

Chapter Nine **Advertising Devices (Signs)**

When an advertising sign is located within the proposed acquisition area and the device may be moved to another location, it is considered a non-residential personal property move and the owner of the sign is eligible for reimbursement of those actual and reasonable expenses that the Iowa DOT determines to be necessary for a successful move. If the device cannot be moved to another location, the device will be considered as real property and acquired.

The relocation of an advertising sign (generally off-premise) may be subject to Iowa laws regulating outdoor advertising along the state's primary and interstate highways. The law defines various types of outdoor signs and presents the general prohibitions and controls which apply to outdoor advertising.

General Prohibitions

These general prohibitions apply to all types of signs involving relocation activities.

- No sign may encroach on or hang over the highway right of way.
- No sign may be lighted so that it impairs the vision of any motor vehicle driver.
- No sign may obstruct the view of any highway or railroad to the extent it makes it dangerous to use the highway.
- No sign may imitate or resemble an official traffic control sign, signal or device.
- No sign may obscure or physically interfere with an official traffic control sign, signal or device.

Advertising signs may be categorized into two main groups: On-Property Signs and Off-Premise Signs.

On-Property Signs

On-property signs advertise the principal product sold or activity conducted on the property where the sign is located and may concern the sale or lease of the property on which the sign is located. "For Sale" or "For Lease" signs displaying the legend "Sold" or "Leased" are not legal on-property signs. Political signs are considered on-property signs.

The general prohibitions cited above apply to on-property signs. These signs may require local, city or county permit or approval. However, they do not require state permit or approval, if the signs conform to the following criteria.

- *Location:* Signs must be located on the same property as the advertised activity. Signs cannot be located on narrow strips of land that cannot be put to any reasonable use

directly related to the advertised activity other than signing.

- *Message:* Messages on signs are limited to advertising only those products sold or activities conducted at the sign site. When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner, it shall be considered outdoor advertising and not an on-property sign.

Off-Premise Signs

The Advertising Management Section in the Office of Traffic and Safety at the Iowa DOT defines off-premise signs as those signs displaying general advertising about products or services available at locations other than at the sign site.

Advertising Management distributes a brochure entitled “*Guide to Outdoor Advertising Sign Regulations*”, which generally refers to billboards with the above definition and also discusses Off-Right of Way Private Directional Signs, County, Municipal and School District Recognition Signs and Church and Service Club signs separately. These are signs we will always relocate.

The “*Guide to Outdoor Advertising Sign Regulations*” provides a general overview of current regulations. For specific regulations, please refer to Iowa Code Chapters 306B and 306C. The Iowa rules can be found at 761 IAC, Chapter 117.

Off-Right of Way Private Directional Signs

These signs inform of public and privately owned natural phenomena, historic, cultural, scientific, educational and religious sites, and areas of natural scenic beauty naturally suited for outdoor recreation.

When relocating a permitted sign, the Relocation Advisor can assume these signs meet the visitor count criteria set forth in the guide. In addition to the General Prohibitions, these signs must conform to a number of controls including location, size, number, spacing, message, lighting and other special requirements.

County, Municipal or School District Recognition Signs

These types of devices are signs that welcome travelers to a county, community or school district display or a similar public spirited message.

These signs are limited to displaying a message that identifies the county, city or school district, its boundaries, public services and attractions of a scenic, historical, cultural, scientific, educational nature. Commercial advertising on a recognition sign is prohibited. In addition to the General Prohibitions these signs must conform to a number of controls including location and message content.

Church and Service Club Signs

These signs display a message relating to the facilities' locations, services or meeting. In addition to the General Prohibitions these signs must conform to a number of controls, size and message content. Recognition, church and service club signs may be erected on a common structure providing each category of signing conforms to the criteria established by Advertising Management.

Special event signs and Tourist Oriented Directional Signs (TODS) will not involve relocation activities. With the exception of special event signs, all off-premise signs require permits (outdoor advertising or directional signing). However, all signs must meet the general provisions cited above.

The Process

The owner of a legal sign, that is displaced as a result of the project, will be reimbursed the actual and reasonable expenses determined by the Iowa DOT.

Please note the amount of a payment for direct loss of tangible personal property for an advertising sign is the **lesser** of:

- The depreciated reproduction cost of the sign, as determined by the Appraisal section or their designee, less the proceeds from its sale or
- The estimated cost of moving the sign, with no allowance for storage.

The owner of an advertising sign is NOT eligible for reestablishment expense, because owners of an advertising device are specifically excluded. See 761 IAC 111.2(27)

There are instances when an advertising sign will be appraised and acquired as real property, rather than relocated.

- When there is an on-property advertising sign on a total acquisition, the sign will be appraised as part of the real property.
- When the advertising sign cannot legally be moved back onto remaining land because of zoning or spacing requirements.
- When the cost to move the structure is not physically possible or economically feasible.

In some instances the sign and/or structure supporting the sign cannot physically or economically be moved. These structures should be appraised and purchased as real property. Since it is often prohibitive to attempt to move a block sign or a sign with extensive brickwork, the Relocation Advisor should obtain contractors' estimates for new construction.

The Advertising Management Section of Traffic and Safety will provide an inventory of advertising signs on a given project. This inventory will indicate which parcel the sign is

located on, stationing and offset (left or right of centerline), sign description or message, name of the sign owner, permit number (if applicable) and the recommended action to be taken. Also included in this submittal is the Advertising Device Inventory form and a copy of the approved Advertising Permit Application, if applicable.

While the Relocation Advisor is not expected to become an expert in signs, they should be familiar enough with the process to relocate the sign (essentially like other personal property moves) and direct the more technical questions to the experts in Advertising Management.

For permitted signs, the Relocation Advisor should provide the sign owner with the appropriate permit application, because the sign cannot be re-erected until AFTER the new application has been approved and on file with Advertising Management. Permit fees are reimbursable as a moving cost. No state fees are charged for recognition, church and service club signs.

In some instances, a recognition, church or service club sign could be in compliance except for lacking the actual permit. In these cases, the Relocation Advisor will provide two permit applications to the sign owner; one for the existing sign and one for the new proposed location. If adequate data is available, the application for the existing location can be pre-completed by the Relocation Advisor and ready for the owner's signature.

The application should be sent to Advertising Management for approvals. The advisor should write the ROW project number across the top of ALL applications in order to expedite processing.

Searching expenses are also an allowable related expense for off-premise signs even though the owner of the sign may just be relocating the sign back on remaining land. This is justified because of a change in site location which necessitates the negotiation of a new or amended lease for the new sign site. Searching expenses are discussed in Chapter Eight.

Chapter Nine Overview

- Advertising Devices are controlled and regulated.
- The Advertising Control Section, Office of Traffic and Safety is the Office responsible for regulating signs.
- Several types of signs exist, all with different regulations.
- If the sign can be moved the Iowa DOT generally treats as personal property, and provides applicable Relocation Assistance.
- If the sign cannot be moved, the Iowa DOT generally treats the sign as real property and acquires as such.