

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

OUTDOOR ADVERTISING

RULES AND REGULATIONS

I. PURPOSE

The purpose of these Rules and Regulations is to control the erection and maintenance of outdoor advertising signs in accordance with the declaration of policy set forth by the general assembly in enacting Chapter 24-10.1 of the General Laws of Rhode Island.

II. APPLICATION

These Rules and Regulations are applicable to all areas visible from the main-traveled way of the Interstate and Federal-aid primary system of highways in the State, (NOTE: Section V & VII only of these Rules and Regulations are applicable to on premise signs). These provisions apply regardless of whether Federal funds participated in the cost of such highways. Nothing contained in these Rules and Regulations shall prohibit a municipality from establishing regulations imposing stricter limitations.

III. DEFINITIONS

A. Commercial or industrial activities, for purposes of the unzoned area definition, mean those activities 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. Transient or temporary activities.
 3. Activities not visible from the main traveled way.
 4. Activities more than 300 feet from the nearest edge of the main traveled way.
 5. Activities conducted in a building principally used as a residence.
 6. Railroad tracks and minor sidings.
 7. Activities normally and regularly in operation less than 5 months per year.
- B. Commercial or industrial zone means areas which were zoned industrial or commercial under authority of law as of December 21, 1959.
- C. Controlled area means:
1. In an urban area, those areas adjacent to, and within 660 feet of, the edge of the right-of-way of the Interstate and Federal-aid primary systems.
 2. Outside an urban area, those areas adjacent to the edge of the right-of-way of the Interstate and Federal-aid primary systems and visible from the main traveled way.
- D. Department means the Department of Transportation of the State of Rhode Island.
- E. Directional and official signs and notices include only official signs and notices, public utility signs, service clubs and religious notices, public service signs, and directional signs.

- F. 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, historic, cultural, scientific, educational, and religious sites: and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the public.
- G. Double Faced Signs means two (2) signs side by side facing the same direction no more than five (5) feet apart.
- H. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign or sign structure.
- I. Erected with the purpose of its message being read means any sign which is visible from the controlled highway.
- J. Freeway means a way especially designed for through traffic over which abutters have no easement or right of light, air, or access by reason of the fact that their property abuts upon the way.
- K. Illegal sign means one which was erected or maintained in violation of the State law, Rules and Regulations, local law or ordinance.
- L. Information center means an area or site established and maintained as safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the director of transportation may consider desirable.

- M. Interchange means a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels. Interchanges may be of various types or a combination of types as set forth in "A Policy on Geometric Design of Highways and Streets" 1984, published by American Association of State Highway and Transport Officials, as may be amended, which is incorporated by reference.
- N. Interstate system means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated, by the director of transportation, and approved pursuant to the provisions of title 23, United States Code, Highways.
- O. Maintain means to allow to exist, or keep in repair.
- P. 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.
- Q. Major official guide sign means a sign with a total area of not less than 12 square feet, erected and authorized by the State or Federal Government to designate route numbers or route names, distances and directions to certain localities or municipalities.
- R. Municipality means a city or town in the State of Rhode Island.

- S. Nonconforming signs are those signs which were lawfully erected, but which do not comply with the provisions of subsequent State law or rules and regulations or which later fail to comply with State law or rules and regulations due to changed conditions.
- T. Official signs and notices means 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, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or nonprofit historical societies may be considered official signs.
- U. Primary means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Director of Transportation, and approved by the U.S. Secretary of Transportation, pursuant to the provisions of title 23, United States code entitled "Highways".
- V. Public service signs means signs located on school bus stop shelters, which signs:
1. Identify the donor, sponsor, or contributor of said shelters;
 2. Contain safety slogans or messages, which shall occupy not less than 50 percent of the area of the sign;
 3. Contain no other message;
 4. Are located on school bus shelters which are authorized or approved by city, county, or State law, regulation, or ordinance,

and at places approved by the city, county or State agency controlling the highway involved; and

5. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

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

X. Right-of-Way means the easement in or property acquired by the public through the Department of Transportation, for the purposes of highway construction, safety rest areas, landscaping or any other purpose incidental to highway travel.

Y. Safety rest area means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

Z. Scenic area means any area of natural or man-made scenic beauty or historical significance designated by the Department.

AA. Service club and religious notices means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

BB. Sign means an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, structure or other thing which is designed, intended or used to advertise or inform, any part of the

advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or primary system.

- CC. Traveled way means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- DD. Unzoned commercial or industrial area means those areas not zoned by State or local law, regulation or ordinance, which are occupied by one or more industrial or commercial activities, other than outdoor advertising signs, and the lands along the highway for a distance of 500 feet immediately adjacent to the activities.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Measurements shall not be from the property lines of the activities unless said property lines coincide with the limits of the activities. Unzoned industrial or commercial areas shall not include land on the opposite side of the highway from the activities or land predominately used for residential purposes, or land adjacent to Interstate or primary highway constructed on right-of-way, the entire width of which was acquired subsequent to July 1, 1956.

- EE. Urban area means an urbanized area or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by the State Office of Planning, subject to approval by the Secretary of the U.S. Department of Transportation. Such boundaries shall as a minimum,

encompass the entire urban place designated by the Bureau of the Census. Urbanized area means an area so designated by the Bureau of the Census, within boundaries to be fixed by the State Office of Planning, subject to approval by the Secretary of the Department of Transportation. Such boundaries shall, as a minimum, encompass the entire urbanized area within the State as designated by the Bureau of the Census.

FF. Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

IV. ADVERTISING SIGNS PROHIBITED

No person shall erect or maintain any sign in a controlled area except the following:

- A. Directional and other official signs and notices;
- B. Signs advertising the sale or lease of property upon which they are located, subject however, to the requirements of Section VII of these Rules and Regulations.
- C. Signs advertising activities conducted on the property upon which they are located, subject, however, to the requirements of Section VII of these Rules and Regulations.
- D. Signs located in areas which were zoned commercial or industrial under authority of law as of December 21, 1959. However, signs which are more than 660 feet from the edge of the right-of-way, outside urban areas, and erected with the purpose of their message being read from the main-traveled way are prohibited.

- E. Signs located in unzoned commercial or industrial areas as defined in Section III of these Rules and Regulations. However, signs which are more than 660 feet from the edge of the right-of-way, outside urban areas, and erected with the purpose of their message being read from the main-traveled way are prohibited.
- F. Signs lawfully in existence on October 22, 1965, determined by the Director of the Department, subject to the concurrence of the U.S. Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of these regulations.

V. GENERAL REGULATIONS

The following Rules and Regulations shall apply to all signs:

- A. 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.
- B. Signs shall not be erected or maintained which imitate or resemble official traffic signs, signals or devices, or are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.
- C. No lighting may be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of the highway, or is of

such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

- D. Adjacent to the interstate system, no sign may be erected or maintained which moves or has any animated or moving parts.

VI. SIGNS IN COMMERCIAL AND INDUSTRIAL AREAS

- A. Signs located in zoned and unzoned commercial or industrial areas must comply with size, lighting, and spacing criteria. All such signs shall be classified as conforming and may be allowed to be erected and maintained provided they meet the following criteria:

1. SIZE OF SIGNS

- a. No sign shall exceed the following limits:

- (1) For signs which are located within 150 feet from the nearest edge of the right-of-way, maximum area - 675 square feet, maximum height - 20 feet, maximum length - 50 feet. Dimensions include border trim, cut-outs, extensions, but exclude bases and supports.

- (2) For signs which are located 150 feet or more from the Nearest edge of the right-of-way, maximum area - 1200 square feet, maximum length - 60 feet, maximum height - 25 feet. Dimensions include border, trim, cut-outs and extensions but exclude bases and supports.

- (3) Cut-outs and extensions are not to exceed the following limits:

- (a) Five (5) feet from the top of trim.
 - (b) One and one-half feet from either vertical side of trim.
 - (c) Two (2) feet from bottom of trim.
 - (d) No one cut-out shall exceed more than ten percent (10%) of the total copy area or no combination of cut-outs shall exceed thirty percent (30%) of the total copy area.
- b. Signs may be double faced (abutting and facing the same direction) provided that the total dimensions and area of double faced signs on the structure do not exceed the stipulations of a (1), a (2) and a (3) above.
- c. Back-to-back signs shall be considered as two signs.
- d. V-type signs shall be considered as two signs, but must be erected so that only one face is visible to traffic proceeding in any one direction on any Interstate or Primary system.

2. SPACING OF SIGNS

- a. Interstate and Primary Highways
- (1) Signs may not be located within 750 feet of any of the following which are adjacent to the highway right-of-way regardless of whether there is direct access from the main traveled way.
- (a) Recreational Public Parks
 - (b) Public Forests

(c) Public Playgrounds

(d) Scenic Overlooks

(2) In connection with sub-paragraph (1) above, the 750 foot limitation which will be measured from the property lines of recreational public parks, public forests and public playgrounds will not be interpreted to extend beyond the opposite side of said highway right-of-way. In the case of scenic overlooks which are constructed so as to utilize the view across said highway, no sign shall be allowed which obscures the intended view.

(3) If there is an existing structure or building other than outdoor advertising structure within the 750 foot zone, a sign may be erected within said area provided that such sign does not otherwise obstruct the view of the area designated.

(4) Any areas falling under the above categories (1)(a), (b), (c), and (d) must be areas designated and maintained as such by a public governmental agency.

b. Interstate Highways and Freeways on the Primary System

(1) Zoned industrial or commercial area - spacing between signs along each side of the highway shall be a minimum of 750 feet. Back-to-back and V-type signs may be erected at a single location. No structure may be located adjacent to or within 500 feet of an interchange, intersection at grade

or a safety rest area. Said 500 feet to be measured along the edge of pavement along the Interchange or freeway highway from the beginning or ending of the pavement widening at the entrance to and exit from the main travelled way. Said distance limitation shall be measured separately for each direction of travel.

- (2) Unzoned industrial or commercial area - spacing between signs along each side of the highway shall be a minimum of 1500 feet. Back-to-back and V-type signs may be erected at single location. No structure may be located adjacent to or within 1000 feet of an interchange, intersection at grade or safety rest area. Said 1000 feet to be measured along the Interstate or freeway highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

c. Non-Freeway Primary Routes

- (1) The location of signs shall conform to the following minimum criteria to be applied separately to each side of the primary highway:
 - (a) Spacing between signs along each side of the highway shall be a minimum of 250 feet. V-type or back-to-back signs may be erected at a single location, but any such signs shall be at least 500 feet from any other sign on the same side of the highway.

- (b) No sign may be located within 100 feet of an intersection (unless there is an existing building or structure other than an outdoor advertising structure in said area). One sign shall be permitted within said area if it does not obstruct the existing view of the intersection to approaching traffic and meets all other rules and regulations herein contained. (Distance shall be measured as under Interstate highways and freeways on Primary System above).

d. EXPLANATORY NOTES

- (1) Alleys, undeveloped rights-of-way, private roads and driveways, shall not be regarded as intersecting streets, roads or highways.
- (2) Only roads, streets and highways which enter directly into the main traveled way of the primary highway shall be regarded as intersecting.
- (3) The minimum distances between signs of 250 feet and 750 feet shall be measured along the nearest edge of the pavement between points directly opposite the signs.
- (4) On premise signs and other signs authorized by Section 24-10.1-3 (a) (b) (c) of the General Laws of Rhode Island shall not be considered for purposes of measurement.

3. GENERAL

- a. No signs may be located on the same side of the main traveled way within 250 feet of a major official guide sign.

- b. All signs shall be set back at least 25' feet from the nearest edge of right-of-way except in areas zoned by authority of law either industrial or commercial where the setback established by such authority will be observed.
 - c. No sign may be erected or maintained which contains, includes or is illuminated by any flashing, intermittent or moving light or lights, except in the use of public information devices which indicate the correct time and temperature.
 - d. No sign shall be erected in any area regardless of zoning or other considerations in areas either of natural or manmade scenic beauty or historical significance and designated as such by the Rhode Island Department of Transportation.
- B. Notwithstanding anything contained in these Rules and Regulations should any activity which has been used in defining and delineating an unzoned area after the effective date of these regulations cease to operate for a period of six (6) months, the unzoned areas shall be redefined and redelineated based on the remaining activity. Any signs located within the former unzoned area, but located outside the unzoned area based upon its new dimensions, shall be nonconforming under Chapter 24-10.1 of the General Laws of Rhode Island.
- C. Signs which are located in zoned and unzoned commercial and industrial areas and were legally erected in accordance with laws and regulations in effect at the time of their erection, but do not comply with the criteria

contained in Section VI A of these Rules and Regulations may continue to be maintained. All such signs shall be classified as grandfathered nonconforming and must comply with the requirements of Section VIII. When highways are added to the Interstate and Primary system, standards contained in Section VI A shall apply only to signs erected in commercial or industrial zones and areas adjacent thereto subsequent to the date that such highways are added to the system.

VII. ON PREMISE SIGNS

A. A sign, display, or device will be considered to be an on premise sign if it meets the following requirements:

1. Premises - The sign must be located on the same premises as the activity or property advertised.
2. Purpose - The sign must have as its purpose (a) the identification of the activity or its products or services, or (b) the sale or lease of property on which the sign is located, rather than the purpose of general advertising.

B. The following shall be used for determining whether a sign display or device is located on the same premises as the activity or property advertised:

1. The premises on which an activity is conducted is determined by physical facts rather than property lines, ownership, recorded plats and lots, etc. Generally, it is defined as the improved land occupied by the buildings or other physical uses that are necessary and customarily incident to the activity on a regular basis including

such open spaces as are reasonably arranged and designed to be used in connection with such buildings or uses on a regular basis.

2. 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:

a. 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 obstruction, and not used by the activity, and/or extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.

b. 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 of crops, residence, or farmstead uses or other 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.

c. Any land which is

1. at some distance from the principal activity, and

2. in closer proximity to the highway than principal activity, and

3. developed or used only in the area of the sign site, or between the sign site and the principal activity, and
4. occupied solely by structures or uses which are only incidental to the principal 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 inexpensive 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.

3. Narrow Strips

Where the sign site is located at or near 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 configuration 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:

- a. which is nonbuildable land, such as a swampland, marshland, or other wetland, or
 - b. which is a common or private roadway, or
 - c. held by easement or other lesser interest than the premises where the advertised activity is located.
- C. The following shall be used for determining whether a sign, display, or device, has as its purpose the identification of the activity located on the premises or its products or services, or the sale or lease of the property on which the sign is located, rather than the business of outdoor advertising.
 - 1. General
 - a. Any sign which consists solely of the name of the establishment is an on-premise sign.
 - b. A sign which identifies the establishment 's principal or accessory products or services offered on the premises is an on-premise sign.
 - 2. Business of Outdoor Advertising
 - a. When a sign brings rental income to the property owner, consists principally of brandname or trade name advertising, and the product or service advertised is only incidental to the principal activity, it shall be considered the business of outdoor advertising and not an on-premise sign.
 - b. A sign 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.

3. Sale or Lease Signs

A sale or lease sign which also advertises any product or service not located upon and unrelated to the business of selling or leasing the land on which the sign is located is not an on-premise sign.

VIII. MAINTENANCE OF NONCONFORMING SIGNS

- A. The right to continue a nonconforming sign is not confined to the sign owner or any one individual or corporation so using the land. Thus, a nonconforming sign may be sold, leased, or otherwise transferred without affecting its status. However, the location of the sign may not be changed.
- B. The sign must have been actually in existence at the time the applicable State law or regulations became effective.
- C. The right to maintain any nonconforming sign shall be terminated by:
 - 1. Abandonment of the sign. A nonconforming sign shall be deemed to be abandoned if, for a period of six (6) months, it ceased to display advertising content or displays obsolete or obliterated advertising content or for which no rent has been paid to the owner for a six month period or more. Obsolete or obliterated advertising content is advertising matter that does not identify a particular product, service or facility that is currently available to the motorist. An "available for lease" or similar message that concerns the availability of the sign itself does not constitute advertising matter.

2. Increase of any dimension of the sign over its dimensions in existence at the time the applicable State law or regulations became effective.
3. Change of any aspect of or in the character of the sign, including but not limited to enlargement, extension of the sign, replacement, or the addition or amplification of lighting.
4. Performing installation and maintenance of signs from within the right-of-way of access-controlled highways.
5. Damage to or destruction of the sign from any cause whatsoever, except by willful destruction, where the cost of repairing the damage or destruction exceeds fifty percent of the replacement cost of such sign on the date of damage or destruction. Any sign destroyed by criminal or tortious acts may be replaced upon a showing by the sign owner that the sign was so destroyed and upon written approval from the Department.
6. Deterioration of the sign where the cost of repairing or maintaining the sign exceeds fifty percent of the replacement cost of such sign on the date that the Department determines that the sign is obsolete.

D. Standards for Normal Maintenance and Minor Repairs

1. Normal maintenance shall include change of message, normal upkeep, and minor repairs.
2. Minor repairs, once determined by the Department that the cost will not exceed fifty percent of the replacement cost, shall be

completed so as to result in the sign being in satisfactory condition in the sole judgment of the Department. These repairs must be completed within ninety (90) days from date of notification to the sign owner to repair or the sign structure will be removed as an illegal sign.

3. Replacement cost of a sign shall be determined by reference to the sign appraisal schedule in effect at the time of notification to the sign owner. This determination will be accomplished in the sole discretion of the Department.
4. If the cost to repair a sign is determined to be more than fifty percent of the replacement cost, the sign shall be deemed obsolete or destroyed and removed as an illegal sign.

IX. DIRECTIONAL SIGN STANDARDS

A. Size

1. No sign shall exceed the following limits.
 - a. Maximum area - 150 square feet
 - b. Maximum height - 20 feet
2. All dimensions include border and trim, but exclude supports.

B. Lighting

Directional signs may be illuminated, subject to the following:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
2. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way

of any State highway or 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 may be illuminated so as to interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

C. Spacing

1. Each location of a sign must be approved by the Director.
2. No sign shall be located within 2,000 feet of an interchange, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way).
3. No sign shall be located within 2,000 feet of a rest area, parkland, or scenic area.
4. No two signs facing the same direction of travel shall be spaced less than 1 mile apart.
5. Not more than three signs pertaining to the same activity and facing the same direction of travel shall be erected along a single route approaching the activity.
6. Signs located adjacent to the Interstate System shall be within 75 air miles of the activity.

7. Signs located adjacent to the Primary System shall be within 50 air miles of the activity.

8. Spacing between structures does not include public service signs.

D. Message Content

The one message allowed on each face of a directional sign shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

E. Selection Methods and Criteria

1. Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious site; and outdoor recreational areas.

a. Natural phenomena are limited to the following:

Unusual rock formations, caves, geysers, and waterfalls as created by nature.

b. Scenic attractions would include scenic vistas and natural areas of general appeal.

c. Historic, educational, cultural, scientific, and religious sites are those having definite historic, educational, cultural, scientific, and religious significance. Descriptive plaques, guides, or other information must be available to

adequately explain the site's significance. The site must be within 10 miles of a State highway intersection with access on an adequate all-weather highway.

d. Outdoor recreational areas must be within 10 miles of a State highway intersection with access on an adequate all-weather road, and shall contain the following:

1. A minimum area of 10 acres, 50 percent of which must be unoccupied "open space" accessible to the public.

2. State approved drinking water and toilet facilities.

3. Picnic area with tables, benches and litter barrels.

4. Adequate maintenance to keep all facilities in a clean sanitary condition.

5. One of the following:

- a. Supervised swimming area.

- b. A suitable and readily accessible lake or stream open to public fishing.

- c. A public boat landing.

- d. A State approved campground.

- e. A Golf course or a driving range or tennis courts.

6. A playground with equipment suitable for children.

2. To be eligible, privately owned attractions or activities must be regionally known, and of outstanding interest to the traveling public. In order to be considered to be regionally known, the

activity must be recognized in at least two (2) travel guidebooks which include similar activities outside the State of Rhode Island.

3. Specific selection methods and criteria to be used in determining whether or not an attraction or activity qualifies for this type of signing:

- a. Any corporation must be registered with the Department of State and any other business must furnish proof of license if required by any State, city, or town agency.
- b. If the attraction or activity is clearly visible from the main-traveled way, "on-premise" signs will suffice in lieu of directional signs.
- c. The dominant attraction must be for edification and enjoyment of the motorist, not a tourist-oriented roadside business. Prime purpose of the signs must be to direct the motorist and not to generate income to the activity.
- d. Attraction or activity must be open to the public 12 months of the year.
- e. No request for a private directional sign shall be disapproved or approved until the Director has performed an evaluation of the activity or attraction to be advertised.

X. RECLASSIFICATION OF SIGNS

Any sign which is lawfully erected and maintained and subsequently becomes nonconforming due to a revision in the State law or Rules and Regulations, a change in business activity, or rezoning by proper authority shall be acquired and removed upon the

payment of just compensation in accordance with Chapter 24-10.1-6 of the General Laws of Rhode Island.

XI. PERMITS

A. Permits required - No person, firm, association, or corporation, whether engaged in the business of outdoor advertising or not, shall erect any sign within six hundred sixty (660') feet of the nearest edge of the right-of-way of the Interstate or Primary highways in this State, which advertising is visible from the main traveled way of said highway and:

1. is located either in areas:

a. which are zoned industrial or commercial under authority of law; or

b. which are unzoned but are utilized by industrial or commercial activities as are herein described and delineated; or

2. is a directional or official sign in accordance with Section IX of these regulations; without first obtaining a permit therefore from the Rhode Island Department of Transportation.

B. Application for permits - A separate application for a permit shall be made for each separate sign as so defined in these regulations on a form furnished by the Rhode Island Department of Transportation; which application shall be signed by the applicant or his representative duly authorized in writing to act for him, and shall describe and set forth the size and shape of the sign, and its actual or proposed location with sufficient accuracy to enable the Department of Transportation to identify

such and to find its proposed location, and any other information required under these rules and regulations, as set forth by the Director of Transportation. Each application shall be accompanied by the written consent, or in lieu thereof, a copy certified by the office authorized to take acknowledgments to deeds in this State, of the owner of the real property upon which such sign is to be erected and maintained, or of such other person having the legal right to grant such consent, or of the duly authorized agent of such owner. Each application shall also be accompanied with a non-refundable fee of \$200. RIDOT shall respond to the completed application within a reasonable time not to exceed sixty (60) days unless so extended by RIDOT.

- C. Duration and Renewal - Permits issued hereunder shall expire on December 31, next following the date thereof unless sooner revoked for cause by the Department of Transportation, and shall be renewed upon application made upon forms furnished by the Rhode Island Department of Transportation, together with a fee of \$100.
- D. Revocation of Permit - the Department of Transportation shall have the right, after thirty (30) days notice in writing to the licensee, to revoke any permit granted if the sign fails to comply with all rules and regulations governing the erection of same. The sign then becomes unlawful advertising as stated in Chapter 24-10 of the General Laws of Rhode Island, 1956, as amended. If within the thirty (30) day period the licensee amends the sign to conform to the rules and regulations, the revocation will be amended.

E. Identification of Sign - every sign erected under these Rules and Regulations shall be erected in the exact location described on the permit and shall have a clearly visible permit number; said number to be not less than two (2) inches in height for signs closer than 150 feet from the nearest edge of the right-of-way, and four (4) inches in height for signs located beyond 150 feet from the nearest edge of the right-of-way and are to be placed on the furthest left support post, 2 1/2 feet from the bottom of the sign; provided, however, that wherever sign is erected on a single post, the number shall be placed on the face of the post under the sign. All signs having been issued a permit shall bear the clearly visible imprint of the permit number.

F. APPEAL

1. Any applicant aggrieved by a final written decision of a subordinate official of the Department of Transportation, may within thirty (30) days after receipt of said written decision, appeal in writing to the Director of Transportation.
2. Any applicant aggrieved by a final written decision of the Director, may within thirty (30) days after receipt of said written decision, appeal to the Superior Court in Providence County by filing a complaint pursuant to the Rhode Island General Laws, 42-35-15, as amended.

XII. SEVERABILITY

- A. If any section, clause, or provision of these Rules and Regulations shall be held either unconstitutional or ineffective in whole or in part, to the extent

that it is not unconstitutional or ineffective, it shall be valid and effective and no other section, clause or provision shall on account thereof be termed invalid or ineffective.

XIII. EFFECTIVE DATE

These Rules and Regulations are hereby adopted by the undersigned on this_____ day of _____A.D. 2002 and shall be effective twenty (20) days after filing a certified copy hereof in the office of the Secretary of State.

William D. Ankner, Ph.D.
DIRECTOR

C E R T I F I C A T I O N

I certify that the foregoing is a true and exact copy of Rules and Regulations of the Director of Transportation of the State of Rhode Island governing the issuance of permits for the erection and maintenance of Outdoor Advertising adopted on September 12, 1980, pursuant to Chapter 24-10.1 of the general laws of Rhode Island, 1956, as amended, entitled "Outdoor Advertising" and incorporates Outdoor Advertising Rules and Regulations Amendments effective 2/6/89.

William D. Ankner, Ph.D.
DIRECTOR

AMENDED AGREEMENT

FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR
ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE
AND DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM.

THIS AGREEMENT made and entered into this _____ day of _____, 19__ by and between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administration, hereinafter referred to as the "Administrator", and the State of Rhode Island, represented by the Department of Transportation, acting by and through its Director, hereinafter referred to as the "State".

Witnesseth:

WHEREAS, Section 131(d) of Title 23, United States Code provides for agreement between the Secretary of Transportation and the several States to determine the size, lighting and spacing of signs, displays and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement; and

WHEREAS, the purpose of said agreement is to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the National policy to protect the public investment in the Interstate and primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, the State of Rhode Island elects to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the National policy in order to remain eligible to receive the full amount of all Federal-aid Highway funds to be apportioned to such State on or after January 1, 1968, under Section 104 of Title 23, United States Code; and

WHEREAS, the State of Rhode Island and the Federal Highway Administrator entered into an agreement dated June 28, 1967 whereby the State agreed to control the erection and maintenance of outdoor advertising signs, displays and devices in areas adjacent to the National System of Interstate and Defense Highways in accordance with the provisions of Section 131 of Title 23, United States Code, and the national standards as in effect on June 30, 1965; and

WHEREAS, Section 131(d) of Title 23, United States Code, provides that a State shall be entitled to receive the bonus payments as set forth in the agreement provided the State maintains the control required under such agreement or the control required by the section whichever control is stricter; and

WHEREAS, the State of Rhode Island elects to implement and carry out the stricter provisions in order to remain eligible to receive payment of the one-half of one percent increase in the Federal share payable on account of any project on the Interstate System within the State.

NOW THEREFORE, the parties hereto mutually agree as follows:

I. Definitions

A. The term "Act" means Section 131 of Title 23, United States Code (1965), commonly referred to as Title I of the Highway Beautification Act of 1965.

B. Commercial or industrial zone means areas which were zoned industrial or commercial under authority of law as of December 21, 1959.

C. Unzoned commercial or industrial area means those areas not zoned by State or local law, regulation or ordinance, which are occupied by one or more industrial or commercial activities, other than outdoor advertising signs, and the lands along the highway for a distance of 500 feet immediately adjacent to the activities.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge of pavement of the highway. Measurements shall not be from the property lines of the activities unless said property lines coincide with the limits of the activities. Unzoned industrial or commercial areas shall not include land on the opposite side of the highway from the activities or land predominantly used for residential purposes, or land adjacent to Interstate or primary highways constructed on right-of-way, the entire width of which was acquired subsequent to July 1, 1956.

D. Commercial or industrial activities, for purposes of the above unzoned area definition, mean those activities generally recognized as commercial or industrial by zoning authorities in the 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. Transient or temporary activities.
3. Activities not visible from the main traveled way.
4. Activities more than 300 feet from the nearest edge of the main traveled way.
5. Activities conducted in a building principally used as a residence.
6. Railroad tracks and minor sidings.
7. Activities normally and regularly in operation less than 5 months per year.

E. "Sign" means an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, structure or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or primary system.

F. Traveled way means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

G. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign or sign structure.

H. Safety rest area means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

I. Information center means an area or site established and maintained as safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the Director of Transportation may consider desirable.

J. 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.

K. Visible means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

L. Scenic area means any area of natural or man-made scenic beauty or historical significance designated by the Department.

M. Major official guide sign means a sign with a total area of not less than 12 square feet, erected and authorized by the State or Federal Government to designate route numbers or route names, distances and directions to certain localities or municipalities.

II. Scope of Agreement

This agreement shall apply to the following areas:

- (1) All zoned and unzoned commercial and industrial areas as defined herein within 660 feet of the nearest edge of the right-of-way of all portions of the Interstate and Primary Systems within the State of Rhode Island in which outdoor advertising signs may be visible from the main traveled way of either or both of said systems.

III. State Control

A. The State hereby agrees that, in all areas within the scope of this agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following criteria:

General

1. 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.
2. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device, or are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.
3. No signs may be located on the same side of the main traveled way within 250 feet of a major official guide sign.
4. All signs shall be set back at least 25 feet from the nearest edge of the right-of-way except in areas zoned by authority of law either industrial or commercial where the setback established by such authority will be observed. No sign shall be erected within a distance of 1000 feet from the property lines or any official State tourist information center.

5. No sign may be erected or maintained which contains, includes or is illuminated by any flashing, intermittent or moving light or lights, except in the use of public information devices which indicate the correct time and temperature.
6. No lighting may be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of the highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
7. No sign may be erected or maintained which moves or has any animated or moving parts, except as provided in Section 6, General.
8. The standards herein contained pertaining to the site, shape, description, lighting and spacing of outdoor advertising signs permitted in commercial or industrial zones and areas shall apply only to those signs erected subsequent to the effective date of these regulations. When highways are added to the Interstate and Primary system, standards contained in these regulations shall apply only to signs erected in commercial or industrial zones and areas adjacent thereto subsequent to the date that such highways are added to the system.
9. Notwithstanding anything contained in the preceding paragraph, should any activity which has been used in defining and delineating an unzoned area after the effective date of these regulations cease to operate, the unzoned areas shall be redefined and redelineated based on the remaining activity. Any signs located within the former unzoned area, but located outside the unzoned area, based upon its new dimensions, shall become non-conforming under chapter 24-10.1 of the General Laws of Rhode Island.

SIZE OF SIGNS

1. A. No sign shall exceed the following limits:
 - (1) For signs which are located within 150 feet from the nearest edge of the right-of-way, maximum area - 675 square feet, maximum height - 20 feet, maximum length - 50 feet. Dimensions include border trim, cut-outs, extensions, but exclude bases and supports.

- (2) For signs which are located 150 feet or more from the nearest edge of the right-of-way, maximum area - 1200 square feet, maximum length - 60 feet, maximum height - 25 feet. Dimensions include border, trim, cut-outs and extensions but exclude bases and supports.
- (3) Cut-outs and extensions are not to exceed the following limits:
 - (a) Five (5) feet from top of trim.
 - (b) One and one-half feet from either vertical side of trim.
 - (c) Two (2) feet from bottom of trim.
 - (d) No one cut-out shall exceed more than ten percent (10%) of the total copy area or no combination of cut-outs shall exceed thirty percent (30%) of the total copy area.
- B. Signs may be double faced (abutting and facing the same direction) provided that the total dimensions and area of double faced signs on the structure do not extend the stipulations of A (1), A (2) and A (3) above.
- C. Back-to-back signs shall be considered as two signs.
- D. V-Type signs shall be considered as two signs, but must be erected so that only one sign face is visible to traffic proceeding in any one direction on any Interstate or Primary system.

SPACING OF SIGNS

1. Interstate and Primary Highways

- A. Signs may not be located within 750 feet of any of the following which are adjacent to the highway right-of-way regardless of whether there is direct access from the main traveled way.
 - (1) Recreational Public Parks
 - (2) Public Forests
 - (3) Public Playgrounds
 - (4) Scenic Overlooks
- B. In connection with sub-paragraph A above, the 750 foot limitation which will be measured from the property lines of recreational public parks, public forests and public

playgrounds will not be interpreted to extend beyond the opposite side of said highway right-of-way. In the case of scenic overlooks which are constructed so as to utilize the view across said highway, no sign shall be allowed which obscures the intended view.

C. If there is an existing structure or building other than outdoor advertising structure within the 750 foot zone, a sign may be erected within said area provided that such sign does not otherwise obstruct the view of the area designated.

D. Any areas falling under the above categories A (1), (2), (3) and (4) must be areas designated and maintained as such by a specific governmental agency.

2. Interstate Highways and Freeways on the Primary System

A. Zoned industrial or commercial area - spacing between signs along each side of the highway shall be a minimum of 750 feet. Back-to-back and V-type signs may be erected at a single location. 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 highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

B. Unzoned industrial or commercial area - spacing between signs along each side of the highway shall be a minimum of 1500 feet. Back-to-back and V-type signs may be erected at a single location. No structure may be located adjacent to or within 1000 feet of an interchange, intersection at grade or safety rest area. Said 1000 feet to be measured along the Interstate or freeway highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

3. Non-Freeway Primary Routes

A. The location of signs shall conform to the following minimum criteria to be applied separately to each side of the primary highway:

1. Spacing between signs along each side of the highway shall be a minimum of 250 feet. V-type or back-to-back signs may be erected at a single location, but any such signs shall be at least 500 feet from any other sign on the same side of the highway.

2. No sign may be located within 100 feet of an intersection (unless there is an existing building or structure other than an outdoor advertising structure in said area). One sign shall be permitted within said area if it does not obstruct the existing view of the intersection to approaching traffic and meets all other rules and regulations herein contained. (Distance shall be measured as under Interstate highways and freeways on Primary System above).

4. EXPLANATORY NOTES

- A. Alleys, undeveloped rights-of-way, private roads and driveways, shall not be regarded as intersecting streets, roads or highways.
- B. Only roads, streets and highways which enter directly into the main traveled way of the primary highway shall be regarded as intersecting.
- C. The minimum distances between signs of 250 feet and 750 feet shall be measured along the nearest edge of the pavement between points directly opposite the signs.
- D. On premise signs and other signs authorized by Section 24-10.1-3 (b) (c) of the General Laws of Rhode Island shall not be considered for purposes of measurement.

- IV. Interpretation

The provisions contained herein shall constitute the minimum acceptable standards for effective control of signs, displays and devices within the scope of this agreement.

Nothing contained herein shall be construed to abrogate or prohibit the State from exercising a greater degree of control of outdoor advertising than that required or contemplated by the Act or from adopting standards which are more restrictive in controlling outdoor advertising than the provisions of this Agreement.

- V. In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent act of Congress and the State legislation is amended, the parties reserve the right to renegotiate this Agreement or to modify it to conform to any amendments.

- VI. Effective Date

This Agreement shall become effective when signed and executed on behalf of both the State and the Federal Highway Administration.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of *13 July 1972*

WITNESS:

STATE OF RHODE ISLAND

Louise DelVecchio

Morris Chorney
Morris Chorney, Acting Director
Rhode Island Department of Transportation

UNITED STATE OF AMERICA

Ralph R. Bartelsmeyer
Ralph R. Bartelsmeyer
Acting Federal Highway Administrator