CHAPTER 120
PRIVATE DIRECTIONAL SIGNING

761—120.1(306C) Definitions. The definitions in Iowa Code section 306C.10 apply to this chapter. In addition:

"Interchange" means the entire area constructed for the junction of two or more roads or streets by a system of separate levels that permit traffic to pass from one to another without crossing traffic streams. This definition includes all acceleration and deceleration lanes constructed to accommodate this movement of traffic.

"Lease" means an oral or written agreement by which possession or use of land or interests therein are given by the owner or other person to another person for a specified purpose.

"Parkland" means any public land that is designated or used as a public park, recreation area, wildlife management area, wildlife or waterfowl refuge or historic site.

"Private directional signs" means signs containing directional information about public places owned or operated by federal, state or local governments or their agencies; publicly or privately owned natural phenomena or historical, cultural, scientific, educational or religious sites; or publicly or privately owned areas of natural scenic beauty or naturally suited for outdoor recreation. This definition includes sites set aside as refuges for the preservation of species on the federal or state endangered species list. "Private directional signs" pertains only to signs erected on private property.

"Scenic area" means any area of particular scenic beauty or historical significance, as determined by the federal, state, or local officials having jurisdiction over the area. "Scenic area" includes real property interests that have been acquired for the restoration, preservation and enhancement of scenic beauty.

[**ARC 1203C**, IAB 12/11/13, effective 1/15/14]

761—120.2(306C,657) General requirements.

120.2(1) A private directional sign visible from an interstate, freeway primary or primary highway shall not be erected or maintained unless the requirements of this chapter are met.

120.2(2) A private directional sign shall not:

a. Attempt or appear to attempt to direct the movement of traffic.

b. Interfere with, imitate or resemble any official traffic sign, signal, or device.

c. Move or have any animated or moving part.

d. Be erected or maintained on a tree or painted or drawn on a rock or other natural feature.

e. Violate state or local law.

f. Obstruct or impair the view of any portion of the public roadway at an intersection or a railroad crossing and cause an unsafe condition as determined by the department.

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761—120.3(306C) Size requirements.

120.3(1) A private directional sign shall not exceed the following dimensions:

a. Area: 150 square feet.

b. Height: 20 feet.

c. Length: 20 feet.

120.3(2) These dimensions include border and trim, but exclude supports.

120.3(3) A private directional sign shall be rectangular in shape.

761—120.4(306C) Lighting requirements. A private directional sign may be illuminated, subject to the following:

120.4(1) A private directional sign shall not contain or be illuminated by any flashing, intermittent, variable intensity, or moving light.

120.4(2) The illumination of a private directional sign shall not interfere with the effectiveness of or obscure an official traffic sign, signal or device.

120.4(3) The illumination of a private directional sign shall be either:

a. Effectively shielded so that beams or rays of light are not directed at any portion of the main traveled way, or

b. Of an intensity or brilliance that does not cause glare, impair a motorist's vision, or otherwise interfere with the operation of a motor vehicle.

761—120.5(306C) Spacing and location requirements.

120.5(1) A private directional sign shall be located off the highway right-of-way.

120.5(2) A private directional sign for a privately owned activity or site shall not be located in a publicly owned rest area, parkland or scenic area.

120.5(3) The following spacing requirements apply to private directional signs:

a. A private directional sign shall not be located within the adjacent area on either side of the highway within 2,000 feet of an interchange or a publicly owned rest area, parkland or scenic area.

b. Private directional signs facing the same direction of travel shall be spaced at least one mile apart.

c. A private directional sign shall not be erected within one mile of a tourist-oriented directional sign for the same activity or site if both signs would be on the same route and face the same direction.

d. Distance (spacing) is measured along a line parallel to the highway centerline from a point perpendicular to the starting point (e.g., another sign or the boundary of a rest area, parkland, scenic area or interchange) to a point perpendicular to the proposed sign location.

e. The boundary of an interchange is the end or beginning of whichever acceleration or deceleration ramp that extends the farthest from the interchange. In an area where two interchanges are in such close proximity that the acceleration or deceleration lanes or ramps merge or overlap or where there are continuous acceleration or deceleration lanes between interchanges, the area will be treated as one continuous interchange.

f. Except as otherwise specified, on-premises signs, permitted billboards, and official signs and notices are not taken into consideration when determining compliance with spacing requirements.

120.5(4) In unincorporated areas, private directional signs shall not be located beyond the adjacent area.

120.5(5) No more than three private directional signs pertaining to the same activity or site and facing the same direction of travel may be erected along a single route approaching the activity or site.

120.5(6) A private directional sign visible from an interstate highway shall be within 75 air miles of the activity or site it identifies.

120.5(7) A private directional sign visible from a freeway primary or primary highway shall be within 50 air miles of the activity or site it identifies.

120.5(8) The location of a private directional sign shall be subject to approval by the department of transportation.

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761—120.6(306C) Message content.

120.6(1) The message on a private directional sign shall identify the activity or site and contain directional information to assist motorists in locating the activity or site, including route numbers and exit numbers.

120.6(2) Unless otherwise specified by the department, the sign message shall include travel distance to the activity or site and information that sufficiently informs motorists of the hours, days, and months of operation of the activity or site. At the department's discretion, this information may be omitted if the department determines that the omission will not inconvenience motorists.

120.6(3) Unless otherwise specified by the department, the sign message for an area naturally suited for outdoor recreation shall advise the motorist of the types of recreational amenities available. At the department's discretion, this information may be given by either listing the activities or displaying the appropriate symbols, and may be omitted altogether if the department determines that the omission will not inconvenience motorists.

120.6(4) The sign message shall not contain additional words or phrases descriptive of the activity or site, pictorial or photographic representations of the activity or site or its environs, or advertisements of brand-name goods. However, the department may authorize the display of a nationally or regionally recognized trademark or logo in lieu of a word message to identify the activity or site.

120.6(5) The sign message shall contain current information.

120.6(6) The sign message shall not identify an activity or site that is illegal, either at the location of the activity or site or at the location of the sign.

120.6(7) The sign message is subject to approval by the department. A change in the message is also subject to this approval.

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761—120.7(306C) Eligibility for private directional signs. The activity or site shall meet the following eligibility requirements for private directional signing:

120.7(1) The types of activities or sites eligible for private directional signing are limited to those found in the definition of private directional signs in rule 761—120.1(306C).

120.7(2) Eligibility is limited to activities or sites that are nationally or regionally known and are of outstanding interest to the traveling public.

120.7(3) The activity or site must be open to the general public and not by appointment, reservation or membership only and must comply with all applicable laws concerning public accommodations without regard to age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability.

120.7(4) To be eligible for a private directional sign visible from an interstate highway, the activity or site shall meet the location requirement of subrule 120.5(6). It shall also have an annual visitor count of 15,000 or more.

120.7(5) To be eligible for a private directional sign visible from a freeway primary or primary highway, the activity or site shall meet the location requirement of subrule 120.5(7). It shall also have an annual visitor count of 10,000 or more. However:

a. The annual visitor count need only be 5,000 or more if the activity or site is on the National Register of Historic Places.

b. The annual visitor count need only be 2,500 or more if at least 25 percent of its visitors reside in another state or in a county other than the county in which the activity or site is located.

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761—120.8(306C) Application and approval procedures.

120.8(1) An application for a private directional sign shall be submitted to: Advertising Management Section, Office of Traffic and Safety, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

120.8(2) The department shall verify compliance with minimum requirements and develop an agenda for the tourist signing committee's review of applications that meet minimum requirements. The department shall return to the applicant an application that does not meet minimum requirements.

120.8(3) The tourist signing committee will approve or deny applications, except that signs located along noninterstate routes and not exceeding 32 square feet in size may be approved or denied by the department. The composition of the committee is set out in 761—subrule 119.5(3).

120.8(4) If an application is approved and the applicant has obtained the department's approval of the sign location and message and has paid the appropriate fee, the department shall issue a directional signing permit. A directional signing permit is issued for a specific sign at a specific location for a qualifying activity or site and is not transferable.

120.8(5) If there are two or more applications for qualifying activities or sites and space limitations will not permit the installation of signs for all applications, applications shall be approved on a first-come, first-served basis.

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761—120.9(306C) Fees. Fees are applicable to all signs measuring over 32 square feet in size. The initial fee, payable at the time of application, is $100 per permit. The annual renewal fee, payable on or before June 30 of each year, is $15 per permit.
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761—120.10(306C) Erection and maintenance.

120.10(1) A private directional sign shall not be erected until a directional signing permit has been issued for it.

120.10(2) A private directional sign shall be securely affixed to a substantial structure.

120.10(3) A private directional sign shall be maintained in a neat, clean, and attractive condition and shall be in good repair.

120.10(4) The permit holder is responsible for procurement, erection, and maintenance of the sign, including associated costs.

120.10(5) The department shall revoke a directional signing permit for any of the reasons listed below. If the permit is revoked, the permit holder shall remove the sign without compensation.

a. The activity or site no longer qualifies for private directional signing.

b. The annual renewal fee has not been paid.

c. The sign violates a provision of this chapter.

d. Information or facts in the application are intentionally falsified or misrepresented.

120.10(6) Permit plate.

a. The department shall issue a metal permit plate for a permitted sign. The permit plate displays the permit number for the sign.

b. The permit holder shall securely attach the plate to the sign face at the bottom corner nearest the main traveled way or to the support structure immediately below the bottom corner. However, if these locations do not provide an unobstructed view of the permit number from the main traveled way, the permit plate shall be attached to another prominent area of the sign so that the view of the permit number is unobstructed.

c. The permit holder is responsible for replacing a permit plate that is missing or illegible. To obtain a replacement, the permit holder shall apply to the department and pay a $10 fee.

d. If the department notifies the permit holder that a permit plate is not properly displayed, the permit holder shall within 90 days of notification either correct the situation or secure and display a replacement permit plate. Failure to properly display a permit plate after the 90-day period has expired shall result in revocation of the directional signing permit for the sign.

120.10(7) Access. Access to the private property upon which a private directional sign is located shall be gained from highway right-of-way only at access points designated or allowed by the department in accordance with 761—Chapter 112. An initial violation of this requirement by or on behalf of the permit holder shall result in the department's sending a written warning by certified mail to the permit holder. A second violation of this requirement shall result in revocation of the directional signing permit. If a directional signing permit is revoked for an access violation, the permit holder is ineligible to apply for a permit for at least 12 months after revocation for any location within 500 feet of the revoked permit's sign location.

120.10(8) Destruction of vegetation. Without the written authorization of the department, vegetation growing on the highway right-of-way shall not be cut, trimmed, removed, or in any manner altered or damaged to improve the visibility of a private directional sign. Violation of this prohibition by or on behalf of the permit holder shall result in revocation of the directional signing permit. If a directional signing permit is revoked because of destruction of vegetation, the permit holder is ineligible to apply for a permit for 12 months after revocation for any location within 500 feet of the revoked permit's sign location.

These rules are intended to implement Iowa Code sections 306C.10 to 306C.19 and 657.2.

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