



**CONTROL OF OUTDOOR ADVERTISING
INFORMATION PACKET
2011**

A. Size of Signs

1. The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 (thirty) feet and a maximum length of 60 (sixty) feet inclusive of any border and trim but excluding the base or apron, supports and other structural member.
2. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.
3. The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back to back, side by side, or in V- type construction with not more than two (2) displays to each facing and such sign structure shall be considered as one sign. Each side of a sign structure shall constitute a sign face. Therefore, the maximum number of sign faces allowed per structure shall be two when viewed from the controlled highway.
4. The highest point of any sign, except a roof sign and as otherwise provided in this paragraph, shall not extend more than sixty (60) feet measured from either the ground level at its supports or the nearest edge of the main-traveled way of the controlled highway, whichever is higher in elevation. However, the highest point of a sign may extend to a height of no more than one hundred (100) feet only if the sign is placed and erected within three hundred (300) feet of a sound barrier wall.

B. Spacing of Signs

1. Interstate and Federal Aid Primary Highways and Highway System

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

2. Interstate Highways and Freeways on the Federal Aid Primary System and National Highway System (Control of Access Routes).

- a. No two (2) structures shall be spaced less than 1000 feet apart on Interstate highways.
- b. No two (2) structures shall be spaced less than 500 feet apart on Freeways and National Highway System.(Control-of-access routes).

c. Outside of incorporated villages, towns, and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or Freeway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled ways

3. Non-Freeway Federal Aid Primary Highways

a. Outside of incorporated villages, towns, and cities, no two (2) structures shall be spaced less than 300 feet apart.

b. Within incorporated villages, towns, and cities, no two (2) Structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

5. Explanatory Notes.

a. Official and “on-premise” signs, as defined in Section 131 of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements. Criteria contained herein shall not apply to official and “on-premise” signs.

b. The minimum distance between structures shall be measured along the nearest edge of the pavement from the nearest edge of the structure to the nearest edge of the other structure and shall apply only to structures located on the same side of the highway.

C. Lighting Restrictions

Signs may be illuminated, subject to the following restrictions:

1. Signs, which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, 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 ways of the Interstate or Federal Aid Primary Highway and which 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 interfere 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 an official traffic sign, device or signal.

4. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under jurisdiction of the State.

D. The Following Signs Shall Not Be Permitted

Signs which are obsolete; signs which are illegal under State laws or regulations; signs that are not clean and in good repair; signs that are not securely affixed to a substantial structure; signs which appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device; signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features and/or signs which are not consistent with these provisions.

E. Land Use Criteria

The zoning and actual land use of an area at any given time will determine applicability of the standards for control of outdoor advertising signs. Similarly, the industrial or commercial activity at the time permit applications are submitted will determine the classification of unzoned commercial or industrial areas.

III. DEFINITIONS

A. Zoned Commercial or Industrial Areas

Those areas, which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation. **A zone in which limited commercial or industrial activities are permitted as an incidental to the primary land uses is not considered to be a commercial or industrial zone for outdoor advertising purposes.**

B. Unzoned Commercial or Industrial Areas – those areas which are not zoned by State or Local Law, regulation or ordinance and on which there are located one or more permanent structures within which a commercial or industrial Business is actively conducted, **and where the area along the highway extends outward 800 feet from and beyond the edge of the activity.** The business must be equipped with all customary utilities and must be open to the public regularly or be regularly used by employees of the business as their principal work station. The area along the highway extending outward 800 feet from and beyond the edge of such activity shall also be included in the defined area; however, the area created by the 800 foot measurement may not infringe upon any of the following:

1. public parkland
2. public playground
3. scenic area
4. cemetery
5. an area that is predominately residential in nature with more than 51 percent of the land devoted to residential use.

Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edge of the regularly used buildings, designated parking lots or processing areas of the commercial or industrial activities, and shall not be made from the property lines of the activities and shall be along and parallel to the edge of the pavement of the highway.

D. Qualifying Criteria for Unzoned Commercial and Industrial Areas

1. Primary Use Test

- a. The primary use of activity conducted in the area must be of a type customarily and generally required by local comprehensive zoning authorities in this state to be restricted as a primary use to areas which are zoned industrial or commercial.
- b. The fact that an activity may be conducted for profit in the area is not determined of whether or not an area is an unzoned commercial or industrial area. Activities incidental to the primary use of the area, such as a kennel or repair shop in a building or on **land** which is used primarily as a residence, **school, church, or assisted/extended living facilities** do not constitute commercial or industrial activities for the purpose of determining the primary use of an unzoned area even though income is derived from the activity.
- c. If, however, the activity is primarily and local comprehensive zoning authorities in this State would customarily and generally require the use to be restricted to a commercial or industrial area, then the activity constitutes a commercial or industrial activity for the purposes of determining the primary use of an area, even though the owner or occupant of the land may also live on the property.
- d. **The actual land use at the sign site cannot be agriculture or farming.**

2. Visibility Test

The purported commercial or industrial activity must be visible from the main-traveled way within the boundaries of that unzoned commercial or industrial area by a motorist of normal visual acuity traveling at the maximum posted speed limit on the main traveled way of the highway. Visibility will be determined at the time of the field inspection by the Department's authorized representative.

1. Structures and Grounds Requirements

- a. **AREA.** Any structure to be used as a business or office must have an enclosed area of six hundred (600) square feet or more.
- b. **FOUNDATION.** Any structure to be used as a business or office must be affixed on a slab, piers or foundation.

c. **ACCESS.** Any structure to be used as a business or office must have unimpeded access from a roadway to an adequate customer parking lot adjacent to business building.

d. **UTILITIES.** Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include business telephones, electricity water service and waste water disposal, all in compliance with appropriate local, state and parish rules, should a state, parish, or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the Department's authorized representative.

e. **IDENTIFICATION.** The purported enterprise must be identified as a commercial or industrial activity which may be accomplished by on-premise signing or outside visible display or product.

f. **USE.** Any structure to be used as a business or office must be used exclusively for the purported commercial or industrial activity.

g. **LIMITS.** Limits of business activity shall be in accordance with the Definition of "Unzoned Commercial or Industrial Areas" stated in **136.B.2.**

h. **ACTIVITY REQUIREMENTS** In order to be considered a commercial or industrial activity for the purpose of outdoor advertising regulation, the following conditions may be taken into consideration by the Department. The Department shall make a determination based upon a totality of the circumstances.

i. The purported activity or enterprise is open for business and activity operated and staffed with personnel on the premise a minimum of eight (8) hours each day and a minimum of five (5) days each week. **However, some businesses may not require staffing, such as a laundry mat, car wash, etc. The department has the discretion to determine whether the business requires staff to operate the business.**

ii. The purported activity or enterprise maintains all necessary business licenses, occupancy permit, sales tax and other records as may be required by applicable state, parish, or local law or ordinance.

iii. A sufficient inventory of products is maintained for the immediate sale or delivery to the consumer. If the product is a service, it **must be** available for purchase on the premises.

iv. The purported activity or enterprise is in active operation a minimum of six (6) months at its current location prior to the issuance of any outdoor advertising permit.

E. Where a mobile home, **manufactured buildings, or recreational vehicle is used as a business or office, the following conditions and requirements also apply.**

1. Self-propelled vehicles will not qualify for use as a business or office for the purpose of these rules.
2. All wheels, axles, and springs must be removed.
3. The vehicle must be permanently secured on piers, pad or foundation.
4. The vehicle must be tied down in accordance with minimum code requirements. If no code, the vehicle must be affixed to piers, pad or foundation.

F. Non-Qualifying Activities for Unzoned Commercial or Industrial Areas.

1. Outdoor advertising structures.
2. Agriculture, forestry, ranching, grazing, farming and related activities,
3. Transient or temporary activities.
4. Activities more than 660 feet from the nearest edge of the right-of-way.
5. Activities conducted in a building principally used as a residence, school, church or assisted/extended living facility.
6. Railroad tracks and minor sidings.
7. Residential trailer parks, apartments, rental housing and related housing establishments intended for long term residential uses.
8. Oil and mineral extraction activities.
9. Junkyards.
10. Schools, churches or cemeteries.
11. Public park lands or playgrounds.

IV. OFF-PREMISE CHANGEABLE MESSAGE SIGNS

A. Changeable Message Sign – means any outdoor advertising sign which displays a series of advertisements, regardless of technology used, including, but not limited to, the following:

1. rotating slats;
2. changing placards;

3. rotating cubes;
4. changes in light configuration or light colors;
5. LED (Light Emitting Diodes) video displays.

B. Qualifying Criteria

1. Message changes must be accompanied within four (4) seconds and the message must remain stationary for a minimum of eight (8) seconds.
2. The message change must be accompanied in such a manner that there is no appearance of movement of the message or copy during the change. This rule is not intended to prohibit movement of the structure in order to effect a change in message.
3. The sign may not contain flashing, intermittent or moving lights.
4. The use of such technology is limited to conforming signs only. Application of such technology to nonconforming signs is prohibited.
5. Any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.
6. Such signs shall not use animated, scrolling or full motion video displays.
7. A changeable message sign which meets these criteria shall be considered an outdoor advertising sign.
8. On stacked structures, changeable message signs shall be one per side.
9. Changeable message signs shall not exceed 672 square feet.

- C. This rule is not applicable to "on-promise" outdoor advertising signs.

V. PUBLIC FACILITY SIGN RESTRICTIONS

1. Signs on the premises of a public facility, including but not limited to the following:

Schools, civic center, coliseums, governmental buildings, sports areas, and amusement parks, do not generate rental income to the owner of the public facility may advertise:

- a. the name of the facility, including sponsors of the public sign; and
- b. principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 CFR 750, 709, including:
 - i. events being conducted in the facility or upon the premises, including the sponsor of the current event; and
 - ii. products or services sold at the facility and activities conducted on the property that produce significant income to the operation of the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 2:189 (June 1976), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:945 (April 2005). Amended LR 37:920 (March 2011).

VI. Destruction of Trees and Violations of Control of Access

- A. The Louisiana Department of Transportation and Development shall not issue a permit for a sign which cannot be erected or maintained from private property without violating control of access boundaries. A permitted sign shall not be services, repaired or replaced from the highway right-of-way.
- B. The Louisiana Department of Transportation and Development shall not issue permits for any signs, the visibility of which will be obscured by existing vegetation, trees, or landscaping on the highway from which subject sign is intended to be read.

AUTHORITY NOTE: Promulgated in accordance with R.S.48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191(June 1976),amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 33:532 (March 2007).

§149. Permit Fee

- A. The following permit fee schedule is applicable to new and replacement outdoor advertising signs on the effective date of this rule change.

- a. 1-100 Square Feet: **\$75.00** (Per sign face) for **a 12** month period until installation. Annual renewal fee after erection is \$7.50 (Per sign face).
- b. 101-300 Square Feet: **\$125.00** (Per sign face)for **a 12** month period until installation. Annual renewal fee after erection is \$12.50 (Per sign face).
- c. 301 Square Feet and up: **\$250.00**_(Per sign face) for **a 12** month period until installation. Annual renewal fee after erection is \$25.00 (Per sign face).

B. ANNUAL RENEWAL DUE DATES AND EXTENSIONS

1. Annual Renewal fees are due by July 1 of each year. The Department shall provide notice of the amount due no later than April 30, of each year. The department shall provide notice of the amount of each permit no later than April 30th of each year.

2. A permit shall expire and the sign structure will become illegal if the annual renewal fees are not paid by July 31 of each year. This applies to all permits, including by not limited to legal, nonconforming, and grandfathered signs.

3. Extensions may be granted for 30 days provided you make a request prior to July 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:602 (September 1986). Amended LR 29:2857 (December, 2003). Amended LR 37:920 (March 2011)