rule of a city, town, county, zoning authority or other duly constituted regulatory body, which may forbid or otherwise restrict the sign, the signal structure, any message displayed, or any other incident of control of the sign or its use.

We appreciate you taking the time to review the enclosed information and would be happy to answer any questions or discuss any concerns you might have concerning our program or any of your outdoor advertising sign issues.

Respectfully,

Barbara Hoppes

Barbara Hoppes
Transp. Mgr., Outdoor Advertising Control Branch

OUTDOOR ADVERTISING CONTROL BRANCH

FEE LIST

Sign Permit Application (Initial) $100.00

Sign Permit Renewal (Biennial) ..... $ 20.00

Outdoor Advertising License (New) $400.00

Outdoor Advertising License Renewal*.....$200.00

Penalty for Late License Filing* .....$ 50.00

Replacement Title (Registration Certificate) .....$ 25.00

Replacement Registration Tag .....$ 25.00

Title of Registration Transfer** .....$ 25.00

* Annual license renewal is due by June 30 of each year. This fee is not pro-rated. For every month late, a penalty is added to the renewal fee. (Deadline is determined by post-mark on received envelope.)

** Title transfers are required to be fully executed on back, and must be accompanied with land use consent (with new owner) or lease assignment. (Proof of payment, such as a cancelled check, will suffice.)

OKLAHOMA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR SIGN REGISTRATION & PERMIT
(See back of form for instructions.)

FOR OFFICIAL USE ONLY		
MGR. INITIALS	OWNER NO.	REG. NO.
$100.00 FEE AMOUNT	APPLICATION NO.	SIGN FILE NO.

Part I - SIGN OWNER INFORMATION

101 Applicant's Name: _____ 102 Address: _____

103 City: _____ 104 State: _____ 105 Zip Code: _____

106 Telephone No. (_____) _____ 107 Fax No. (_____) _____ 108 Email Address: _____

Part II - LOCATION OF SIGN SITE

201 Located on Hwy.: _____ 202 Side of Hwy.: _____ (N S E W) 203 County Name: _____ 204 City Name: _____

205 Nearest Intersecting Hwy.: _____ 206 Direction from Intersection: _____ (N S E W) 207 Distance from Intersection: _____ (Miles & Tenths) 208 Distance from Right-of-Way: _____ (Feet)

Part III - LAND OWNER INFORMATION (No. Assigned: _____)

301 Land Owner's Name: _____ 302 Address: _____

303 City: _____ 304 State: _____ 305 Zip Code: _____

306 Telephone No. (_____) _____ 307 Have you enclosed proof of land use consent? ☐ YES ☐ NO

Part IV - PHYSICAL DESCRIPTION OF SIGN

401 DIMENSIONS: Height of Facing: _____ ft. (Cannot exceed 25 ft.) Width of Facing: _____ ft. (Cannot exceed 60 ft.) Overall Height Above Ground: _____ft. (No limit by state)

402 TYPE OF SIGN: ☐ Single ☐ Side-by-Side ☐ Stacked ☐ V-Type (Cannot exceed 30 ft.) ☐ Back-to-Back ☐ Tri-Vision (Rotating Slats)

403 NO. OF PANELS: _____ (Advertising Displays) 404 WILL SIGN BE ILLUMINATED? ☐ YES ☐ NO If yes, will it be an LED/digital display? ☐ YES ☐ NO

Part V - ZONING AND COMMERCIAL/ INDUSTRIAL QUALIFICATIONS (One of these options is required for Class A Permit. However if applying for a Class C (Informational) Permit, this section does not apply.)

ZONED AREA ONLY

501 - Is proposed location zoned? ☐ YES ☐ NO
(If answer is no, then go directly to Item 505.)

502 - What is the zoning designation? _____
(Must be some type of commercial, industrial or business designation.)

503 – Who is the zoning authority? _____

504 – If the area is zoned, a Zoning Confirmation from must be completed and attached. (Form OAC Z-504 or its equivalent.)

UNZONED AREA ONLY

505 - Is proposed location within 600 ft. of a conforming business? (Refer to OAC §730:35-5-12[a][2])
☐ YES ☐ NO

506 - What is the name of the business?
_____

507- Please attach a diagram depicting the layout of the business and the proposed sign site.

Part VI – ACKNOWLEDGMENT

Have you read all of the statutes and regulations pertaining to outdoor advertising control? ☐ YES

REMARKS:	Inspector Pre-review:

STATE OF: _____
County of: _____ §
_____ being of lawful age and first duly sworn upon oath deposes and states the following:

I, on behalf of _____ myself (or) _____ as authorized representation of the organization listed above as Applicant, so attest that I have read the foregoing information and that the facts set out therein are true and correct to the best of my knowledge and belief.

NOTARY PUBLIC:
Subscribed and sworn to me this _____ day of _____, 20

My commission expires: _____.

_____
Signature of Applicant or Representative

_____
Signature of Notary

GENERAL INSTRUCTIONS:

(1) Read through this entire set of instructions before attempting to fill out the application form.
(2) All entries must be legibly printed or typewritten. Any omission of required information may result in the rejection of this application.
(3) An application fee of $100, payable to the Oklahoma Department of Transportation, per sign location, must be submitted with all applications. The fee is non-refundable.

PART I - SIGN OWNER INFORMATION

101 – Applicant's Name: Give the full name of the person, firm or corporation to which the registration and permit are to be issued.
102 – Address: Sign owner's responsibility to keep updated.
103 - 105: Self-explanatory.
106 - 108: Please supply all if available.

PART II - LOCATION OF SIGN SITE

201 - Located on Highway: Provide the complete highway designation and number as posted on the highway, adjacent to where you intend to build your sign. The designation should include the prefix I (Interstate) U (US Highway,) S (State Highway,) T (Turnpike,) and any other suffixes such as BUS (Business,) ALT (Alternate,) BYP (Bypass,) E (East,) W (West,) N (North,) or S (South) if applicable.
202 - Side of Highway: Enter N, S, E or W indicating the side of highway upon which you intend to construct your sign.
203 - County Name: Enter the name of the county in which the sign will be located.
204 - City Name: If the sign will be located inside the corporate limits of any city or town, enter the name. Otherwise, enter the word "none".
205 - Nearest Intersecting Highway: Provide the complete highway designation (see 201 above,) of the nearest numbered highway (or turnpike,) which intersects the highway adjacent to your sign location. (Highway you entered on item 201.)
206 - Direction from Intersection: Enter N, S, E or W, indicating the direction from the intersection that your sign will be located.
207 - Distance from Intersection: Enter the distance in miles and/or tenths that your sign will be located from the intersection.
208 - Distance from Right-of-Way: Enter your best estimate of the distance, in feet, from your sign location to the nearest right-of-way boundary of the highway entered in item 201. (If you are unsure of the right-of-way boundaries, you can contact the local ODOT office in your area, and they can provide you with this information. If you need contact information for your area can be obtained from the OAC Branch.) Please keep in mind it is YOUR responsibility to ensure you are not encroaching on state right-of-way.

PART III - LAND OWNER INFORMATION (No. to be assigned by ODOT.)

301 - 306 - Self Explanatory
307 - If applicant is not land owner, a form of written land use consent must be submitted with the application. The location of the sign site must be referenced, and all owners of record must sign the document. Time frame referenced on the document must be current. Be sure to build and maintain your sign on the property of the given landowner. Do not encroach on state right-of-way.

PART IV - PHYSICAL DESCRIPTION OF SIGN

401 - Dimensions: Enter the following dimensions in feet: (Refer to drawings enclosed in outdoor advertising information packet if necessary. Contact the Outdoor Advertising Control office for copies.) Be sure to consider that any cut-outs or extensions that extend outside of the regular portion of a sign are also configured into the overall height and/or width of facing. The overall square footage of the advertising display area is limited to 1200 sq. ft per facing (direction).

A. Height of facing, including border and trim, but not the apron. (Cannot exceed 25 ft.)

B. Width of facing, including border and trim. (Cannot exceed 60 ft.)

C. Overall Height Above Ground, includes the distance from the top of the sign to the ground. State and Federal regulations do not limit the height above ground, only the height and width of the facing.

402 - Arrangement of Panels: Check only the types that apply to your intended sign.

PART IV - PHYSICAL DESCRIPTION OF SIGN (continued)

403 - Number of Panels: Each separate advertising display attached to a sign structure constitutes a panel. For example, a double-stack, back to back type structure would have four panels.
404 - Is Sign Illuminated? Check "yes" only if artificial illumination will be provided for the sign. Reflectorized signs without other illumination are not included in this category. If you intend to utilize LED/digital type illumination, you will need to refer to the Tri-Vision guidelines for guidance.

PART V - ZONING AND COMMERCIAL/INDUSTRIAL ACTIVITIES

One of these qualifications ***must*** be met to obtain a Class "A" Permit. (If you are applying for a Class"C" sign (Ref: OAC 730:35-5-13,) this section does not apply.) Commercial or industrial business must meet standards as designated under OAC 730:35-5-12[a][2].

ZONED AREA

501 - Is proposed location zoned? Must be zoned by an official zoning authority recognized by the State of Oklahoma as thus.
502 - What is the zoning designation? Must be some type of commercial, industrial or business zoning. Agricultural or Residential will disqualify the location. In the case of PUD, SPUD or Corridor, a copy of the approved development plan must be attached.
503 - Who is the zoning authority? Enter name of entity that has zoned the property.
504 - A Zoning Confirmation form (Z-504) must be completed, including signature of zoning official, and submitted with the application. These forms are provided in the outdoor advertising information packet, or can be obtained thru the Outdoor Advertising Control office. (Other official confirmation can be acceptable in lieu of this form.)

UNZONED AREA

505 - If area is unzoned, then your sign location must be within 600 ft. of a qualifying commercial or industrial activity. The 600 ft. distance is measured from the nearest point of a regularly used portion of the business then along the highway to the sign location. The distance between these two points cannot exceed 600 ft.
506 - Self explanatory.
507 – Diagram must be clearly labeled and include measurements or distances which confirm that proposed sign site is located within the required 600 feet of a regularly used portion of the business. (Hand rendered drawings are acceptable.)

PART VI - ACKNOWLEDGMENT

Rules and regulations pertaining to the control of outdoor advertising can be found in Title 69 O.S. §1271 et. seq. and OAC Title 730:35-5 et. seq. Copies of regulations can be obtained from the OAC office.

REMARKS

You may use this space for any additional comments or information that you consider applicable.

APPLICANT SIGNATURE AND NOTARY PUBLIC

Each application for sign registration and permit must be made under oath. The oath provided on this form must be fully executed, including notary's stamp and signature. False or erroneous information provided on the application form can be grounds for denial or revocation.

PHOTOGRAPHS/GPS Location

Each application must be accompanied by two photos of the staked location, and GPS coordinates, where the sign is intended to be constructed. The photos should be taken from two different angles to assist ODOT personnel in locating the proposed site. These photos will also document your intent of designated site.

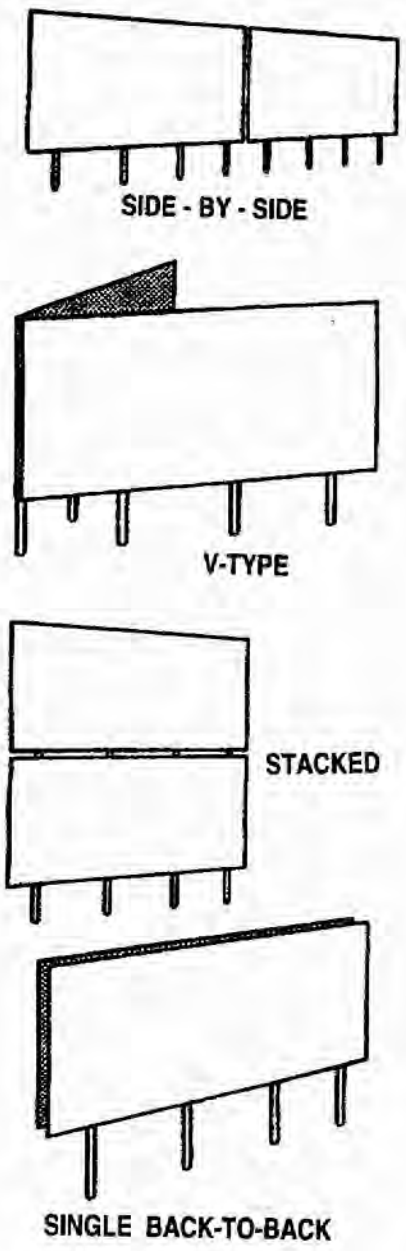
DISPOSITION

The original, fully completed, notarized application form along with photos, proof of land use consent and $100 fee should be sent to the following address:

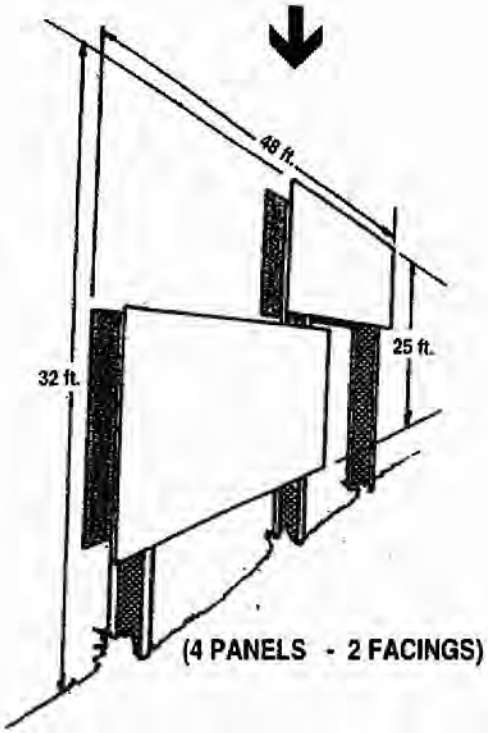
Oklahoma Department of Transportation
Outdoor Advertising Control Branch
200 N.E. 21st, Room 2A1
Oklahoma City, OK 73105

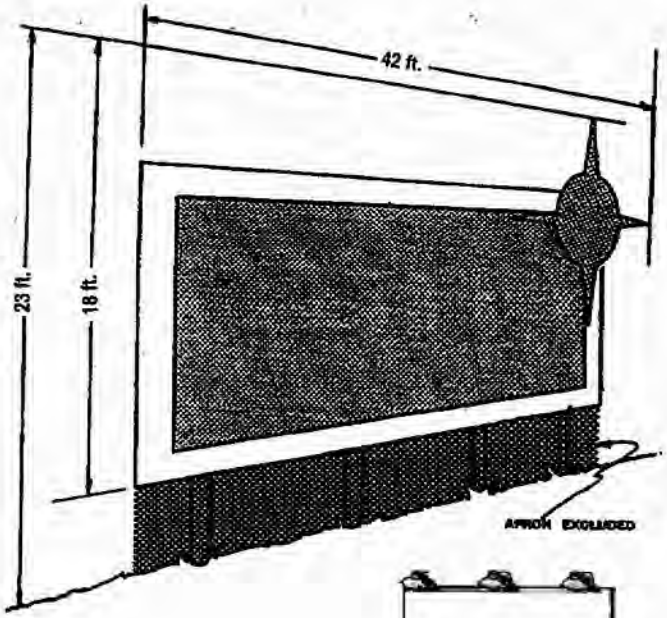
Telephone: (405)521-3005
Fax: (405)522-0386

Sign Structure Types



How Signs are Measured





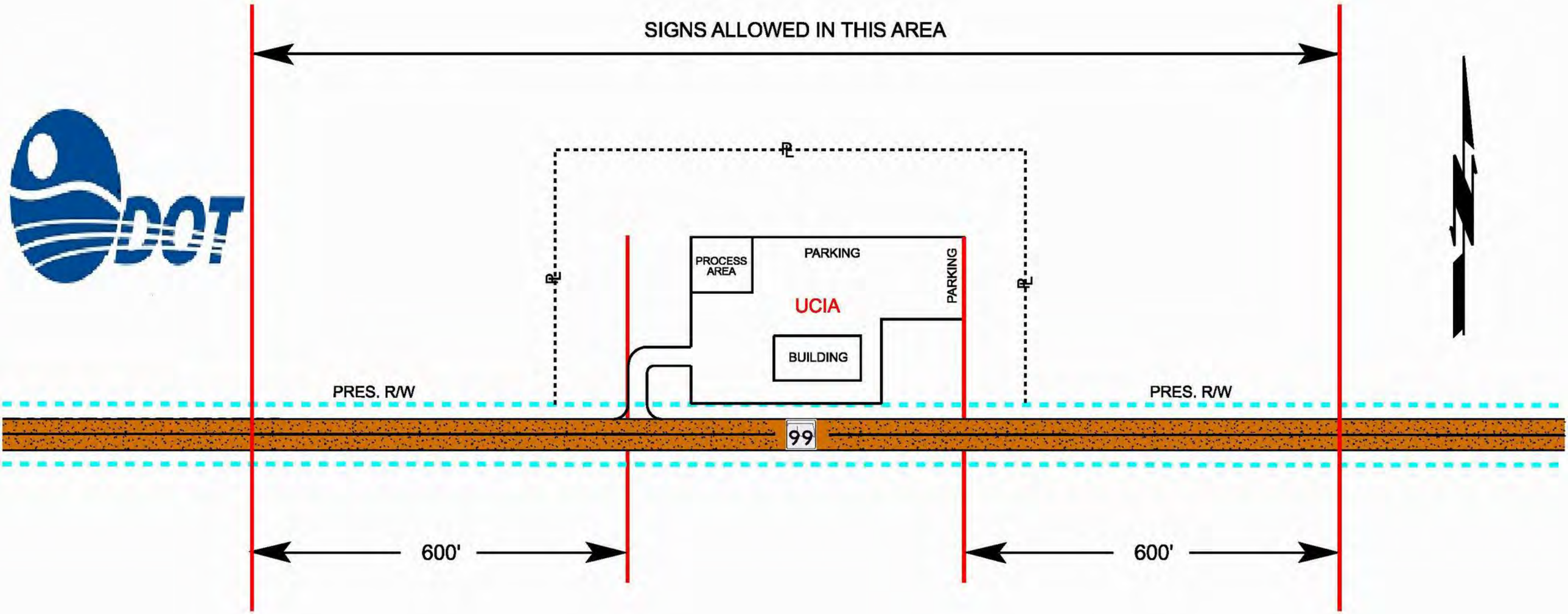
Anatomy of a sign...

Sign Facing: The complete advertising display in one direction. (One facing can have up to two panels.)

Sign Panel: The individual advertising surfaces per facing. (Signs are limited to two panels per facing.)

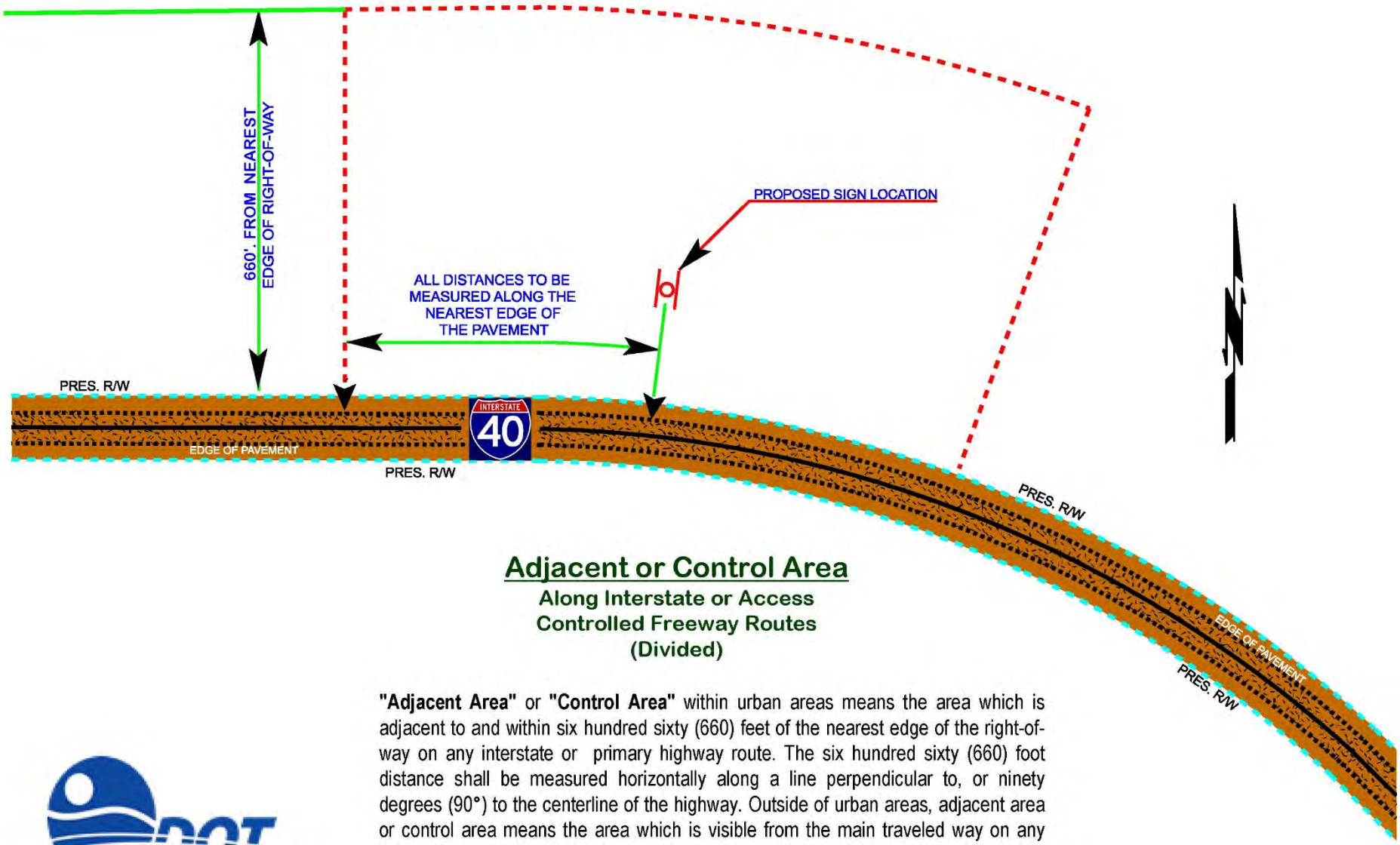
- Signs are limited to 1200 sq. ft. per facing.
- Facings cannot exceed 25 ft. in height.
- Facings cannot exceed 60 ft. in width.

Un-zoned Commercial Industrial Area



An Un-zoned Commercial/Industrial Area (UCIA) is applicable to both sides of the highway when adjacent to Non-Interstate, Primary Routes (Un-Divided.) When adjacent to Interstates or fully controlled access Freeways (Divided,) a UCIA only applies to the same side of highway upon which the activity is located. A UCIA must be located within 660 ft. of the right-of-way, easily visible and recognizable as a business from view of the highway and otherwise meet general criteria as outlined in *Section 730.35-5-12 (a)(2)* of the Oklahoma Administrative Code.

Revised 11/5/2015



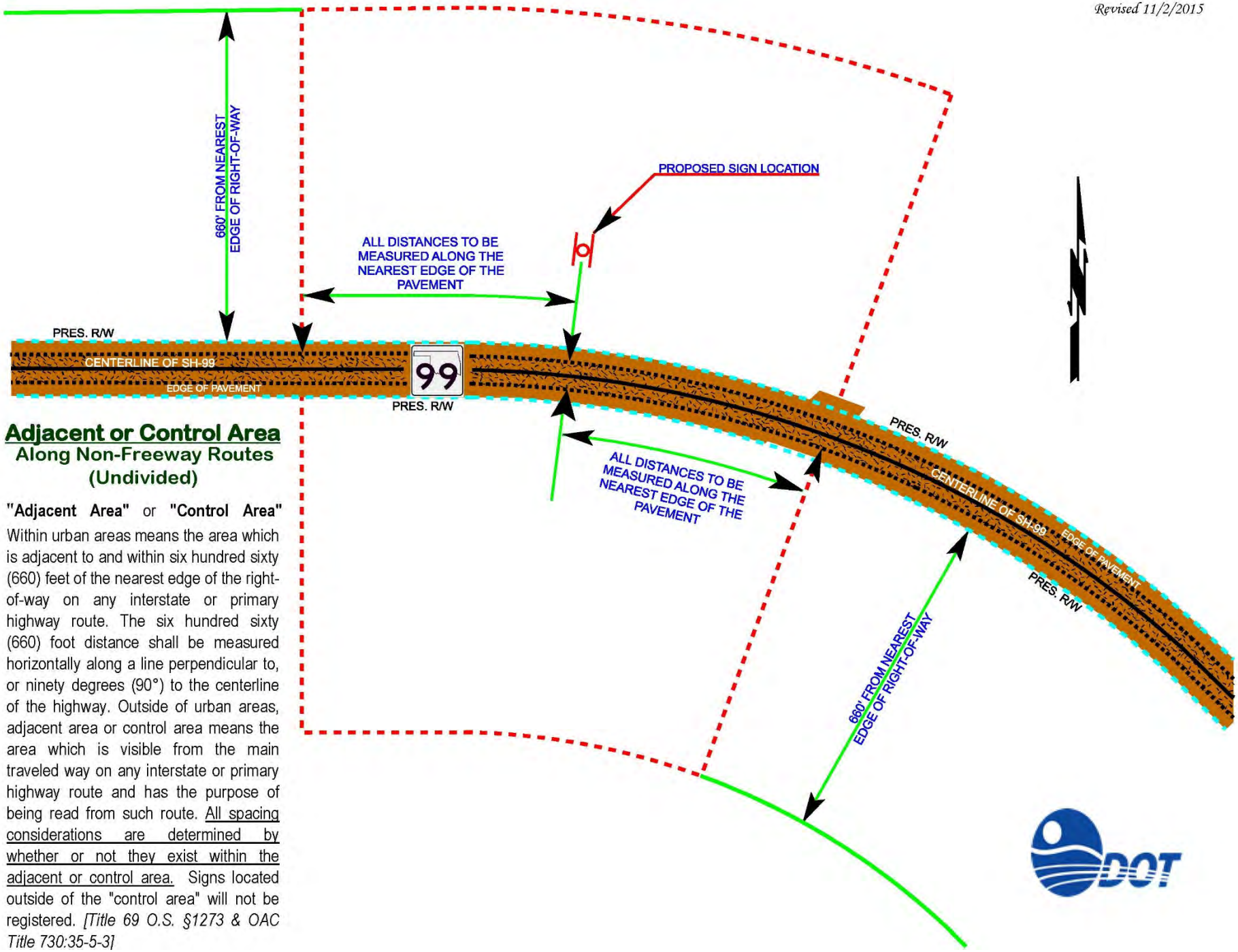
Adjacent or Control Area

Along Interstate or Access Controlled Freeway Routes (Divided)

"Adjacent Area" or **"Control Area"** within urban areas means the area which is adjacent to and within six hundred sixty (660) feet of the nearest edge of the right-of-way on any interstate or primary highway route. The six hundred sixty (660) foot distance shall be measured horizontally along a line perpendicular to, or ninety degrees (90°) to the centerline of the highway. Outside of urban areas, adjacent area or control area means the area which is visible from the main traveled way on any interstate or primary highway route and has the purpose of being read from such route. All spacing considerations are determined by whether or not they exist within the adjacent or control area. Signs located outside of the "control area" will not be registered. *[Ref. Title 69 O.S. §1273 & OAC Title 730:35-503]*

Revised 11/2/2015

Revised 11/2/2015



Adjacent or Control Area
Along Non-Freeway Routes (Undivided)

"Adjacent Area" or **"Control Area"** Within urban areas means the area which is adjacent to and within six hundred sixty (660) feet of the nearest edge of the right-of-way on any interstate or primary highway route. The six hundred sixty (660) foot distance shall be measured horizontally along a line perpendicular to, or ninety degrees (90°) to the centerline of the highway. Outside of urban areas, adjacent area or control area means the area which is visible from the main traveled way on any interstate or primary highway route and has the purpose of being read from such route. All spacing considerations are determined by whether or not they exist within the adjacent or control area. Signs located outside of the "control area" will not be registered. *[Title 69 O.S. §1273 & OAC Title 730:35-5-3]*

Confirmation of Zoning

(Must be completed for each zoned location)

Name of Applicant: _____

Location of Property: _____
(Location description must coincide with description given on the application form.

In the Corporate Limits of: _____
(If not inside the corporate limits of any town or city Please enter none.)

► The remainder of this form must be completed by the proper zoning authority. ◄

1. **What is the zoning designation of the above-referenced property?**

   _____

2. **Does your city/county have a comprehensive zoning/development plan? (An official plan or map which outlines the intended use of properties located inside of your jurisdiction.) _____ Yes _____ No**

3. **If yes, does the above-referenced property's zoning designation meet with the plan guidelines? _____ Yes _____ No**

4. **Was this zoning designated within the last two years? _____ Yes _____ No (If yes, a copy of the zoning application and the approved documentation must be attached.)**

_____ _____
Name of Authority (City, County etc.) **Telephone No.**

_____ _____
Printed Name of Zoning Official **Title**

_____ _____
Signature of Zoning Official **Date**

***If the zoning designation is PUD, SPUD or Corridor, a copy of the approved plan must be submitted with application.**

(Notice: Completion of this form does not constitute official permission or clearance from any local government - this form is solely for the purpose of zoning verification to be used by the Oklahoma Department of Transportation.)

OKLAHOMA DEPARTMENT OF TRANSPORTATION
200 N. E. 21st Street
Oklahoma City, OK 73105-3204

Memo to: Executive Directors, County Commissioners, City Managers

From: Montie Smith, Outdoor Advertising Control Program Manager

Date: January 15, 2008

Subject: Spot or Strip Zoning/Annexation for Outdoor Advertising (Non- compliance can cause Federal Funds to be withheld)

We are requesting that you read the attached Bulletin which includes information on the Option implemented by the Federal Highway Administration (FHWA) on spot or strip zoning and/or annexation for the purpose of erecting outdoor advertising signs. The policy pertains to withholding Federal funds from cities and counties that do not control local actions taken primarily to allow the erection of outdoor advertising signs.

Information in the Bulletin originated from the Federal Highway Beautification Act of 1965. States were required to pass legislation to "effectively control" outdoor advertising adjacent to certain categories of highways. (We have enclosed a map depicting these regulated routes in Oklahoma.) Oklahoma followed this mandate and passed legislature which can be found in the provisions of the Oklahoma State Statutes, Title 69, § 1271-1286.

If you have any questions pertaining to compliance with this Bulletin, please contact the Outdoor Advertising Control office at (405)521-3005. Your cooperation and assistance in ensuring that Federal standards are met is greatly appreciated.

Enclosures

cc: Gary Ridley, Director - ODOT
John Fuller, Chief Engineer - ODOT
David C. Streb, Director of Engineering-ODOT
Kurt A. Harms, Chief, Right-of-Way Division-ODOT
ODOT Field Division Engineers
Gary D. Carino, Division Administrator, Federal Highway Administration

"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."

AN EQUAL OPPORTUNITY EMPLOYER

FHWA BULLETIN

Title: <u>Annexation, Spot or Strip Zoning for Outdoor Advertising Option Implemented by Federal Highway Administration</u>

The Federal Highway Beautification Act was enacted in 1965. It required the states to pass laws to "effectively control" outdoor advertising adjacent to certain categories of highways. The State and Federal laws and regulations currently pertain to interstate highways, National Highway System routes, and any routes which were on the Federal-aid primary highway system as of June 1, 1991.

States that fail to effectively control outdoor advertising are subject to a penalty amounting to 10 percent of certain Federal highway funds apportioned to the State. At today's funding level, this penalty amounts to approximately $40 million per year in Oklahoma. The primary purpose of the Federal and State laws is to prohibit the erection of new off-premise commercial advertising signs in non-business areas adjacent to the regulated highways. New signs may be erected in areas zoned for commercial or industrial purposes as part of a comprehensive zoning plan. Different rules that apply to un-zoned areas will not be discussed in this bulletin.

Federal Regulation 23 CFR 750.708(b) reads as follows:

> ***(b) State and local zoning actions must be taken pursuant to the State's zoning enabling statute or constitutional authority and in accordance therewith. Action which is not a part of comprehensive zoning and is created primarily to permit outdoor advertising structures is not recognized as zoning for outdoor advertising control purposes.***

Situations have occurred where individuals or sign companies have asked local zoning authorities to "spot zone" or strip zone" a small area commercial or industrial in an attempt to place billboards in areas that are primarily zoned for agricultural or residential use. This type of zoning action is in violation of the above-referenced Federal regulation and could result in a determination by the Federal Highway Administration (FHWA) that the State is not effectively controlling outdoor advertising. In the past, FHWA was confronted with the dilemma of imposing a significant financial penalty on the State for situations caused by local zoning officials. In an effort to address this dilemma, FHWA now has the option of penalizing the local jurisdiction that annexes or spot or strip zones areas adjacent to specific highways primarily for the purpose of permitting outdoor advertising structures. The policy is to refuse to financially participate in highway projects in each local zoning authority's jurisdiction.

The Oklahoma Department of Transportation (ODOT) supports FHWA's policy of withholding funds from local jurisdictions since it does not reduce the amount of Federal money received by the State while still providing an effective tool to control local zoning or annexation actions taken primarily to allow the erection of billboards.

We request that ODOT be notified of proposed annexations and zoning changes for areas adjacent to regulated highways which are subject to the Federal and State sign laws and regulations when the zoning change is from agricultural or residential (or newly annexed and un-zoned,) to commercial, business or industrial. Please send these notices to the following address:

Outdoor Advertising Control Branch
Oklahoma Department of Transportation
200 NE 21st Street
Oklahoma City, OK 73105
(405)521-3005 (Phone)
(405)522-0386 (Fax)

We have also recently learned that some local zoning regulations allow off-premise signs in areas zoned for agricultural or residential use. This is contrary to Oklahoma State Statutes, Highway Advertising Control Act of 1968, § 1274. We suggest that these provisions be eliminated or qualified with the condition that all signs must comply with the provisions of the Oklahoma Highway Advertising Control Act.

Please be sure to forward this bulletin to all appropriate staff.

Oklahoma Department of Transportation

For Official Use Only		
MGR. INITIALS	OWNER NO.	$400.00 FEE AMOUNT

Application for Highway Advertisement License

New Applicants Only

Application is hereby made by the undersigned to be licensed to engage in the business of outdoor advertising in the State of Oklahoma in accordance with the provision of Title 69 O.S., Section 1271 et seq. and with the rules and regulations of the State Transportation Commission. (Note to Applicants: Licenses are renewed June 30th of each year. The renewal fee is $200.00. Renewal notices are sent out the first week of June each year.) Any out-of-state company, corporation, limited partnership or limited liability company must also be registered with the Oklahoma Secretary of State. (Ref: Title 18 §18-1130) See www.sos.ok.gov/ for more information.

Part I Applicant Information (To be completed by all applicants)

NAME: _____ **CONTACT:** _____
(Person, Firm or Corporation) (Name of Primary Contact Person)

ADDRESS: _____
(Mailing Address) (City) (State) (Zip Code)

_____
(Physical Address) (City) (State) (Zip Code)

TELEPHONE NO.: (_____)_____ **CELL NO.:** (_____)_____

FAX NO.: (_____)_____ **E-MAIL ADDRESS:** _____

Part II Agent for Service of Process Information (To be completed by all out-of-state applicants only)

NAME: _____ **CONTACT:** _____
(Person, Firm or Corporation) (Name of Primary Contact Person)

ADDRESS: _____
(Mailing Address) (City) (State) (Zip Code)

_____
(Physical Address) (City) (State) (Zip Code)

TELEPHONE NO.: (_____)_____ **NO. OF YEARS INCORPORATED OR RESIDED IN OKLAHOMA:**

_____

OKLAHOMA HIGHWAY ADVERTISING LICENSE FEE - $400.00

(Fees are payable to the Oklahoma Department of Transportation at the time of application.)

REMARKS:

_____
Signature of Applicant or Representative

_____
Printed Signature

_____
Title or Position of Applicant or Representative (If Applicable)

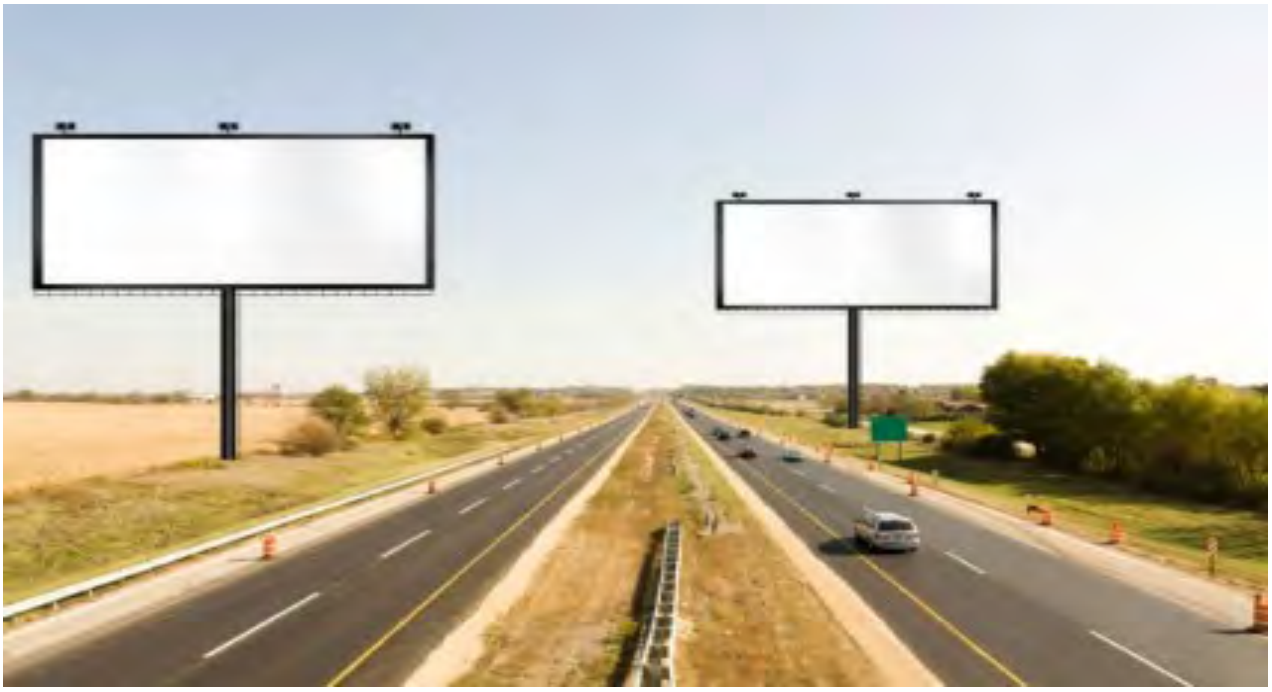
Oklahoma Department of Transportation
Outdoor Advertising Control Branch
200 N.E. 21st Room 2A1
Oklahoma City, OK 73105

Telephone:(405) 521-3005
Fax:(405) 522-0386

Title 69 ~ Roads, Bridges and Ferries

Chapter 1 ~ Oklahoma Highway Code of 1972

Highway Advertising Control Act of 1972



Title 69 ~ Roads, Bridges and Ferries
Chapter 1 ~ Oklahoma Highway Code of 1972

Highway Advertising Control Act of 1972

Section	Subject	Page No.
1271	Legislative Intent - Authority of State Highway Department	17
1272	Application of Act	17
1273	Definitions	17
1274	Signs Permitted in Control Area	20
1275	Standards for Signs in Business Area	21
1276	Agreements with Secretary of Transportation	25
1277	Licenses and Permits - Fees - Revocation	25
1278	Signs Becoming Nonconforming - Removal - Exemptions	26
1279	Compensation for Signs and Rights Taken	27
1280	Acquisition of Outdoor Advertising and Property Rights by Department - Condemnation	27
1281	Use of Funds	28
1282	Violations and Penalties	28
1283	Federal Funds	29
1284	Citation	29
1285	Repealed by Laws 1989, HB 1135, c. 154, §2, emerg. eff. July 1, 1989	29
1286	Repair, Maintenance or Change of Signs, Displays or Devices	29
1287	Signs – Directions to Recreation Areas	29
1288	Portion to Remain Operative	29

Section 1271 - Legislative Intent - Authority of State Highway Department

For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, while recognizing that outdoor advertising is a legitimate use of private property, it is hereby declared to be in the public interest to control the size, number, spacing, lighting, type and location of outdoor advertising devices, as hereinafter defined, in all areas within six hundred sixty (660) feet from the edge of the right-of-way of interstate and federal-aid primary highways located within urban areas, as hereinafter defined, in the State of Oklahoma and in all areas visible and intended to be read from the main traveled way of interstate and federal-aid primary highways located outside of urban areas in the State of Oklahoma. The Department of Transportation shall have the authority to implement and enforce this act, and may prohibit outdoor advertising devices in the control areas, and may regulate and permit certain outdoor advertising structures and devices in the control areas, within the limitations of this act and according to the standards and definitions set forth in this act.

[Added by Laws 1968, HB 1116, c. 191, § 1, emerg. eff. April 15, 1968; Amended by Laws 1978, SB 435, c. 199, § 1, emerg. eff. April 14, 1978; Amended by Laws 2010, HB 2609, c. 107, § 1, emerg. eff. April 16, 2010; Amended by Laws 2010, SB 2179, c. 405, § 1, emerg. eff. July 1, 2010.]

Section 1272 - Application of Act

The provisions of this act apply only to the erection and maintenance of outdoor advertising signs, displays and devices located in adjacent areas within six hundred sixty (660) feet from the nearest edge of the right-of-way and which are visible and intended to be read from the main traveled way and those which are located in controlled areas beyond six hundred sixty (660) feet from the nearest edge of the right-of-way, visible and intended to be read from the main traveled way and erected with the purpose of being read from the main traveled way.

[Added by Laws 1968, HB 1116, c. 191, § 2, emerg. eff. April 15, 1968; Amended by Laws 1972, HB 1759, c. 240, § 1, emerg. eff. March 28, 1972; Amended by Laws 1978, SB 435, c. 199, § 2, emerg. eff. April 14, 1978; Amended by Laws 2010, HB 2609, c. 107, § 2, emerg. eff. April 16, 2010.]

Section 1273 - Definitions

As used in this act:

(a) "Sign," "outdoor advertising" or "outdoor advertising device" means any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, but shall not include surface markers showing the location or route of underground utility facilities or pipelines or public telephone coin stations installed for emergency use.

(b) "Main traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

c) "To erect" and its variants means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish. But these shall not include any of the foregoing activities when performed as incident to the change of advertising message or customary maintenance of the sign structure.

(d) "Unzoned commercial or industrial areas" means those areas which are not zoned by state or local law, regulation or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward six hundred (600) feet from and beyond the edge of such activity on both sides of the highway. Provided however, the unzoned area shall not include land on the opposite side of an interstate or dual-laned limited access primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area or land on the opposite side of other federal-aid primary highways, which land is deemed scenic by an appropriate agency of the state.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Such an area shall not include any area which is beyond six hundred sixty (660) feet from the nearest edge of the right-of-way. In unzoned commercial or industrial areas signs shall not be located:

(1) Within three hundred (300) feet of any building used primarily as a residence, unless the owner of the building consents in writing to the particular commercial use or uses to be made of such lands;

(2) Within five hundred (500) feet of any of the following: public park, garden, recreation area or forest preserve, church, school and officially designated historical battlefield.

(e) "Commercial and industrial activities" means those activities, clearly visible from the main traveled way, generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

(1) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands;

(2) Outdoor advertising structures;

(3) Transient or temporary activities;

(4) Activities more than six hundred sixty (660) feet from the nearest edge of the right-of-way;

(5) Activities conducted in a building principally used as a residence; and

(6) Railroad tracks and minor sidings.

(f) "Official signs" means signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility.

(g) "Informational signs" means signs containing directions or information about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, educational and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(h) "On-premise activities signs" means signs advertising activities conducted upon the property on which the signs are located.

(i) "On-premise sale or lease signs" means signs advertising the sale or lease of property on which they are located.

(j) "Interstate highway" means any highway at any time officially designated a part of the National System of Interstate and Defense Highways by the Department and approved by the appropriate authority of the federal government.

(k) "Primary highway" means the Federal-aid Primary System in existence on June 1, 1991, and any highway which is not on that system but is on the National Highway System.

(l) "Centerline of the highway" means a line equidistant from the edges of the median separating the main traveled ways of a divided highway, or the centerline of the main traveled way of a non-divided highway.

(m) "Adjacent area" or "control area" means the area which is adjacent to and within six hundred sixty (660) feet of the nearest edge of the right-of-way on any interstate or primary highway within urban areas, which six hundred sixty-foot distance shall be measured horizontally along a line perpendicular to, or ninety (90) degrees to, the centerline of the highway. Outside of urban areas, adjacent area or control area means the area which is visible from the main traveled way on any interstate or primary highway.

(n) "Business area" means any part of a control area which is:

(1) Within six hundred sixty (660) feet of the nearest edge of the right-of-way and zoned for business, industrial or commercial activities under the authority of any state zoning law, or city or county zoning ordinance of this state; or

(2) Not so zoned, but which constitutes an unzoned commercial or industrial area as herein defined.

(o) "Department" means the Department of Transportation of the State of Oklahoma.

(p) "Maintain" means to hold or keep in a state of efficiency or validity, to support or sustain, by cleaning or repairing the sign or changing the message on its face.

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

(r) "License" means the privilege to do business in the State of Oklahoma having been granted by an official agency.

(s) "Permit" means the privilege to erect a sign or signs in an individual location within the State of Oklahoma having been granted by an official agency.

(t) "License fee" means the monetary consideration paid for the privilege of doing business in the State of Oklahoma.

(u) "Permit fee" means the monetary consideration paid for the privilege of erecting a sign or signs in a specific location within the State of Oklahoma.

(v) "Urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each such state, or an urban place as designated by the Bureau of the Census having a population of five thousand (5,000) or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

(w)) "Relocation permit" means a permit issued pursuant to the provisions of subparagraph (d) of paragraph (3) of Section 1275 of this title. A relocation permit shall have precedence over any municipal or county restriction that interferes with the intended purpose of providing a method and opportunity to minimize the cost of acquiring legally erected outdoor advertising signs by the Department, unless, for those municipalities with a population in excess of five hundred thousand (500,000) based on the most recent census data, it is otherwise stipulated in the applicable Right-of-Way, Public Utility and Encroachment Agreements or Agreements and agreed upon by all signatory authorities. Any owner of a registered sign to be acquired shall be offered an opportunity to comment on said agreement prior to execution. This section shall not prohibit a registered sign owner from seeking just compensation through a legal proceeding.

Laws 1968, HB 1116, c. 191, § 3, emerg. eff. April 15, 1968; Amended by Laws 1970, HB 1602, c. 10, § 1, emerg. eff. February 10, 1970; Amended by Laws 1972, HB 1759, c. 240, § 2, emerg. eff. March 28, 1972; Amended by Laws 1978, SB 435, c. 199, § 3, emerg. eff. April 14, 1978; Amended by Laws 2009, HB 1564, c. 96, § 1, emerg. eff. April 24, 2009; Amended by Laws 2014, HB 3157, c. 269, § 1; Amended by Laws 2015, SB 165, c. 379, § 1, eff. November 1, 2015, Amended by Laws 2016, HB 2553,c. 350, § 1,eff. November 1, 2016

Section 1274 - Signs Permitted in Control Area

After the effective date of this act no sign shall, except as provided in Section 8, be erected or maintained in a control area, except the following:

(a) Informational and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the Department relative to their lighting, size, number, spacing, and such other requirements as may be appropriate to implement this act; provided, however, that such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time

by the Secretary of the Department of Transportation of the United States pursuant to federal law.

(b) On-premise activities signs advertising activities conducted on the property on which they are located, including but not limited to, goods sold, stored, manufactured, processed or mined thereon; services rendered thereon; and entertainment provided thereon.

(c) On-premise sale or lease signs advertising the sale or lease of property upon which they are located.

(d) Signs in existence in business areas on the effective date of this act and signs erected within six (6) months thereafter upon property in business areas leased prior to said effective date, subject to the conditions set forth in Section 8.

(e) Signs which are to be erected in business areas and which will comply when erected with the provisions of Section 5 of this act, and after the applicable provisions of Section 7 are met.

Added by Laws 1968, HB 1116, c. 191, § 4, emerg. eff. April 15, 1968.

Section 1275 - Standards for Signs in Business Area

After April 15, 1968, signs which are to be erected in a business area shall comply with the following standards:

1. General. Signs shall not be erected or maintained which:

a. Imitate or resemble any official traffic sign, signal or device, or

b. Are erected or maintained upon trees or painted or drawn upon rocks or other natural features;

2. Size.

a. Signs shall not be erected which exceed one thousand two hundred (1,200) square feet in area, per facing, including border and trim, nor shall signs be erected which exceed twenty-five (25) feet in height nor sixty (60) feet in length, excluding apron, supports and other structural members.

b. The maximum size limitations shall apply to each sign facing. Two signs not exceeding six hundred (600) square feet each may be erected in a facing, side by side or "double-decked". Back-to-back and/or V-type signs will be permitted, and shall be treated as one structure with one thousand two hundred (1,200) square feet permitted for each, if the sign structures or facings are physically contiguous, or connected by the same structure or cross bracing, or located not more than fifteen (15) feet apart at their nearest point nor more than thirty (30) feet apart at their widest point in the case of back-to-back or V-type signs. However, nothing in this section shall be construed to allow tri-faced signs;

3. Spacing.

a. Signs shall conform to all applicable building codes and ordinances of the municipality, county or state, whichever has jurisdiction as set forth in Section 1272 of this title, except as provided for in subparagraph d of this paragraph.

b. Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.

c. Signs visible from a non-freeway primary highway shall not be erected within the limits of an incorporated municipality less than one hundred (100) feet on the opposite side of the highway and three hundred (300) feet on the same side of the highway, and outside the limits of an incorporated municipality less than three hundred (300) feet, from another such sign, other than signs described in subsections (a), (b) and (c) of Section 1274 of this title, unless separated by a building or other obstruction in such a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time; provided, however, that this shall not prevent the erection of double-faced, back-to-back, or V-type signs with a maximum of two signs per facing, as permitted by paragraph 2 of this section. Signs visible and intended to be read from interstate and freeway primary facilities shall not be erected less than one thousand (1,000) feet from another such sign on the same side of such facilities, other than signs described in subsections (a), (b) and (c) of Section 1274 of this title. Outside incorporated municipalities, signs visible and intended to be read from interstate and freeway primary facilities shall not be erected adjacent to or within five hundred (500) feet of an interchange, intersection at grade, or rest area, on the same side of such facilities such distance to be measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way. Signs may not be located within five hundred (500) feet of any of the following which are adjacent to any interstate or federal-aid primary highway: public parks; public forests; playgrounds; or cemeteries. Provided, however, the Transportation Commission shall promulgate rules pursuant to the Administrative Procedures Act governing the measurement methodology to be prospectively utilized by the Department when determining spacing between outdoor advertising signs, displays and devices and public parks, public forests, playgrounds and cemeteries. Provided further, any measurement methodology heretofore utilized by the Department, including but not limited to the straight-line method, shall be accepted by the Department without prejudice. Provided further, the Department shall be prohibited from altering a permit classification or revoking any outdoor advertising license, which was properly obtained at the time of issuance, based upon a change of internal agency policy, agency interpretation of law or promulgation of rules. Provided further, a sign location that was permitted in compliance with the spacing requirements of this section in effect prior to the effective date of this act, but which does not comply with the spacing requirements of this section as amended after the effective date of this act, shall maintain its current legal status; provided it complies with all other permitting requirements as set forth by the Transportation Commission.

d. For the purpose of providing a method and opportunity to minimize the cost of acquiring legally erected outdoor advertising signs, the Director of the Department of Transportation shall have the option to approve the issuance of permits for outdoor advertising signs visible from a roadway subject to the regulatory control of the Department of Transportation which may be erected less than current spacing distances from another such sign. Permits issued pursuant to this option shall be only for the purpose of providing a relocation site for a sign being taken by the state and shall not violate spacing regulations as stipulated in the Federal State Agreement. The Department shall also issue a relocation permit if a roadway for which a legally erected permitted sign adjacent thereto is realigned; provided, however, the applicant for such relocation permit shall surrender four legally issued permits on a road realigned and the applicant shall waive any claim for compensation against the Department upon issuance of a relocation permit based on highway realignment. Provided, when the Department issues a permit pursuant to this subsection to accommodate the relocation of a structure:

(1) if the structure to be removed is visible from a roadway subject to the regulatory control of the Department inside an incorporated area, the relocation site shall be inside the same incorporated area and shall be visible from a roadway subject to the regulatory control of the Department,
(2) if there are not suitable relocation sites meeting the provisions of division 1 of this subparagraph and the structure to be removed is visible from a roadway subject to the regulatory control of the Department, notwithstanding the provisions of division 1 of this subparagraph, the Department may issue a permit for a relocation site outside of the incorporated area, provided the relocation site is in the same county, a contiguous county thereto or other municipality in which the improved roadway travels through granting mutual benefit from improvements, which shall be visible from a roadway subject to the regulatory control of the Department, and
(3) all potential relocation sites must be in compliance with provisions set forth in the applicable Right-of-Way, Public Utility and Encroachment Agreement or Agreements.

Provided further, the square footage of display face on the relocated sign shall not exceed the square footage of display face of the acquired sign. The relocated sign shall maintain the same legal status and ability to upgrade as existed prior to relocation; provided it complies with all other permitting requirements set forth by the Transportation Commission and no other permits shall be required and any county or municipal authority in which a relocation permit has been issued shall promptly provide the required 9-1-1 address or other information necessary for the delivery of utility service to a relocated sign. The Transportation Commission shall have the authority to promulgate rules necessary to implement the use of the permit option provided for in this subsection.

e. Notwithstanding any other provision of law, the Department of Transportation shall, after determining the need to acquire property upon which outdoor advertising structures are located, have the authority to negotiate directly with the owner of the outdoor advertising structure the terms for maintaining such structures in their current position or for the relocation of such structures. Such negotiations may begin prior to the Department's initiation of formal condemnation proceedings and shall be completed prior to a jury award in a condemnation proceeding. The Department of Transportation retains its right to require the removal of the sign structure improvement effective as of the payment by the Department

in the amount awarded by the court- appointed commissioners pursuant to applicable law. Nothing in this section shall be construed to prevent the owner of the land from pursuing a claim of interest in any lease existing between the landowner and the outdoor advertising structure owner, or to prevent the outdoor advertising structure owner from pursuing a claim for fair market value of the owner's interest if negotiations with the Department for a lease or structure relocation arrangement are not successful;

4. Lighting.

a. Signs shall not be erected which contain, include, or are illuminated by any flashing, intermittent, revolving or moving light, except on-premise signs and those giving public service information such as, but not limited to, time, date, temperature, weather or news. Steadily burning lights in configuration of letters or pictures are not prohibited.

b. Signs shall not be erected or maintained which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

c. Signs shall not be erected or maintained which shall be so illuminated that they obscure any official traffic sign, device, or signal, or imitate or may be confused with any such official traffic sign, device or signal.

d. Provided, however, nothing in this section shall be construed to prohibit the erection or maintenance of signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position, commonly known as tri-vision faces or multiple message signs; provided, the rotation of one sign face to another is no more frequent than every eight (8) seconds and the actual rotation process is accomplished in four (4) seconds or less; and

5. Vegetation Management.

a. For the purpose of minimizing costs to the Department for the removal, cutting, or trimming of trees or vegetation on a public right-of-way to make visible or ensure future visibility of the facing of a permitted outdoor advertising sign, the Department is authorized to establish a process for an outdoor advertising permit holder to conduct vegetation management activities within a specific area surrounding the permit holders' outdoor advertising device.

b. The Department shall promulgate rules prescribing the scope of such vegetation management activities and any requirements it deems necessary to monitor such activities.

Added by Laws 1968, HB 1116, c. 191, § 5, emerg. eff. April 15, 1968. Amended by Laws 1972, HB 1759, c. 240, § 3, emerg. eff. March 28, 1972; Amended by Laws 1990, HB 2249, c. 96, § 1, emerg. eff. April 18, 1990; Amended by Laws 1995, HB 1543, c. 178, § 1, eff. November 1, 1995; Amended by Laws 1996, SB 983, c. 230, § 1, emerg. eff. May 23, 1996; Amended by Laws 1999, SB 724, c. 150, § 1, eff. May 3, 1999; Amended by Laws 2001, SB 458, c. 179 § 1, eff. November 1, 2001; Amended by Laws 2003, SB 317, c. 335, § 1, emerg. eff. July 1, 2003; Amended by Laws 2010, HB 2609, c. 107, § 3, emerg. eff. April 16, 2010; Amended by Laws 2010, SB 2179, c. 405, § 2, emerg. eff. July 1, 2010; Amended by Laws 2011, SB 339, c. 346, § 1, eff. November 1, 2011; Amended by Laws 2013, SB 418, c. 372, § 13, eff. November 1, 2013; Amended by Laws 2015, SB 165, c. 379, § 2, eff. November 1, 2015. Amended by Laws 2016, HB 2553,c. 350, § 1,eff. November 1, 2016

Section 1276 - Agreements with Secretary of Transportation

The Department on behalf of the state shall seek agreement to the provisions of Sections 4 and 5 of this act by the Secretary of Transportation on the basis of their being consistent with federal laws and customary usages and zoning principles and standards which hold and govern in this state. In the event such an agreement cannot be achieved, this legislation shall be returned to the legislative bodies of the State of Oklahoma for remedial action and resubmission to the Secretary. In the event such a new agreement cannot be achieved, the Department shall promptly institute proceedings of the kind provided for in Title 23 U.S.C.A. 131 (1) in order to obtain a judicial determination as to whether this chapter and the regulations promulgated thereunder provide effective control of outdoor advertising as set forth therein. In such action the Department shall request that the court declared rights, status and other legal relations and declare whether the standards, criteria and definitions contained in the agreement proposed by the Department are consistent with customary use. If such agreement is held by the court in a final judgment to be invalid in whole or in part as inconsistent with customary use or is otherwise in conflict with Title 23 U.S.C.A. 131, the Department shall promptly negotiate with the Secretary of Transportation, or his successor, a new agreement or agreements which shall conform to said statute as interpreted by the court in such action.

Laws 1968, HB 1116, c. 191, § 6, emerg. eff. April 15, 1968.

Section 1277 - Licenses and Permits - Fees - Revocation

A. The Transportation Commission is hereby authorized to enact and adopt rules and regulations for the issuance of licenses and permits and the charging and collection of permit fees for other than "on-premise" outdoor advertising structures as defined in this act.

B. The Department of Transportation shall have the authority to revoke any permit issued under Sections 1271 through 1288 of this title if the permit holder for any reason is no longer making lease payments or other agreed-upon compensation to the landowner for use of the land where the sign is located.

C. After July 1, 2014, the Department of Transportation shall have the authority to revoke a permit issued under Sections 1271 through 1288 of this title if the permit holder fails to construct a sign at the permitted site prior to the second expiration date of the permit, or the permitted site is determined by the Department to be a discontinued sign site.

Laws 1968, HB 1116, c. 191, § 7, emerg. eff. April 15, 1968; Amended by Laws 1972, HB 1759, c. 240, § 4, emerg. eff. March 28, 1972; Amended by Laws 1978, SB 435, c. 199, § 4, emerg. eff. April 14, 1978; Amended by Laws 1994, HB 2006, c. 125, § 2, eff. September 1, 1994; Amended by Laws 2014, HB 3157, c. 269, § 2, emerg. eff. August 22, 2014.

Section 1278 - Signs Becoming Nonconforming - Removal - Exemptions

A. If, after March 28, 1972, any lawfully erected outdoor advertising sign, display or device becomes nonconforming under the provisions of Section 1271 et seq. of this title, such outdoor advertising sign, display or device shall not be required to be removed but shall be reclassified as a legal nonconforming structure and allowed to remain within prescribed guidelines for such signs. Provided, however, that notwithstanding the provisions of this subsection, any such outdoor advertising sign, display or device which was erected after July 1, 1975, and located in a control area beyond six hundred sixty (660) feet from the nearest edge of the right-of-way, and which becomes nonconforming as a result of Section 1271 et seq. of this title, is subject to removal after April 14, 1978. Provided, further, signs legally erected prior to July 1, 1975, in a control area beyond six hundred sixty (660) feet of the nearest edge of the right-of-way of a controlled highway, which do not conform to the provisions of Section 1271 et seq. of this title, shall not be required to be removed before July 1, 1980.

B. The requirements herein contained pertaining to the size, lighting or spacing of signs permitted in business areas shall apply only to those signs erected subsequent to April 15, 1968, except for those signs erected within six (6) months after April 15, 1968, under a lease dated prior to April 15, 1968, and filed with the Department within thirty (30) days following April 15, 1968.

C. Directional signs, displays or devices lawfully erected prior to May 5, 1976, may be exempted from removal where the following conditions exist:

(1) The signs, displays or devices provide directional information to goods and services in the interest of the traveling public;

(2) The signs, displays or devices are located within a defined area with definite geographic boundaries and which functions as an economic unit;

(3) The Department of Transportation determines on the basis of an economic impact study that the removal of such signs, displays or devices would work a substantial economic hardship in such defined area;

(4) The Department shall establish rules and regulations for the placement of new information signs for economic hardship areas;

(5) The Department reviews its economic impact study periodically and finds that continued exemption remains warranted;

(6) The United States Secretary of Transportation concurs in the Department's determination that exemption of said signs, displays or devices is warranted;

(7) The signs, displays or devices are thirty-two (32) square feet or less in dimension and have been erected by a church organized under the provisions of Section 562 of Title 18 of the Oklahoma Statutes and is recognized by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

Providing, further, that removal of nonconforming directional signs, displays and devices providing directional information about goods and services in the interest of the traveling

public, not exempted from removal pursuant to the provisions of this subsection, shall be deferred until all other nonconforming signs have been removed from the federal-aid primary and interstate systems in this state.

Laws 1968, HB 1116, c. 191, § 8, emerg. eff. April 15, 1968; Amended by Laws 1972, HB 1759, c. 240, § 5, emerg. eff. March 28, 1972; Amended by Laws 1978, SB 435, c. 199, § 5, emerg. eff. April 14, 1978; Amended by Laws 1988, HB 1868, c. 315, § 1, emerg. eff. July 6, 1988; Amended by Laws 2012, HB 2643, c. 189, § 1, emerg. eff. July 1, 2012; Amended by Laws 2012, SB 1638, c. 366, § 1, emerg. eff. August 24, 2014.

Section 1279 - Compensation for Signs and Rights Taken

The Department is directed to acquire by purchase, gift or condemnation, and shall pay just compensation upon the removal of, the outdoor advertising signs, displays and devices specified in subsections (a), (b) and (c) of this section, when and insofar as their removal is required hereunder, as follows:

(a) Those lawfully in existence on the effective date of this act.

(b) Those lawfully adjacent to any highway made a part of the interstate or primary system on or after the effective date of this act.

(c) Those lawfully erected, which later become unlawful.

(d) Such compensation shall be paid as follows;

(1) For the taking from the owner thereof the outdoor advertising device.

(2) To the owner of the land on which the outdoor advertising device is located for the right to erect and maintain outdoor advertising thereon.

Laws 1968, HB 1116, c. 191, § 9, emerg. eff. April 15, 1968.

Section 1280 - Acquisition of Outdoor Advertising and Property Rights by Department - Condemnation

A. Outdoor advertising and property rights pertaining thereto may be acquired by the Department of Transportation under agreement between the Department, the owner of the outdoor advertising and the owner of the land upon which the outdoor advertising is located if the outdoor advertising is lawfully in existence pursuant to Sections 1274 and 1275 of this title and located within areas prohibited to advertising by the Highway Advertising Control Act of 1968. The compensation must be based on fair market value.

B. Outdoor advertising is a trade fixture, and owners shall be awarded just and fair compensation for its taking.

C. If the Department and the owners are unable to agree upon the amount of compensation to be paid by the Department, the Department may acquire by condemnation such outdoor advertising and property rights pertaining thereto. This right of eminent domain or condemnation shall be exercised in the manner provided by law.

D. Any outdoor advertising authorized under Sections 1274 and 1275 of this title which does not conform with standards set forth in Sections 1274 and 1275 of this title except as provided in Section 1278 of this title, and any outdoor advertising prohibited by law and not subject to compensation under other terms of this section shall be a public nuisance. The

Department shall give notice by certified mail to the owner of the sign and to the owner of the land upon which the outdoor advertising is located, ordering the notified owners to cause the outdoor advertising to conform with rules relating to outdoor advertising or to remove prohibited outdoor advertising. If the owner of the sign or the landowner fails to act within ninety (90) days after mailing of the notice, the Department may, at its discretion, remove the outdoor advertising device.

E. All persons or business entities engaged in the outdoor advertising business, which includes but is not limited to, the erection, maintenance and selling of advertising space on and along the interstate and federal-aid primary highways of this state, shall, not later than October 31, 1972, furnish the Director of the Department of Transportation a written inventory of all outdoor advertising signs, displays or devices erected and being maintained by the person or entity. The inventory shall include, with respect to each such sign, not less than the following information:

1. Location and dimensions of the sign;
2. Distance from the nearest edge of the right-of-way;
3. Date erected; and
4. Name and address of the owner of the property on which the sign is located.

F. For failure to comply with the conditions set forth in subsection E of this section, the Department may declare such outdoor advertising signs, displays or devices to be a public nuisance and remove them in the manner provided by subsection D of this section.

G. Regardless of any local ordinance requiring amortization, the compensation provided in subsections A through C of this section and subsections (a) through (d) of Section 1279 of this title shall be the exclusive remedy for taking such outdoor advertising and property rights pertaining thereto. Such compensation shall also be required for the partial taking or diminishment of the value of such outdoor advertising and property right caused by any local ordinance which forces the owners of such outdoor advertising to downsize, reduce the height or width or otherwise alter legal nonconforming signs.

Laws 1968, HB 1116, c. 191, § 10, emerg. eff. April 15, 1968; Amended by Laws 1972, HB 1759, c. 240, § 6, emerg. eff. March 28, 1972; Amended by Laws 1979, HB 1252, c. 22, § 1; Amended by Laws 1980, HB 1822, c. 46, § 1 eff. October 1, 1980; Amended by Laws 2001, SB 476, c. 180, § 1, emerg. eff. May 2, 2001

Section 1281 - Use of Funds

The Department is authorized to use any funds appropriated to it or received by it from the state road fund for matching federal funds or for other lawful purposes of this act.

Laws 1968, HB 1116, c. 191, § 11, emerg. eff. April 15, 1968.

Section 1282 - Violations and Penalties

Any person, firm or corporation violating the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor, and each day of violation shall be considered a separate offense.

Laws 1968, HB 1116, c. 191, § 12, emerg. eff. April 15, 1968.

Section 1283 - Federal Funds

The Department may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of federal law. The Department shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to said federal law, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of federal law and this act. In the event federal funds are not available for assistance in carrying out the provisions of the federal law, the Department may defer the removal of nonconforming signs until such time as federal funds are made available for such purpose.

Laws 1968, HB 1116, c. 191, § 13, emerg. eff. April 15, 1968; Amended by Laws 1972, HB 1759, c. 240, § 7, emerg. eff. March 28, 1972.

Section 1284 - Citation

This act may be cited as the "Highway Advertising Control Act of 1972."

Laws 1968, HB 1116, c. 191, § 14, emerg. eff. April 15, 1968; Amended by Laws 1972, HB 1759, c. 240, § 8, emerg. eff. March 28, 1972.

Section 1285 - Repealed by Laws 1989, HB 1135, c. 154, *§ 2,* emerg. eff. July 1, 1989

Repealed by Laws 1989, HB 1135, c. 154, § 2, emerg. eff. July 1, 1989

Section 1286 - Repair, Maintenance or Change of Signs, Displays or Devices

For the purpose of highway beautification, the Transportation Commission may adopt rule regarding the repair or maintenance of, or changes to, nonconforming advertising signs, displays or devices, as defined in Section 1278 of Title 69 of the Oklahoma Statutes, including the size, height, lighting, replacement, rebuilding, or re-erection of such structures.

Added by Laws 1998, SB 791, c. 248, § 1, emerg. eff. May 26, 1998.

Section 1287 - Directions to Recreation Areas

In counties that do not have county planning or zoning, signs located outside of incorporated municipalities which advertise or give directions to local outdoor recreation areas may be allowed adjacent to interstate highways if such signs are otherwise in compliance with this section and approval is given by the Director of the Department of Transportation.

Added by Laws 2003, SB 317, c. 335, § 2, emerg. eff. July 1, 2003.

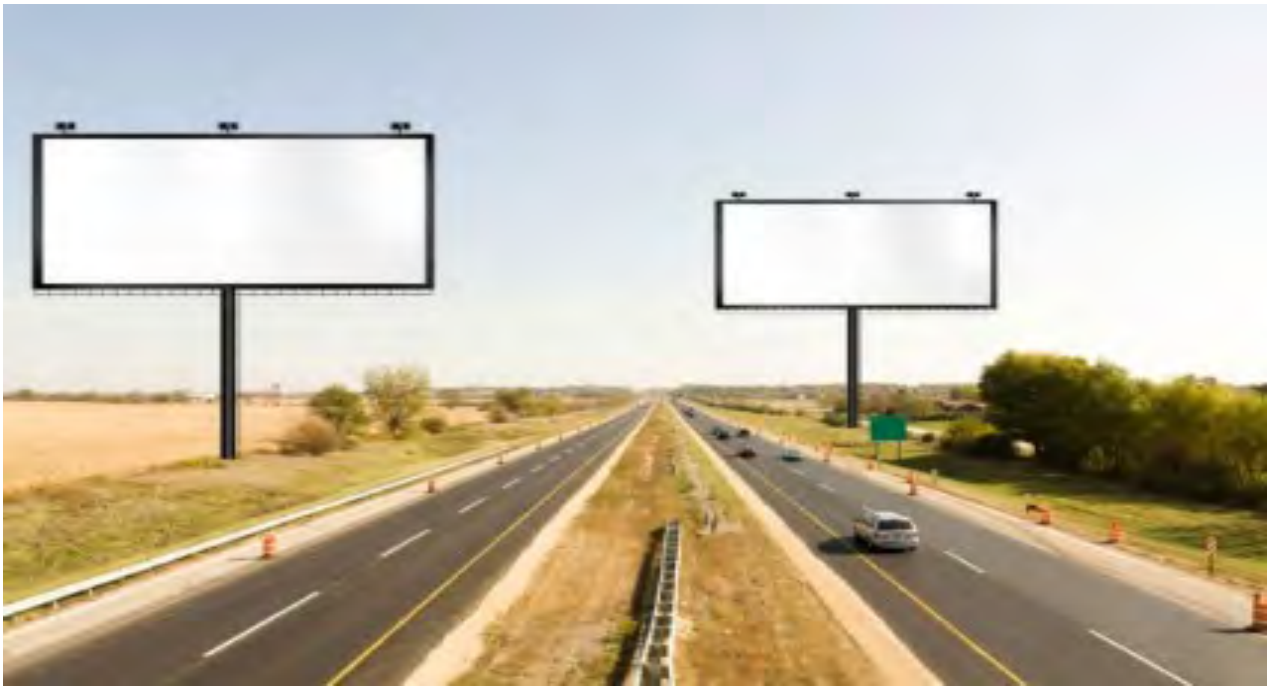
Section 1288 - Portion to Remain Operative

If any portion of Section 2 of this act is found to be in violation of federal law, the remaining portion, to the extent possible, shall remain operative.

Added by Laws 2003, SB 317, c. 335, § 3, emerg. eff. July 1, 2003.

OAC 730:35 DEPARTMENT OF TRANSPORTATION

SUBCHAPTER 5. HIGHWAY ADVERTISING CONTROL



OAC 730:35 DEPARTMENT OF TRANSPORTATION

SUBCHAPTER 5. HIGHWAY ADVERTISING CONTROL

Section	Subject	Page No.
730:35-5-1.	Purpose	32
730:35-5-2	Application	32
730:35-5-3.	Definitions	32
730:35-5-4.	Licensing outdoor advertising businesses	38
730:35-5-5.	Registration of outdoor signs, displays and devices	39
730:35-5-6.	Permits for outdoor advertising signs, displays and devices	40
730:35-5-7.	Failure to provide complete information	41
730:35-5-8.	Data required for licensing, registration, and permit application and renewal application forms	41
730:35-5-9.	Sign owner requirements	43
730:35-5-10.	Exemption for directional signs lawfully erected prior to May 5, 1976	43
730:35-5-11.	Enforcement	44
730:35-5-12.	Class "A" signs	44
730:35-5-13.	Informational or Class "C" signs	49
730:35-5-14.	On-premise signs	50
730:35-5-15.	Exempt signs	52
730:35-5-16.	Prohibited signs	52
730:35-5-17.	Signs – Directions to Recreation Areas	52

[Authority: *69 O.S. § 1271 et seq.; 23 U.S.C. § 131, 135; 23 CFR Part 750, 751****]***

OAC 730:35 DEPARTMENT OF TRANSPORTATION

730:35-5-1. Purpose

It is the purpose of this subchapter to promulgate regulations which enable the Department to effectively administer a program to control the erection and maintenance of controlled outdoor advertising signs, displays, and devices located adjacent to the Interstate and National Highway System in this State.

***[Source:** Amended at 17 Ok Reg 1384, eff 5-11-00]*

730:35-5-2. Application

The provisions of this subchapter apply to the erection and maintenance of outdoor advertising signs, displays, and devices located in adjacent areas within six hundred sixty (660) feet from the nearest edge of the right-of-way and which are visible from the controlled highway. They also apply to those signs, displays and devices which are located in controlled areas beyond six hundred sixty (660) feet from the nearest edge of the right-of-way, if the sign display or device is visible from the controlled highway and has the purpose of being read from the highway.

***[Source:** Amended at 17 Ok Reg 1384, eff 5-11-00]*

730:35-5-3. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Abandoned sign" means a registered sign in need of substantial repair, or which is overgrown by trees or other vegetation not on the highway right-of-way or is otherwise no longer being utilized as an outdoor advertising device, for a period of one (1) year, shall be considered "abandoned" and any nonconforming or grandfather status granted by the Highway Advertising Control Act shall be terminated. Leasing information shall not be considered advertising content for purposes of this definition.

"Adjacent area" or **"control area"** within urban areas means the area which is adjacent to and within six hundred sixty (660) feet of the nearest edge of the right-of-way on any Interstate or the National Highway System. The six hundred sixty foot (660) distance shall be measured horizontally along a line perpendicular to, or ninety degrees (90°) to the centerline of the highway. Outside of urban areas, adjacent area or control area means the area which is visible from the main traveled way on any interstate or the National Highway System and has the purpose of being read. All spacing considerations are determined by whether or not they exist within the adjacent or control area. Signs located outside the "control area" will not be registered.

"Advertisement" means any writing, printing, picture, painting, display, emblem, drawing, sign or similar device which is posted or displayed outdoors on real property and is intended to invite or to draw the attention or to solicit the patronage or support of the public to any goods, merchandise, real or personal property, business, services, entertainment or amusement manufactured, produced, bought, sold, conducted, furnished, or dealt in by any person; the term shall also include any part of an advertisement recognizable as such, whether a permanent or portable installation, but shall not include surface markers showing the location or route of underground utility facilities or pipelines or public telephone coin stations installed for emergency use; nor shall same include temporary election candidate campaign signs or voters' referendum signs, if erected not more than forty-five (45) days prior to an election and removed within seven (7) days following the election or within seven (7) days following the final election if more than one is required to settle the advertised candidate election or non-election, or referendum issue.

"Agreement" means the agreement between the Director of the Oklahoma Department of Transportation and the Secretary of the Transportation of the United States, regarding the enforcement of the Highway Beautification Act of 1965.

"Business area" means any part of an adjacent (control) area which is zoned for business, commercial or industrial activities under the authority of any law of this state, or not zoned, but which constitutes an unzoned commercial or industrial area as herein defined.

"Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a non-divided highway.

"Commercial or industrial area" means any part of a control area which is within six hundred sixty (660) feet of the nearest edge of the right of way and is:

(A) Zoned for industrial or commercial activities under the authority of any state zoning law, or city or county zoning ordinance of this State. Any commercial or industrial area created or established by any zoning authority must actually be capable of supporting commercial or industrial activities. A zoning action which is not a part of a comprehensive zoning plan and is created primarily to allow outdoor advertising structures does not constitute valid zoning for outdoor advertising control purposes.

(B) Not zoned, but which constitutes an unzoned commercial or industrial area as herein defined.

"Commercial and industrial activities" means those activities, clearly visible and recognized as a commercial or industrial activity from the main traveled way, generally recognized as commercial or industrial by zoning authorities in the state.

"Comprehensive zoning" means a complete approach to land use within the jurisdiction of a zoning authority. For example, the mere placing of the label "zoned commercial or industrial" on land does not constitute comprehensive zoning, but rather, the establishment of a complete set of regulations to govern the land use within the entire jurisdiction of the zoning authority.

"Control of access" means the Department shall not issue a permit for any sign which cannot be erected or maintained from private property without violating control of access boundaries.

"Customary maintenance" means maintenance that shall only include, change of message, replacing electrical wiring and bulbs, painting of the face and structure, clearing vegetation (not on right-of-way), reinforcing the structure with banding or nails, and repairing the apron or catwalks. Additional maintenance activities may be approved upon written request to the Department. An increase in dimension, any change in location, increase in height, change in location in lighting, or the addition of lighting does not constitute customary maintenance. An increase, change, addition or any maintenance which is not listed above, shall terminate any nonconforming or grandfather status granted by the Act and the sign shall be considered illegal, thus a public nuisance subject to summary abatement and removal without compensation.

"Damage" means injury or harm as a result of wear and tear, storms, or other natural causes including, but not limited to, insect damage. If such damage occurs, the owner of the damaged sign shall notify the Department by letter within thirty (30) days of the occurrence, giving the sign's registration number, date damage occurred, whether or not the sign will be repaired, an itemized list of repairs, and a picture of the damaged structure. Failure to comply with any part of the above requirements before repairing a damaged sign shall result in forfeiture of any nonconforming or grandfather status granted by the 1972 Highway Advertising Control Act. After receiving authorization and repairs have been completed, the owner shall send a picture of the repaired structure to the Department.

"Department" means the Oklahoma Department of Transportation.

"Destroyed" means that a sign shall be considered destroyed when damaged, from any cause except a criminal or tortious act, exceeds fifty percent (50%) of the sign structure.

"Directional signs" means signs giving directional information about goods and services of interest to the traveling public. Such signs shall be limited to those pertaining to rest stops, camping grounds, food services, fuel and automotive services, and lodging.

"Director" means the Director of the Department of Transportation or his designee.

"Discontinued or blank sign" means a registered sign not displaying products or service advertising contents for a period of one (1) year shall be considered discontinued and removed at the expense of the sign owner. Leasing information shall be considered advertising content for purposes of this definition.

"Divided highway" means that part of a primary highway which has been constructed as divided, dual lane fully controlled access to the throughways except for the established interchanges.

"Federal-aid primary highway" means any highway at any time officially designated as part of the Federal-aid Primary System by the Department and approved by the appropriate authority of the federal government.

"Grandfathered sign" means a sign which was lawfully erected but does not comply with all the provisions of the State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Illegally erected or maintained signs are not nonconforming signs. (Same as Non-conforming (grandfathered) sign.)

"Illegal sign" means signs that are situated in control areas adjacent to Interstate and Federal-aid Primary Systems which are outside zoned and unzoned commercial or industrial areas, are not listed on the 1972 inventory and do not qualify either as on-premise, directional or official signs and notices required or authorized by law. Signs erected within zoned and unzoned commercial and industrial areas without the benefit of a permit or which are erected or maintained not in accordance with permit requirements are also illegal.

"Informational signs" mean signs containing directions or information about public persons or public places which are owned or operated by federal, state, or local governments or their agencies. It also refers to public or privately owned natural phenomenon, historic, cultural, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, when deemed to be of interest to the traveling public. Informational signs do not include political campaign signs or posters.

"Interstate highway" means any highway at any time officially designated a part of the National System of Interstate and Defense Highways by the Department and approved by the United States Department of Transportation.

"Lease" means an agreement, in writing, by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.

"License" means the privilege granted by the Department to do business as an outdoor advertising company in the State of Oklahoma.

"Main traveled way" means the traveled portion of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

"Maintain" means to hold or keep in a state of continuing existence.

"Non-conforming (grandfathered) sign" means a sign which was lawfully erected but does not comply with all the provisions of the State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Illegally erected or maintained signs are not non-conforming signs.

"Non-conforming (grandfathered) sign maintenance" means the sign must remain substantially the same as it existed on the effective date of State law. (Also see “Customary Maintenance” and “Destroyed” above.)

"Official signs and notices" mean signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purpose of carrying out an official duty or responsibility. These signs must not exceed thirty-two (32) total square feet in area.

"On-premise sign" mean signs consisting solely of the name of the establishment, or which identify the establishment's principal or accessory products, or the services which are offered on the business premises. Signs advertising the sale or lease of the property on which they are located, are considered on-premise signs. Signs located on narrow strips of land contiguous to the advertised activity when the purpose clearly is to circumvent the Oklahoma Highway Advertising Control Act shall not qualify as on-premise signs. (See 730:35-5-14)

"Outdoor advertising business" means any person, firm or corporation which builds, leases, sells, or rents advertising space upon an outdoor advertising sign, display or device to others for profit.

"Primary highway" means any highway at any time officially designated a part of the Federal-aid Primary System by the Department and approved by the United States Department of Transportation.

"Public utility signs" mean warning signs, informational signs, notices or markers which are customarily erected and maintained by publicly or privately owned utilities, as essential to their operations.

"Rest area" means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

"Scenic turnout" means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control which provides a shelter off the main-traveled way for stopped vehicles for the purpose of viewing an area of scenic significance.

"Service club and religious notices" mean signs and notices relating to the existence or meetings of non-profit service clubs, including but not limited to, garden clubs, charitable associations or religious services. Service club or religious notice signs shall not exceed eight (8) square feet in area.

"Sign, outdoor advertising or outdoor advertising device" means any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the Interstate or National Highway System. It includes permanent or portable installations, but shall not include surface markers showing the location or route of underground utility facilities or pipelines or public telephone coin stations installed for emergency use. It also shall not include temporary election

candidate campaign signs or voters' referendum signs, if erected not more than 45 days prior to an election and removed within 7 days following the election or within 7 days following the final election if more than one election is required to fill the office or settle the referendum issue.

Sign facing" means the total advertising surface of an outdoor advertising sign, display or device which is visible from the main-traveled way of the highway. For purposes of this definition, a single sign facing may consist of one or more sign panels facing in one direction.

"Sign panel" means a separate advertising area contained upon a sign facing, including any border or trim, but excluding ornamental base or apron supports; provided however, that such ornamental base or apron supports shall not contain an advertising message or messages
.

"Sign standards by sign type" means Class “A” signs, Class "B" signs, Class “C” signs, Class D signs, “on premise” signs, exempt signs, prohibited signs and all their zoning, spacing, lighting and size requirements. (See 730:35-5-12, 730:35-5-13, 730:35-5-14, 730:35-5-15, and 730:35-5-16.)

"Sign structure support" includes all structures, poles, bracings, lateral supports and other material of every kind and nature used to support a face or surface on which outdoor advertising is placed, whether located on or attached to the surface of the earth or man-made structure.

"The Act" means the Highway Advertising Control Act contained in Title 69 O.S., Section 1271 et seq., and any amendments thereto.

"To erect", and variants of the verb "to erect", means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. These shall not include any of the foregoing activities when performed as incident to the change of advertising message or customary maintenance of the sign structure. Any relocation of the sign structure, however slight, from one site to another site shall be deemed to be within the meaning of the verb "to erect" and its variants.

"Truck weighing station" means an area or site established and maintained within or adjacent to the highway right-of-way and upon which are located permanent truck weighing facilities operated by the Department, the Department of Public Safety, and/or the Oklahoma State Tax Commission.

"Unzoned commercial or industrial areas" means those areas which are not zoned by state or local law, regulation or ordinance, and on which there is located one or more permanent structures devoted to a commercial or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon. No area upon which a commercial or industrial activity is conducted shall be considered as an unzoned commercial or industrial area if the commercial or industrial activity is conducted as a method, scheme or ruse designed for the purpose of conducting the business of outdoor advertising.

"Urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each state, or an urban place as designated by the Bureau of the Census having a population of five thousand (5,000) or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

"Visible" means capable of being seen without visual aid by a person of normal visual acuity.

"Zoned commercial or industrial areas" means those area zoned for commercial or industrial activities under the authority of any state law, or city or county zoning ordinance of this state. Any commercial or industrial area created or established by any zoning authority must actually be capable of supporting commercial or industrial activities. Any state or local zoning action which is not a part of a comprehensive zoning plan, such as strip zoning, spot zoning, or variances created primarily to allow outdoor advertising structures, will not be recognized by the Department as zoning for outdoor advertising purposes.

[Source:** Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 11 Ok Reg 4697, eff 8-16-94 (emergency); Amended at 12 Ok Reg 1287, eff 5-11-95; Amended at 17 Ok Reg 1384, eff 5-11-00; Amended at 26 Ok Reg 1703, eff 7-1-09**]

730:35-5-4. Licensing outdoor advertising businesses

(a) No person, firm or corporation shall engage in, or continue in, the outdoor advertising business by the erection and/or maintenance of outdoor advertising signs, displays, or devices in the adjacent area or control area on any Interstate or Primary highway in this State without first obtaining a license from the Department authorizing such person, firm, or corporation to conduct such business as an outdoor advertising company. The license fee shall be payable in advance, by certified check or money order only, in the amount of four hundred dollars ($400.00). Each license shall expire on June 30 of each year and the license fee shall not be prorated for a part of a year. Applications for licenses shall be made upon forms provided by the Department and shall state the name and address of the applicant and such additional information as may be required by the Department for the purpose of administering the Act. The information contained in the application shall be verified under oath by the applicant, a partner of the firm or an authorized officer of the corporation.

(b) Applications for renewals of licenses shall be made to the Department, upon forms provided by the Department, on or prior to June 1st preceding the expiration date. Applications shall be accompanied by the annual renewal fee of two hundred dollars ($200.00), payable by certified check or money order only. Renewal applications shall contain such information as may be required by the Department for the purpose of administering the Act and the information thus submitted shall be verified under oath of the applicant, a partner of the firm or an authorized officer of the corporation.

(c) Any person, firm, or corporation erecting only outdoor advertising signs, displays, and devices which advertise his own business, products, or profession, and which signs are located upon the property where such business is conducted, products sold, or profession practiced, shall not be considered as being in the outdoor advertising business and shall not be required to obtain a license or sign permit from the Department.
(d) A late fee consisting of fifty dollars ($50.00) per month or any part thereof shall be charged by the Department for any late filing for a license or license renewal. (Date of receipt will be determined by postmark.) All such fees are to be payable in advance by certified check or money order only.
(e) Failure to obtain a license as required by this rule or failure to renew a license when required shall immediately cause all outdoor advertising signs owned by the party to be in violation of these regulations and therefore a public nuisance subject to removal as provided bylaw.
(f) Providing false information on the application or renewal shall be sufficient grounds to deny the license or license renewal.

[Source: *Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 17 Ok Reg 1384, eff 5-11-00; Amended at 26 Ok Reg 1703, eff 7-1-09****]***

730:35-5-5. Registration of outdoor signs, displays and devices

(a) All signs, except for signs considered exempt, (see 730:35-5-15) that are adjacent to or located within six hundred sixty (660) feet of the right-of-way, and visible from the main traveled way of any Interstate or Federal-aid Primary highway in the state, are required to be registered and permitted by the Department.
(b) Application forms to register and permit sign locations are provided by the Department, prior to the construction or relocation of any sign. The application form is to be filled out in its entirety, notarized and submitted to the Department, along with the application fee ($100.00), two (2) photos of the proposed site location and a copy of the current lease agreement with landowner of the site location. Upon receipt of all required data, the Department will then process the application as expeditiously as possible. The applicant shall be notified of the Department's decision on the application and the reasons therefore, if denied, within sixty (60) days of receipt of the completed application. Upon approval, the sign location is assigned a registration number and is issued a registration certification (title), permit and tag.
(c) For each properly registered outdoor advertising sign, display, or device, the Department shall issue a registration certificate which contains a unique registration number, the name and address of the owner and such additional information as the Department considers necessary to properly identify the particular outdoor advertising sign, display, or device.
(d) The registration tag is to be affixed to the applicable outdoor advertising sign, display or device so as to be conspicuous and visible from the main traveled way within a period not to exceed sixty (60) days of its issuance. On or after July 1, 1973, any outdoor advertising sign, display or device located within the controlled areas, and which does not display its applicable registration tag may be considered by the Department to be unregistered, thus illegal, and subject to removal by the Department in accordance with provisions of law; provided further, that the Department may institute and pursue to a conclusion such other proceedings, criminal and civil in enforcement of the provisions of the Act and this rule as are provided by the law and this rule, which may include revocation of the company's license to do business.

(e) The registration of an outdoor advertising sign, display, or device shall be permanent for the registered sign as long as the sign remains in conformance with requirements of law and these rules; provided, however, that lost, stolen or destroyed registration tags or certificates may be replaced by the Department, such replacement tags or certificates to bear the same registration numbers as the originals. The replacement cost will be a fee of twenty-five dollars ($25.00) for the registration tag, and a fee of twenty-five dollars ($25.00) for the registration certificate.
(f) Upon change of ownership of any registered outdoor advertising sign, display, or device, the new owner shall, within ninety (90) days, notify the Department by presenting to the Department the current applicable registration certificate executed as provided for thereon, and request a transfer of registration. Provide a copy of a current lease, assignment of an assignable lease, or proof of current payment between the land owner(s) and the new owner of the sign. A new registration certificate issued by the Department shall provide for an assignment of registration, such assignment to be executed by the assignor and acknowledged by a Notary Public. A fee of twenty-five dollars ($25.00) will be charged by the Department for a transfer of registration. Failure to request transfer within ninety (90) days shall be grounds for the Department to determine that the sign is illegal and subject to removal.

*[**Source:** Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 17 Ok Reg 1384, eff 5-11-00]*

730:35-5-6. Permits for outdoor advertising signs, displays, and devices

(a) All signs, except for signs considered exempt, (see 730:35-5-14) that are adjacent to or located within six hundred sixty (660) feet of the right-of-way, and visible from the main traveled way of an Interstate or Federal-aid Primary highway in the state, are required to be registered and permitted by the Department.
(b) Application forms to register and permit sign locations are provided by the Department, prior to the construction or relocation of any sign. The application form is to be filled out in its entirety, notarized and submitted to the Department, along with the application fee ($100.00), two (2) photographs of the proposed site location and a copy of the current lease agreement with landowner of the site location. Upon receipt of all required data, the Department will then process the application as expeditiously as possible. The applicant shall be notified of the Department's decision on the application and the reasons therefore, if denied, within sixty (60) days of receipt of the completed application. If approved, the sign location is assigned a registration number and issued a registration certificate (title), permit, and tag.
(c) Permits for new signs shall be renewed every two (2) years from the date of issuance thereof, and permit renewal invoice shall be accompanied by a twenty dollar ($20.00) fee. The Department may require additional documentation to accompany any renewal(s) if deemed necessary.
(d) Failure to renew a permit when required shall cause the non-permitted outdoor advertising device to be in violation of these regulations and subject to removal according to law.
(e) The holder of a permit shall, during the term thereof, have the right to change the advertising copy, ornamentation, or trim on the outdoor advertising structure or device for which it was issued without payment of any additional fee.

(f) Educational, veterans, religious, charitable, governmental or civic organizations, not operated for profit, shall obtain a permit in accordance with the provisions of this Subchapter for each outdoor advertising sign, display, or device having more than eight (8) square feet in area maintained or erected; provided, however, that no permit renewal fee shall be charged.
(g) Submission of false information in an application or in support of an application shall be sufficient grounds to deny or cancel the permit, renewal, or transfer.
(h) Upon failure of the permit holder to make lease payments or other agreed upon compensation to the land owner, or when the lease for the use of the land is canceled for any other lawful reason, the Department shall, upon submission of a sworn affidavit and such other proper documentation as may be necessary, revoke the outdoor advertising permit. In the event that the lessee presents a sworn affidavit or other proper documentation that the lease remains valid, the Department shall accept no new applications, issue further permits or renew existing permits on the property until the lease expires or its validity is determined in a court of competent jurisdiction. Priority shall be to the existing permit holder.
(i) In the event that the Outdoor Advertising Control Branch determines that the permit should not be issued, renewed, or transferred, the applicant shall be so notified in writing. The letter shall state specifically the grounds upon which the requested action is to be denied.
(j) If a sign structure has not been completed within one hundred eighty (180) days of the issuance of the permit, a permanent marker shall be erected to allow for placement of the registration tag.

[Source: *Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 11 Ok Reg 4697, eff 8-16-94 (emergency); Amended at 12 Ok Reg 1287, eff 5-11-95; Amended at 17 Ok Reg 1384, eff 5-11-00; Amended at 26 Ok Reg 1703, eff 7-1-09****]***

730:35-5-7. Failure to provide complete information

Failure of the applicant to provide full and complete information on any licensing, registration, or permit form required by this subchapter may result in the non-issuance of such license, registration or permit. This would cause the person, firm or corporation to remain unlicensed, or the outdoor advertising device to remain unregistered and would subject them to the penalties prescribed by law.

*[**Source:** Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 17 Ok Reg 1384, eff 5-11-00**]***

730:35-5-8. Data required for licensing, registration, and permit application and renewal application forms

(a) The Department shall require the following information and data from the applicant for the registration and permit for an outdoor advertising sign, display, or device. This information shall be written upon the application form supplied by the Department, or attached as collateral appendages thereto:

(1) One or more prints of a photograph of the staked or marked location, outdoor advertising sign, display, or device, taken contemporaneously with the date of the application, the print size to be as specified by the Department.
(2) Name and address of the applicant.

(3) Sign location data, including highway identification, county, municipality if pertinent, and identification of nearest intersecting numbered state highway and, if specifically requested to resolve a location dispute, a plotted land survey giving the distance from that highway intersection, and the legal description of the real property tract upon which the sign is located.

(4) Name and address of the owner or owners of real property on which the sign is located.

(5) Whether or not the sign was erected and is being maintained under a lease or other authorizing agreement with the owner or owners of the real property on which the sign is located.

(6) Physical description of the sign as to size, sign panels, and sign facings arrangements, illumination, and contemporary sign advertising message.

(7) Whether or not the area in which the sign is located is zoned and, if zoned, the zoning classification.

(8) If the sign is not in a zoned area, whether or not it is within 600 feet of an identified business.

(b) In connection with the application for renewal of a permit for a sign, the Department may require a photograph of the subject outdoor advertising sign, display or device, taken contemporaneously with the date of the application for renewal, if a material change in the outdoor advertising sign, display, or device, other than in the advertising content, occurred or was brought about during the permit period preceding the renewal date.

(c) The Department shall require the applicant for registration, permit, or transfer of an outdoor advertising sign, display, or device, to furnish a copy of the current lease with the owner or owners of the real property on which the sign is located, authorizing the presence of the subject sign on the property.

(d) Any applicant for a license or for registration and permit for an outdoor advertising sign, display, or device, who is not a resident of this State must appoint and maintain an agent upon whom service or process may be had in any action to which the applicant may be a party. The agent shall reside in the State of Oklahoma and shall file with the Department a formal declaration as to his place of residence in the State of Oklahoma.

(e) The requirements to furnish information, data, proofs, and agent designations set forth in the foregoing 730:35-5-8, (a) through (d) shall not be deemed to restrict the information and data the Department may require, and the Department may require such other information, data, and proofs as it may reasonably deem necessary for the administration of its authority to implement and enforce the provisions of the Act. The Department may require the applicant to furnish written authority or permission from the owner of the real property upon which the pertinent sign is located, authorizing the Department, its agents, contractors, servants, or employees, to enter upon the property for such purpose or purposes as are reasonably necessary to promote the effective control of outdoor advertising and to carry out the Department's duties and responsibilities under this subchapter.

[Source:** Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 17 Ok Reg 1384, eff 5-11-00; Amended at 26 Ok Reg 1703, eff 7-1-09**]

730:35-5-9. Sign owner requirements

Sign owners along highways which were added to the Interstate and Primary systems after March 28, 1972, shall be required to apply for registration and permit within ninety (90) days after receiving written notification from the Department.

***[Source:** Amended at 17 Ok Reg 1384, eff 5-11-00]*

730:35-5-10. Exemption for directional signs lawfully erected prior to May 5, 1976

(a) For signs, displays, and devices to be eligible for exemption under this section the following conditions must exist or apply:

(1) They must have been lawfully erected prior to May 5, 1976.

(2) They must continue to provide directional information to goods and services in the interest of the traveling public and meet the requirements for directional content that were provided on May 5, 1976 as defined in 730:35-5-3 of this subchapter for "Directional Signs."

(3) They must be located within a defined area with clearly established geographical boundaries which functions as an economic unit or entity.

(4) Removal of the signs, displays, or devices would work a substantial economic hardship throughout the area.

(b) To obtain the exemption as permitted by this Section, any person, firm, or corporation engaged in the business of outdoor advertising must apply in writing to the Department before December 31, 1979 furnishing an acceptable economic impact study containing the following information:

(1) An analysis which identifies the key economic activities of the area.

(2) The limits of the defined area requested for exemption.

(3) A listing of signs to be exempted, their location and the name of the enterprise advertised.

(4) The number and location of nonconforming signs providing similar information for which no exemption is requested.

(5) The number of conforming sign sites and locations where such signs exist or could be lawfully erected.

(6) The number and location of on-premise signs clearly visible from the main-traveled way.

(c) Those signs identified in 730:35-5-10(b)(3) must be demonstrated to have a direct relationship with the economic well-being of those enterprises advertising goods and services to the traveling public and must contribute to the defined areas' economy, independent of those signs listed in 730:35-5-10(b)(4), (5), and (6) to such a degree that their removal would work a substantial economic hardship throughout the area. Furthermore, such signs, in and of themselves, must generate substantial business and income for and within the defined area.

(d) Upon approval by the Department and acceptance by the Federal Highway Administration (FHWA) all exempted nonconforming signs, displays, and devices must continue to be lawfully maintained and the message content must remain substantially the same as provided on May 5, 1976.

(e) The defined area and economic study will be reviewed and evaluated by the Department at least every three (3) years to determine if an exemption is still warranted.
(f) In the event the Department contacts a sign owner concerning the acquisition and removal of signs under a compulsory beautification project prior to December 31, 1979, the sign owner, at his option, will have ten (10) days to inform the Department, in writing, that he is applying for an exemption as provided in this Section. It will then be necessary to submit the economic impact study as required by 730:35-5-10(b) to the Department within sixty (60) days.

[Source: *Amended at 17 Ok Reg 1384, eff 5-11-00*]

730:35-5-11. Enforcement

The director of the Oklahoma Department of Transportation or his designee is hereby authorized to initiate such legal action as, in the Director's opinion, is necessary to ensure the enforcement of the Highway Advertising Control Act, and the rules and regulations promulgated there under by this Commission.

[Source: *Amended at 17 Ok Reg 1384, eff 5-11-00]*

730:35-5-12. Class "A" signs

(a) **Site requirements.** Class "A" permitted signs must be located in a commercial or industrial area as defined in 730:35-5-3.

(1) **Zoning Qualifications**

(A) Property upon which signs are to be erected within the control area must be zoned comprehensively for business, commercial or industrial activities under the authority of any state zoning law, or city or county zoning ordinance of this state, or but shall not include areas which reflect strip or spot zoning granted strictly for the purpose of outdoor advertising.
(B) To determine whether a zoning action, past or present, is an attempt to circumvent outdoor advertising law or regulations, the following factors shall be taken into consideration:

(i) expressed reason for zoning
(ii) zoning for the surrounding area
(iii) actual land use
(iv) existence of plans for commercial or industrial development
(v) proper access to property
(vi) availability of utilities (water, electricity, sewage) in the newly zoned area, and
(vii) whether or not the property is being assessed in accordance with zoning.

(C) Failure to meet zoning qualifications based on the factors set forth in this subsection is grounds for permit denial. It is the responsibility of the applicant to provide support documentation if zoning is determined to be questionable. Questionable zoning would include areas which have no visible indications of development, are separated from the primary urban area under which authority they are zoned and areas which are being primarily used for agricultural, ranching or residential purposes.

(2) **Commercial or Industrial Activity Requirements.** Property upon which signs are to be erected must be unzoned but the sign is to be located within six hundred (600) feet of a qualifying commercial or industrial activity. The considerations are as follows:

(A) Such an activity shall be equipped with all customary utilities, facilities and open to the public regularly or regularly used by the employees of the business as their principal work station or which due to the nature of the business is equipped, staffed, and accessible to the public as is customary. The activity must be clearly identified and recognized as a business from the main-traveled way. The majority of the business activity must be conducted on the premises during normal business hours. Permit applicant may be required to provide sufficient documentation to demonstrate the status of the activity as a qualifying commercial or industrial business.

(B) It includes the area along the highway extending outward six hundred (600) feet from and beyond the edge of the regularly used area of said activity in each direction and a corresponding zone directly across a primary highway which is not also a limited or controlled access highway. All measurements shall be made from the edge of the regularly used building, parking lots, storage or processing areas of the commercial or industrial activity, not from the property lines of the activity and shall be along or parallel to the edge of the pavement of the highway. Provided however, the unzoned area shall not include land on the opposite side of an interstate or dual-laned limited access primary highway from the commercial or industrial activity establishing the unzoned commercial or industrial area.

(C) None of the following, but not limited to the following, shall be considered commercial or industrial activities for the purpose of outdoor advertising:

(i) outdoor advertising structures

(ii) agricultural, forestry, ranching, grazing, farming, and related activities, including but not limited to wayside fresh produce stands

(iii) transient or temporary businesses and activities

(iv) activities more than six hundred sixty (660) feet from the nearest edge of the right-of-way

(v) activities conducted in a building principally used as a residence

(vi) local, county, state or federal governmental offices or entities

(vii) recreational activities which are designed to present park-like or pastoral aesthetic features to the travelling public. (Including but not limited to golf course greens and fairways, hunting club acreages, or other such type activities.)

(b) **Spacing.**

(1) **Interstates and Controlled Access Primary Highways.**

(A) No two (2) registered sign structures which are visible from the highway at any one time shall be spaced less than one thousand (1,000) feet apart on the same side of the highway.

(B) Outside incorporated municipalities, no structure shall be located within five hundred (500) feet of an interchange/ramp, intersection, intersection at grade, or rest area (measured along the interstate or freeway from the sign to the nearest point of the beginning or ending of the pavement widening at the exit or entrance to the main-traveled way).

(2) **Primary Highway System (non-controlled access).**

(A) Inside the limits of an incorporated municipality, no two (2) registered sign structures shall be spaced less than one hundred (100) feet apart on the opposite side of the highway and three hundred (300) feet on the same side of the highway.

(B) Outside the limits of an incorporated municipality, no two (2) registered sign structures shall be spaced less than three hundred (300) feet apart.

(C) Such spacing applies unless the signs are separated by a building or other obstruction in such a manner that only one display is visible from the highway at any one time from either lane of traffic.

(3) **Explanatory notes.**

(A) Directional, official, and exempt signs as herein defined, shall not be counted nor shall measurements be made from them for the purpose of determining compliance with spacing requirements.

(B) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway. Distances shall be measured utilizing the points of signs or staked locations nearest the highway.

(4) **Disqualifiers.**

(A) Signs shall not be located within five hundred (500) feet of any of the following which are adjacent to any interstate (on the same side of the highway) or federal-aid primary highway:

(i) public park
(ii) public forest
(iii) playground
(iv) cemetery

(B) Signs in unzoned commercial or industrial areas shall not be located within five hundred (500) feet of the following which are adjacent to any interstate (on the same side of the highway) or federal-aid primary highway:

(i) church
(ii) school
(iii) historical battlefield
(iv) rest area

(C) Signs in unzoned commercial or industrial areas shall not be located within three hundred (300) feet of any residence without a written consent.

(5) For the purpose of providing a method and opportunity to minimize the cost of acquiring legally erected outdoor advertising signs to be taken when the state purchases land under eminent domain, the Director of the Department shall have the option to approve the issuance of permits for outdoor advertising signs visible from interstate and freeway primary facilities which are to be erected less than one thousand (1,000) feet from another such sign. Permits issued pursuant to this option shall be only for the purpose of providing a relocation site for a sign being taken by the state, and in no case shall such permits allow an outdoor advertising sign to be erected less than the distance provided for in this title from another such sign. Provided, when the Department issues a permit pursuant to this subsection to accommodate the relocation of a structure:

(A) If the structure to be removed is visible from an interstate highway inside an incorporated area, the relocation site shall be inside the same incorporated area and shall be visible from an interstate highway.

(B) If the structure to be removed is visible from a freeway primary highway inside an incorporated area, the relocation site shall be inside the same incorporated area and shall be visible from a freeway primary highway or an interstate highway.

(C) If there are not suitable relocation sites meeting the provisions of subparagraph A of this paragraph and the structure to be removed is visible from an interstate highway inside an incorporated area, notwithstanding the provisions of subparagraph A of this paragraph, the Department may issue a permit for a relocation site outside of the incorporated area which shall be visible from an interstate highway, and

(D) If there are no suitable relocation sites meeting the provisions of subparagraph B of this paragraph and the structure to be removed is visible from a freeway primary highway inside an incorporated area, notwithstanding the provisions of subparagraph B of this paragraph, the Department may issue a permit for a relocation site outside of the incorporated area which shall be visible from a freeway primary highway or an interstate highway.

(E) Provided further, the square footage of display face on the relocated sign shall not exceed the square footage of display face of the taken sign. The Transportation Commission shall have the authority to promulgate rules necessary to implement the use of the permit option provided for in this subsection and to request the cooperation of municipalities where local permits are required.

(6) Notwithstanding any other provision of law, the Department shall, after determining the need to acquire property upon which outdoor advertising structures are located, have the authority to negotiate directly with the owner of the outdoor advertising structure the terms for maintaining such structures in their current position or for the relocation of such structures. Such negotiations may begin prior to the Department's initiation of formal condemnation proceedings and shall be completed within six (6) months or at the time of the court-appointed appraiser's report, whichever occurs first. The owner of the outdoor advertising structure shall initiate such negotiations by written request to the Department, provided such request shall include proof of sole ownership of the structure. Nothing in this section shall be construed to prevent the owner of the land from pursuing a claim of interest in any lease existing between the landowner and the outdoor advertising structure owner, or to prevent the outdoor advertising structure owner from pursuing a claim for

fair market value of the owner's interest if negotiations with the Department for a lease or structure relocation arrangement are not successful.

(c) **Lighting.** Signs may be illuminated, subject to the following restrictions:

(1) Signs which contain, include, have attached or are illuminated by any flashing, intermittent or moving light, or lights which involve moving parts are prohibited, except on premise signs and those giving public service information, such as, but not limited to, time, date, temperature, weather, news, or similar information.

(2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or impair vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle, are prohibited.

(3) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures any official traffic sign, device or signal, or imitates or may be confused with any such official traffic sign, device or signal.

(4) A non-conforming (grandfathered) sign cannot have lighting added after it has become non-conforming.

(5) Signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position, commonly known as tri-vision faces or multiple message signs are allowed; provided, the rotation of one (1) sign face to another is no more frequent than every eight (8) seconds and the actual rotation process is accomplished in four (4) seconds or less. Some LED type displays may be used under these guidelines, however moving or flashing lights are strictly prohibited. Change from one panel to another must be accomplished with static displays only. Scrolling or fading from one display to the next is not allowed.

(6) Approval to upgrade an existing Class A registered sign to allow Tri-Vision or LED technology to a registered sign not already designated with such use must be obtained from the Outdoor Advertising Control Branch prior to actual changes being made.

Request for approval must be submitted in writing, listing the Registration Number, type of technology intended and a document confirming current land use consent.

(d) **Size.**

(1) The maximum area for any one sign shall be one thousand two hundred (1,200) square feet including border and trim, but not including the base or apron, supports and other structural members. If an advertising message appears on the base or apron, it must be included as part of maximum allowable area. The sign may not be more than twenty-five (25) feet in height or sixty (60) feet in length.

(2) The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign, including any cutouts or extensions.

(3) The maximum size limitations shall apply to each side (facing) of a sign structure. Two (2) signs not exceeding six hundred (600) square feet each may be erected in a facing, "side by side" or "double decked" (stacked.) "Back to back" and "V-type" signs will be permitted and shall be treated as one structure with one thousand two hundred (1,200) square feet permitted for each facing. "V-type" signs shall not exceed thirty (30) feet between faces at the widest point. "Tri-face" signs are prohibited.

[Source:** Added at 17 Ok Reg 1384, eff 5-11-0; Amended at 26 Ok Reg 1703, eff 7-1-09**]

730:35-5-13. Informational or Class "C" signs

(a) An "informational" or Class "C" sign, is one that is owned by a public person, place or organization, which contains directions or information about public places, owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, educational and religious sites (not including churches), and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Commercial advertisement is prohibited on informational signs. There are no zoning requirements.

(b) **Size requirements.** Maximum area shall not exceed one hundred fifty (150) square feet. Sign height or width shall not exceed twenty (20) feet.

(c) **Spacing requirements.**

(1) Interstate and Limited Access Federal-aid Primary Highways (Divided) (Applies to same side of highway only) - An informational sign can not be erected within one thousand (1,000) feet from another registered sign.

(2) Non-Interstate Federal Aid Primary Highway (Non-Divided)

(A) An informational sign can not be erected less than three hundred (300) feet from another registered sign outside the limits of any incorporated municipality.

(B) An informational sign cannot be erected less than one hundred (100) feet from another registered sign on the opposite side of the highway and three hundred (300) feet on the same side of the highway within the limits of an incorporated municipality.

(3) On all Interstates and Federal-aid Primary highways (applies only to same side of highway when adjacent to Interstates or Limited Access Federal-aid Primary highways), no informational sign shall be erected within five hundred (500) feet of the following:

(A) park
(B) playground
(C) cemetery
(D) forest preserve

(d) **Lighting requirements.**

(1) Signs shall not be erected which contain, include or are illuminated by any flashing, intermittent, revolving or moving light, except on-premise signs and those giving public service information such as but not limited to, time, date, temperature, weather or news. Steadily burning lights in configuration of letters or pictures are not prohibited.

(2) Signs shall not be erected or maintained which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate or federal-aid primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

(3) Signs shall not be erected or maintained which shall be so illuminated that they obscure any official traffic sign, device, or signal or may be confused with any such official traffic sign, device or signal.

(4) Signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position, commonly known as tri-vision faces or multiple message signs are allowed; provided the rotation of one (1) sign face to another is no more frequent than every eight (8) seconds and the actual rotation process is accomplished in four (4) seconds or less. Some LED type displays may be used under these guidelines, however moving or flashing lights are strictly prohibited. Change from

one panel to another must be accomplished with static displays only. Scrolling or fading from one display to the next is not allowed.

[Source:** Added at 17 Ok Reg 1384, eff 5-11-00; Amended at 26 Ok Reg 1703, eff 7-1-09**]

730:35-5-14. On-premise signs

An "on-premise" sign advertises the activities conducted upon the property upon which they are located and signs advertising the sale or lease of the property on which they are located.

(1) **Characteristics of an on-premise sign.** A sign will be considered to be "on-premise" if it meets the following requirements:

(A) **Premise.** The sign must be located on the same premises as the activity or property advertised.

(B) **Purpose.** The sign must have as its purpose:

(i) the identification of the activity, or its products or services or

(ii) the sale or lease of the property on which the sign is located, rather than the purpose of the general advertising.

(2) **Premises Test.** The following criteria shall be used in determining whether a device is located the same premises as the activity or property advertised.

(A) The premises on which an activity is conducted is determined by physical facts rather than property lines. Generally, it is defined as the land occupied by the buildings or other physical uses essential to the activity including such areas as are arranged and designed to be used in connection with such building or uses.

(B) The following will not be considered to be a part of the premises on which the activity is conducted and any signs located on such land will be considered "off-premise" advertising.

(i) Any land which is not used as an integral part of the principal activity. This would include but is not limited to, land which is separated from the activity by a roadway, highway or other obstructions and not used by the activity and extensive

undeveloped highway frontage contiguous to the land actually used by a commercial facility even though it might be under the same ownership.

(ii) Any land which is used for, or devoted to a separate purpose unrelated to the advertised activity. For example, land adjacent to or adjoining a service station, but devoted to raising crops, residence, or farmstead uses other than commercial or industrial uses having no relationship to the service station activity would not be part of the premises of the service station, even though under the same ownership.

(iii) Any land which is:

(I) at some distance from the principle activity, and

(II) in closer proximity to the highway than the principle activity, and

(III) developed or used only in the area of sign site or between the sign site and the principle activity, and

(IV) occupied solely by structures or uses which are only incidental to the principle activity, and which serve no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes. Generally, these will be facilities such as picnic, playground, or camping areas, dog kennels, golf driving ranges, skeet ranges, common or private roadways or easements, walking paths, fences, and sign maintenance sheds.

(C) **Narrow Strips.** Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configurations of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land.

(3) **Purpose Test.** The following criteria shall be used for determining whether a sign has as its purpose (1) the identification of the activity located on the premises or its products or services, or (2) the sale or lease of the property on which the sign is located, rather than the business of outdoor advertising.

(A) **General.**

(i) Any sign which consists solely of the name of the establishment is an on-premise sign.

(ii) A sign which identifies the establishment's principle or accessory product or services offered on the premises is an on-premise sign.

(iii) An example of an accessory product would be a brand of tires offered for sale at a service station.

(B) **Business of Outdoor Advertising.**

(i) When an outdoor advertising device (1) brings rental income to the property owner, or (2) consists principally of brand name or trade name advertising, or (3) the product or service advertised is only incidental to the principle activity, it shall be considered the business of outdoor advertising and not an on-premise sign. An example would be a typical billboard located on the top of a service station building that advertised a brand of cigarettes or chewing gum which is incidentally sold in a vending machine on the property.

(ii) An outdoor advertising device which advertises activities conducted on the premises, but which also advertises, in a prominent manner, activities not conducted on the premises, is not an on-premise sign. An example would be a sign advertising a motel or restaurant not located on the premises with a notation or attachment stating "Skeet Range Here", or "Dog Kennels Here". The on-premise activity would only be the skeet range or dog kennel.

(C) **Sale or Lease Signs.** A sale or lease sign which also advertises any product or service not located upon and related to the business of selling or leasing the land on which the sign is located is not an on-premise sign. An example of this would be a typical: "This Property for Sale"; "Smith's Motel; 500 Rooms, Air Conditioned, Turn Right 3 blocks at Main Street".

***[Source:** Added at 17 Ok Reg 1384, eff 5-11-00]*

730:35-5-15. Exempt signs

The following signs and advertisements, if securely attached to real property or advertising structures are exempt from regulations as stated herein, and may be erected in controlled areas:

(1) Signs erected or maintained, or caused to be erected or maintained, on any farm by the owner or lessee of such farm and relating solely to farm produce merchandise, services or entertainment sold, produced, manufactured or furnished on such farm.

(2) Signs eight (8) square feet or less, which denote only the name of a civic or service club or church, location and directions for reaching the same, and the time of meeting of such organization and public utility signs.

[Source:** Added at 17 Ok Reg 1384, eff 5-11-00**]

730:35-5-16. Prohibited signs

(a) Signs shall not be erected or maintained which:

(1) Imitate or resemble any official traffic sign, signal or device.

(2) Are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(3) Are not permanently affixed to real property or a sign structure (mobile signs).

(4) Are "Tri-face" signs.

(b) Scenic Byway Prohibition. Off-premise advertisement is prohibited adjacent to routes of highway that are officially designated as state or federal scenic byways under the National Scenic Byways Act. This applies only to portions of scenic byways which coincide with the regulated routes.

[Source:** Added at 17 Ok Reg 1384, eff 5-11-00; Amended at 26 Ok Reg 1703, eff 7-1-09**]

730:35-5-17. Signs – Directions to Recreation Areas

In counties that do not have county planning or zoning, signs located outside of incorporated municipalities which advertise or give directions to local outdoor recreation areas may be allowed adjacent to interstate highways if such signs are otherwise in compliance with this section, approval may be given by the Director of the Department.

[Source:** Added 26 Ok Reg 1703, eff 7-1-09**]

PROCEDURE STATEMENT
OKLAHOMA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY & UTILITIES DIVISION

Subject:	**No:**	OAC-PRO 6.117-2
Determining Intent of Advertising Device	**Revised:**	April 1, 2015
	Page:	1 of 2

Applies to: Inspectors in the OAC Branch and/or service providers taking inventory of signs and sign locations along regulated routes in the State of Oklahoma. OAC Branch Manager and Supervisor in review of potential sign sites which applicant claims will not be advertising to the main-traveled way of a regulated route although will be located within 660 feet of the right-of-way.

> **Policy** -- According to Federal Law, States are required to provide effective control of outdoor advertising located adjacent to and within 660 feet of regulated routes. To ensure effective control it is necessary for States to determine if the intent of an advertising device is to be read from the main-traveled way of a regulated route. Refer to Title 23 CFR §750.705 (g) and Title 69 O.S. 1991 §1271, 1272 & 1275 (c)(3).

Oversight & Final Decision: Manager, Outdoor Advertising Control Branch
Field Review: Transportation Specialists, and Contract Inventory Personnel

The control of outdoor advertising extends to signs located within 660 feet of the nearest edge of the right-of-way within urban areas and in all areas visible from the main traveled way of a regulated route outside of urban areas. Although all signs within this prescribed area are subject to State control not all signs are intended to be read from the main-traveled way of a regulated route. The Oklahoma Administrative Code defines main-traveled way as the traveled portion of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas. Title 23 CFR §750.705(g) requires the State to establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of a regulated route. By utilizing the following criteria it is determined whether or not a state permit is required of a sign located within 660 feet of the right-of-way of a regulated route.

Criteria and Considerations Used for Determining Intent of an Outdoor Advertising Device

- Message content (Does message specifically direct or guide regulated route traffic, such as exit now or next right?)
- Are there any physical obstructions?
- Distance from the regulated route in relation to the size, angle, structure type and placement of the sign.
- Exposure time (For example, signs which allow only a few seconds viewing time on a 55 miles per hour route would not be deemed advertising to the main-traveled way of a regulated route.)
- The sales value of the sign attributable to advertising circulation on the controlled highway under the criteria of an independent circulation audit agency where such is available. (How is the advertisement availability described? To be seen from the regulated route or referencing a side street etc.)

Request for OAC Review

Any individuals wishing to have a sign site declared exempt from permitting requirements due to not advertising to a regulated route can request an OAC review by submitting a written request which includes the following:

- Location description
- Photo of the intended sign site and surrounding area if necessary
- Diagram of size, angle and placement of intended sign
- Statement advising of the intended route to which the sign will be advertising

OAC personnel will then make a field inspection of the site (unless deemed unnecessary by the Branch Manager,) to make observations for determination. Determination will be sent to the applicant in writing.

Applies to:

Signs utilizing electronic technology which are located adjacent to all ODA regulated routes of roadway.

Policy:

Refer to OAC §730:35-5-12(c) 5 & 6.

Oversight:

Manager, Outdoor Advertising Control Branch

Field Inspections & Notification Process:

Transportation Specialists (Inspectors)

The following types of technology are allowed for conforming registered signs as long as they adhere to the prescribed guidelines as outlined in these procedures.

Tri-Vision Displays

Signs which include the steady illumination of sign faces, panels or slats that rotate to different messages in a fixed position are commonly known as tri-vision faces or multiple message signs. The use of these types of signs are allowed provided the following criteria is met:

- Rotation of one (1) panel to the next can be no more frequent than every eight (8) seconds
- The actual rotation process must be accomplished in four (4) seconds or less.
- Sign must be in compliance with all other aspects of state and federal laws and regulations including but not limited to the prohibition of flashing, intermittent or moving lights allowed.

Only one tri-vision unit can be used per facing.

LED or Digital Displays

LED (light emitting diode) or other types of digital displays are electrically operated providing high-resolution color images, complex visual arrangements, rich variation in color, with a vast amount of different images. Operational characteristics include electric power and remote control though a computer terminal using specialized software.

In addition to all other state and federal outdoor advertising regulatory the guidelines for this type of technology are as follows:

- Change from one display to the next must be accomplished with static displays only; no scrolling, fading or other type of animation.

- Each display must remain in place no less than eight (8) seconds.

- Brilliance of illumination is limited to 6000 nits during the day and no brighter than 500 nits from dusk till dawn.

- All controls for digital signs including illumination and operational requirements shall be programmed so that any malfunction shall cause the sign to default to a static operation mode.

- Signs shall not cause beams or rays of light from being directed at any portion of the traveled way, which beams or rays are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, nor shall such sign obscure or interfere with the effectiveness of an official traffic sign, device or signal, or cause an undue distraction to the traveling public.

- Signs shall not be located as to obscure or otherwise interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

- Must be in compliance with all other aspects of state and federal laws and regulations, including but not limited to the prohibition of any flashing, intermittent or moving lights.

- Signs are limited to one LED/digital display per facing.

- Signs utilizing LED/digital technology must be pre-approved by the Department before installation. Existing permitted sign sites can be upgraded to allow such technology upon written approval. Request for upgrade must be submitted to the Department along with a copy of current land use consent. The Department will review the eight year construction plan and ensure there are no outstanding issues causing the sign location to not be in compliance with outdoor advertising regulations. Upon approval or denial a written notice will be sent to the sign owner requesting the upgrade. If upgrade is denied the reason(s) for denial will be included in the notice.

Safety Hazard Enforcement

In instances when a CEVMS is found to pose an immediate danger to the traveling public discretionary measures can be taken such as requesting the threat be adjusted or dismantled in less than the normal ninety day period. For further instruction for

processing of illegal notifications refer to OAC-PRO 6.117-5. A continued pattern of any violations referenced in this Procedure could cause the CEVMS option for the offending sign to be permanently revoked.

Brilliance Complaints

Upon receiving a complaint of a sign being overly bright the subject sign file, if applicable, will be pulled and placed in the field request drawer and the inspector for that area is to be notified. Considering the possible safety risks an overly bright display could pose, these complaints are to be reviewed at the earliest moment possible.

Using the Canon Luminance Meter LS-110, the inspector will make the appropriate review of the sign displays. At the sign site, the inspector should take several measurements while positioned as close to perpendicular to the sign facing as safely possible. Since a luminance meter basically measures a “spot area” of a target, you do not have to necessarily measure the complete facing. A general distance standard of approximately 500 ft. from the sign is appropriate.

If found to be in violation of the luminance standards listed in this Procedure, the sign owner is to be notified in writing immediately with mandate for compliance with requirements specified. Although the notification will provide the typical ninety day time-frame in which to resolve the matter, the letter will include a statement encouraging the sign owner to address the violation(s) immediately to avoid possible liability issues. Further instruction for processing of illegal notifications can be found in OAC-PRO 6.117-5.

STATE OF OKLAHOMA

DEPARTMENT OF TRANSPORTATION

VEGETATION CLEARING AGREEMENT

[Title 69 Oklahoma Statute § 1275(e)]

Form No. M-60
Revised: 06/2012

Clearance Permit No.: _____

Date: _____

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

VEGETATION CLEARING AGREEMENT
[Title 69 Oklahoma Statutes § 1275(e)]

DIVISION NO.: _____

COUNTY: _____

HIGHWAY NO.: _____

MAINTENANCE DISTRICT: _____

APPLICANT:

DISTRICT PHONE: _____

SIGN REGISTRATION NO.: _____
(If applicable)

NAME (print): _____

TELEPHONE NO.: _____

ODOT Representative: *complete checklist on back of this form*

NAME (print): _____

TITLE: _____

APPLICANT REQUESTS PERMISSION TO TRIM OR REMOVE BRUSH AND/OR TREES FROM STATE RIGHT-OF-WAY LOCATED IN FRONT OF A LEGAL OUTDOOR ADVERTISING SIGN. THE WORK SHALL BE ACCOMPLISHED IN THE CLEARANCE AREA AND WITHIN THE PERIOD DESCRIBED BELOW:

Removal to Begin: _____ *(date)* For a period of _____ days. *(up to 180 days)*

DESCRIPTION:

Sign located _____ miles (N-S-E-W) _____ of Jct. _____ sign facing (N-S-E-W) _____

Name of property owner upon which you maintain the subject sign: _____

Applicant must provide written consent statements from any and all property owners who own property adjacent to the State right-of-way from the beginning contiguous to the end of the clearance area.

LIABILITY INSURANCE:

(A certificate of insurance or copy of insurance policy is attached)

Name of Policy Holder: _____

Policy Number: _____

Company Assuming Insurance: _____

Expiration Date of Policy: _____

Body Injury Amount: _____

Property Damage Amount: _____

Applicant will fully protect traffic on the highway during activities covered hereunder, and to hold harmless the Oklahoma Department of Transportation, its officers and employees from all damages, expenses, claims or liability arising out of any alleged damages of any nature, to any persons or property due to the performance, or non-performance, of the work described herein. All necessary traffic control will be in conformance to the Manual on Uniform Traffic Control Devices and current Department Standards and Specifications.

The Applicant shall furnish satisfactory evidence to the Department of the following:

- ☐ Liability insurance with the Department endorsed as an additional named insured to the extent of the State's liability under the provisions of the Governmental Tort Claims Act, 51 O.S. § 151 et seq
- ☐ $200 permit fee.
- ☐ Clearance agreement from all property owners adjacent to the highway right-of-way in the clearance area.
- ☐ Certification:
  - Accreditation by the Tree Care Industry Association

  or
  - Arborist certified by the International Society of Arboriculture
- ☐ Comprehensive traffic control plan.
- ☐ Work site access plan.
- ☐ Debris disposal plan.
- ☐ Notarized copy of Commission Rule Title 730: Chapter 35, Subchapter 5, Subsection 18: *VEGETATION CLEARING AGREEMENT.*

_____ _____

DIVISION ENGINEER *signature* *APPLICANT* *signature*

_____

_____

Applicant Mailing Address

STATE OF OKLAHOMA)
) §§
COUNTY OF _____)

Signed before me, a Notary Public, in and for said county and state on this _____ day of _____, 20____, personally appeared the Applicant, _____, known to me to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he or she executed the same as a free and voluntary act and deed for the purpose therein setforth.

Witness my hand and seal the day and year last above written. (SEAL)

My Commission Expires: _____ _____

NOTARY PUBLIC / COMMISSION NUMBER

OKLAHOMA ADMINISTRATIVE CODE
Title 730: Chapter 35, Subchapter 5, Subsection18
VEGETATION CLEARING AGREEMENT

Section 1 Purpose: It is the purpose of this subsection to establish regulations which enable the Department to enter into written agreements with outdoor advertising sign owners to allow such to perform vegetation management on state highway right-of-way for the purpose: to make visible or ensure future visibility of the facing of a legal outdoor advertising sign.

Section 2 Application: The regulations of this subsection are applicable to any person, firm or corporation who intends to perform brush or tree trimming or removal on State highway right-of-way.

Section 3 Definitions: The following words or terms, when used in this subsection, shall have the following meaning pursuant to 730: 35-5-3, unless the context clearly indicates otherwise:

(a) "Permittee" means a person, firm or corporation who has applied for and received a permit from the Department for the express purpose of removing brush and/or trees from the state highway right-of-way.

(b) "Clearance Area" means the area of State right-of-way adjacent to property upon which a legal outdoor advertising sign is located, on which said sign owner wishes to remove vegetation. The area shall not exceed eight hundred (800) feet in length, from any face of the sign, along the highway. This distance shall be determined by measuring horizontally along the highway from a line perpendicular from the support pole, nearest the highway, of the sign to the centerline of the highway.

(c) "Adjacent Property Owners" means any person, firm or corporation owning property which is located adjacent to a Clearance Area, as defined in this subsection. Applicant must submit written consent from any such property owner when making application for a clearance permit.

Section 4 Vegetation Management Permits:

(a) No person, firm or corporation shall trim or remove brush or trees from any portion of the State highway right-of-way without first obtaining a written permit from the Department.

(b) Application for a clearance permit shall be submitted to the appropriate Field Division Engineer using forms provided by the Department.

(c) Upon issuance, a permit shall be valid for a duration of up to six (6) months.

(d) The fee shall be $200 per Clearance Area.

(e) A copy of the approved clearance permit shall be available on the worksite for inspection at all times.

(f) No clearance permit shall be issued for a sign which has been deemed illegal by the Outdoor Advertising Control Branch due to violations of the Highway Advertising Control Act of 1968 and/or this same Title.

(g) Permittee will not occupy or operate any equipment within designated wildflower plots from initial growth until after the flowers have gone to seed.

Section 5 Responsibility for Damage Claims:

(a) The Permittee shall indemnify, save and hold harmless the Department, its officers and employees thereof against all suits, actions or claims of any character arising from any injuries or damage received or sustained by any person, persons or property which may arise as a result of the brush and tree removal operations of the said Permittee, or on account of, or in consequence of any negligence on the part of the Applicant in safeguarding his operations.

(b) The Permittee shall carry and keep in force a public liability and property damage liability insurance policy for any legal responsibility to the public during the permit period in the following minimum amount:

Bodily Injury	$300,000 Each Claim
Property Damage	$100,000 Each Claim
General Aggregate Liability	$1,000,000 for any number of claims arising out of a single occurrence or accident.

The Permittee shall have the Department named as an additional insured on the Permittee's public liability and property damage liability policy to the extent of the State's liability under the provisions of the Governmental Tort Claims Act, 51 O.S. § 151 et seq., for payment of any amounts the Department may become legally obligated to pay.

(c) The Permittee shall be held responsible for any damage to fences, traffic signs, guardrail, or other highway features resulting from his operations.

(d) The Permittee assumes all risk of injury or damage to himself, his property or to others, or to the property of others which may result from debris, foreign objects or chemical contamination of such vegetative matter.

(e) It is the sole responsibility of the Applicant to ensure that proper agreement for clearance is granted from all adjacent property owners including but not limited to the owner of the property upon which the outdoor advertising sign is located.

(f) Trimming or removal of brush or trees on State highway right-of-way by the Permittee will be done with the full knowledge that the vegetation may contain chemical residue of automotive emissions and chemical herbicides.

Section 6 Trimming and Removal Operations: All operations upon the State highway right-of-way must be in accordance with the guidelines established in this permit and meet the approval of the Division Engineer. Failure to comply with the provisions of this subchapter shall be cause for immediate cancellation of this clearance permit and may result in revocation of any associated outdoor advertising permit and license.

(1) Special attention is directed to the following statement of work:

(A) Permittee is required to erect and maintain standard warning signs in advance of his operations. All equipment shall have the standard "Slow Moving" vehicle emblems. All signing will be in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) current edition.

(B) Limitations:

(i) The Permittee will confine his operations to daylight hours and no work will be performed on Saturday, Sunday, or on State Observed Holidays.

(a) Permittee will notify the maintenance district office a minimum of twenty-four (24) hours prior to the beginning work.

(ii) When soil conditions are such that damage to the slopes is caused by vegetation management equipment, operations will be discontinued.

(C) All trees and brush to be cleared will be removed to ground level by cutting, sawing or mechanically severing the vegetation flush with the ground.

(i) Trees and brush will not be removed by pushing over or breaking out of the ground.

(ii) Grubbing of stumps will not be allowed. (No digging below ground level).

(iii) With the exception of treating stumps, Permittee shall not use herbicides on the State highway right-of-way. Nor shall Permittee broadcast herbicide from the State highway right-of-way onto any private property.

(D) Trimming of trees and brush will be performed in accordance with the American Standards Institute (ANSI) A300 publication titled *Standards for Tree Care Operations*.

(E) Companies performing trimming will be accredited by the Tree Care Industry Association or Arborist certified by the International Society of Arboriculture.

(2) All vegetation management activities shall be done in a workman-like manner and the cleared area shall be left in a neat condition upon completion of the work. Brush and tree removal will be contiguous within the designated area and selective clearing will not be permitted.

(3) All efforts will be made by the Permittee to prevent erosion from occurring as a result of vegetation management activities.

(4) Equipment necessary for this operation will not be left unattended on the right-of-way within thirty (30) feet of the roadway shoulder.

(5) Burning of brush piles will not be permitted and all brush and tree debris must be removed from the State highway right-of-way within ten (10) days after clearing.

(i) Brush and tree debris or chips will not be deposited upon or buried in the State highway right-of-way.

(ii) Piles of brush and tree debris or chips will not be placed on private property where they remain visible to motorists utilizing the highway facilities.

I have read the above rules and regulations and agree to abide by them as stated.

_____ _____

Signature of Applicant Date of Application

STATE OF OKLAHOMA)
) §§
COUNTY OF _____)

Witness my hand and seal this _____ day of _____ 20___

(SEAL) _____

NOTARY PUBLIC / COMMISSION NUMBER

My Commission Expires: _____

Original Copy to Field Division
2nd & 3rd Copies to Applicant
4th Copy to Maintenance Engineer
5th Copy to Maintenance District

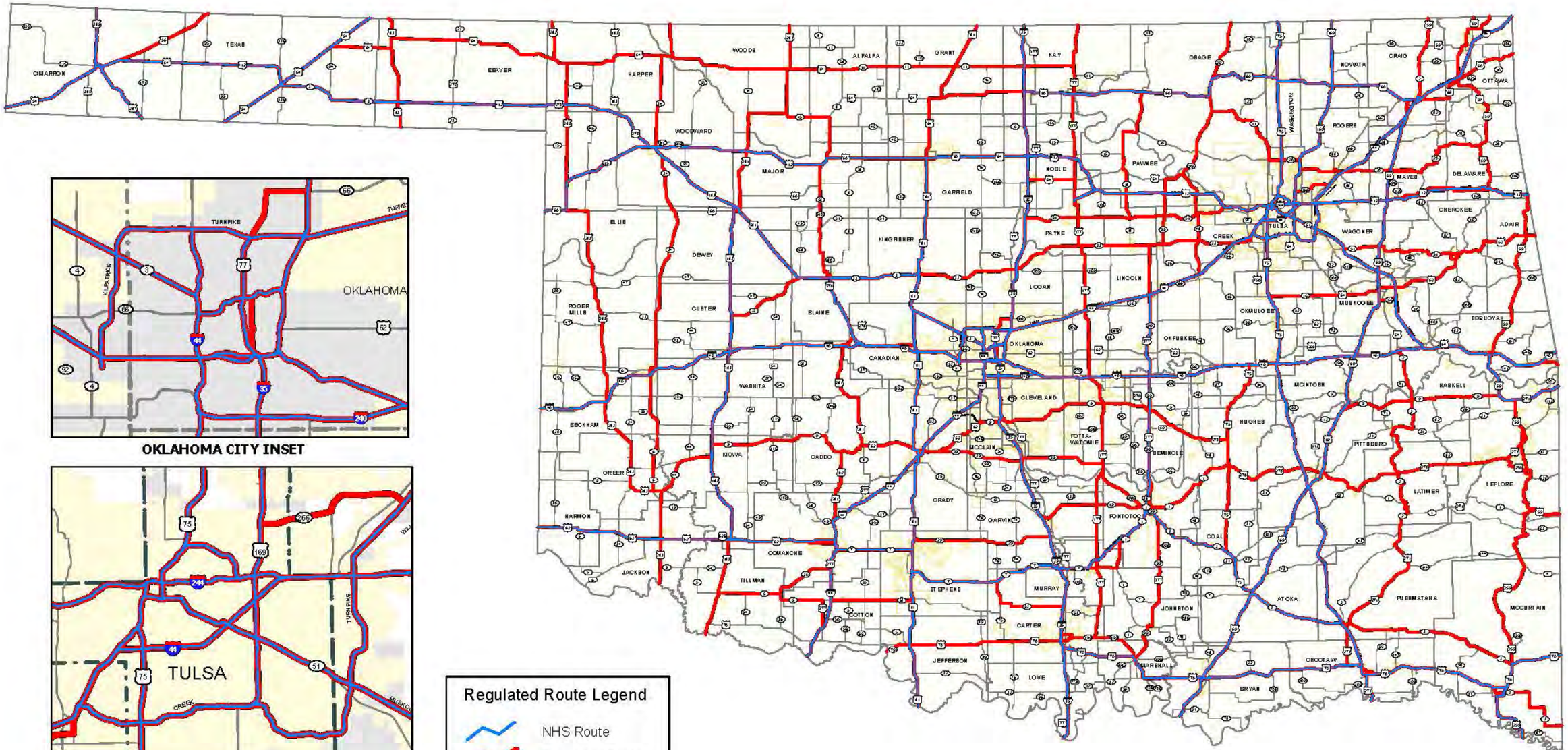
Reference for "Relocation Permits" & Vegetation Clearance Permits

ODOT Field Divisions/Transportation Commissioner Districts

(Relocation sites must be located in a contiguous county or the same district as site acquired.)

For Vegetation Clearing Agreements contact the Maintenance Engineer at the local ODOT Field Division

	PHONE	FAX
Division 1, Muskogee, OK	(918)687-5407	(9955)
Division 2, Antlers, OK	(580)298-3371	(6152)
Division 3, Ada, OK	(580)332-1526	(0261)
Division 4, Perry, OK	(580)336-7340	(7350)
Division 5, Clinton, OK	(580)323-1431	(1430)
Division 6, Buffalo, OK	(580)735-2561	(2248)
Division 7, Duncan, OK	(580)255-7586	(5064)
Division 8, Tulsa, OK	(918)838-9933	(9074)



HBA Regulated Routes

Oklahoma Department of Transportation
Outdoor Advertising Control Branch
200 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Phone: (405)521-3005

OKLAHOMA DEPARTMENT OF TRANSPORTATION
PLANNING & RESEARCH DIVISION
GIS MANAGEMENT BRANCH
200 N.E. 21ST. STREET
OKLAHOMA CITY, OKLAHOMA 73105

JANUARY 5, 2012
G:\V6\REGISTRATION & PERMITS\REGULATED ROUTES.GWS

Welcome to our new GIS Data Portal

Oklahoma Department of Transportation

http://okdot.maps.arcgis.com

- View the portal in your desktop or mobile browser.
- From the Portal main page, select a map from the banner or browse through Subject Areas and Maintenance Divisions to find additional maps and data.
  (Billboard information is under "Other Subjects").
- Once a map is open, use the interactive toolbar in the upper left hand corner to toggle layers on or off, add basemaps, measure, or share the map.