

**290-RICR-30-00-1**

## **TITLE 290 – DEPARTMENT OF TRANSPORTATION**

### **CHAPTER 30 – BUSINESS, PROPERTY OWNERS, AND THE PUBLIC**

#### **SUBCHAPTER 00 – N/A**

##### **PART 1 – Control and Restriction of Billboards, Signs and Other Advertising Devices**

### **1.1 Authority and Purpose**

#### **1.1.1 Authority**

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Chapter 24-10.1, 23 C.F.R. § 750 and 23 U.S.C § 131.

#### **1.1.2 Purpose**

The purpose of these Rules and Regulations is to control the erection and maintenance of outdoor advertising signs relating to areas adjacent to the interstate, primary highways systems and other roads within the State of Rhode Island.

### **1.2 Applicability**

These Rules and Regulations apply to areas adjacent to the interstate, primary highway systems and other roads within the State of Rhode Island as designated by the Department pursuant to R.I. Gen. Laws § 24-10.1-2(2), (5) and (7). A list of such designated roads is posted on the DOT website and the Secretary of State's website.

### **1.3 Incorporated Materials**

These regulations hereby adopt and incorporate Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), 23 C.F.R § 655, subpart F (2009) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

## 1.4. Definitions

- A. For the purposes of these Rules and Regulations, the following terms shall have the following meaning:
1. “Billboard” means a panel designed to carry outdoor advertising. Billboards are considered to be personal property by the Department and all municipal governments in the State of Rhode Island.
  2. “Commercial” or “industrial activities” for the 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:
    - a. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to wayside fresh produce stands.
    - b. Transient or temporary activities.
    - c. Activities not visible from the state-way.
    - d. Activities more than three hundred (300) feet from the nearest edge of the state-way.
    - e. Railroad tracks and minor sidings.
    - f. Activities normally and regularly in operation less than 5 months per year.
    - g. Activities conducted in a building principally used as a residence.
  3. “Commercial or industrial zone” means those districts established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labeled. They are commonly categorized as commercial, industrial, business, manufacturing, highway service or highway business (when these latter are intended for highway orientated business), retail, trade, warehouse, and similar classifications pursuant to the provisions of 23 C.F.R. § 750.703 (a).
  4. “Controlled area” means:
    - a. In an urban area, those areas adjacent to, and within six hundred and sixty (660) feet of, the edge of the right-of-way of the state-way.

- b. Outside an urban area, those areas adjacent to the edge of the right-of-way of the Interstate and Federal-Aid primary and secondary highway systems and visible from the state-way.
- 5. "Controlled routes" means: The Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such a system, but which is on the National Highway System.
- 6. "Department" means the Department of Transportation of the State of Rhode Island.
- 7. "Designated scenic roadways" mean any State Roadways that have been designated a "Rhode Island Scenic Roadway" by the Rhode Island Scenic Roadway Board, under the current Rhode Island legislation for Scenic Roadways.
- 8. "Directional and official signs and notices" means official signs and notices, public utility signs, service clubs and religious notices, public service signs and directional signs.
- 9. "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, agricultural, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, including bicycle paths, and state-owned railroad corridors deemed to be in the interest of the public.
- 10. "Double panel" means two [2] signs side by side facing the same direction no more than five [5] feet apart.
- 11. "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish pursuant to the provisions of 23 C.F.R. § 750.153(e).
- 12. "Existing conforming sign" means signs that are lawfully erected and maintained and comply entirely with all provisions of the law. Conforming signs may remain or be erected adjacent to controlled highway systems after the effective date, May 6, 1966.
- 13. "Freeway" means a divided arterial highway for through traffic with full control of access, pursuant to the provisions of 23 C.F.R. § 750.153 (k).

14. "Illegal sign" means a sign erected or maintained in violation of State Law, pursuant to the provisions of 23 C.F.R. § 750. 303(d).
15. "Immediate vicinity" means the area within fifty (50) feet of where the sign is located, including buildings, driveways and parking areas.
16. "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, pursuant to the provisions of R.I. Gen. Laws § 24-10.1-2(1).
17. "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.
18. "Interstate system" means that a portion of the national system of interstate and defense highways located within this State, or highways built to interstate or defense highway standards as officially designated, or as may hereafter be so designated, by the Director of Transportation, and approved pursuant to the provisions of 23 U.S.C. § 131.
19. "Landmark signs" means signs lawfully in existence on October 22, 1965, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which is consistent with the purpose of 23 U.S.C. § 131. There exist no landmark signs outside urban areas in the State of Rhode Island.
20. "Maintain" means to allow to exist, or keep in repair.
21. "Major official guide sign" means a sign with a total area of at least twelve (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.
22. "Municipality" means a city or town in the State of Rhode Island.
23. "Non-conforming signs" means those signs which were lawfully erected, but which do not comply with the provisions of amended State regulations or which later fail to comply with State law or rules and regulations due to changed conditions. Illegally erected or maintained signs are not non-conforming signs pursuant to the provisions of 23 C.F.R. § 750.303(e).

24. "Official signs" 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 authorizations 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 or nonprofit historical societies may be considered official signs pursuant to the provisions of 23 C.F.R. § 750.154(n).
25. "On-premise advertising sign" means a sign at a business location advertising a business or businesses that are conducted on the property [the principal activity], or signs advertising the sale or lease of the real property upon which they are located, subject to the requirements of § 1.11 of this Part.
26. "Outdoor advertising sign" means advertising signs, displays, and devices in adjacent areas consistent with the terms of these Rules and Regulations, the Federal-Aid Highway Act of 1958 [P.L. 85-381], and the Highway Beautification Act of 1965, as amended [P.L. 85-381], and any and all subsequent amendments and laws. Any outdoor sign, device, figure, painting, drawing, message, notices, placard, poster, billboard, billboard structure, monopole structure, letter board, or other thing which is designed, including lighting, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the state-way or the Interstate, Primary or Secondary Systems.
27. "Panel" means a flat piece of material, usually rectangular, made to form part of a sunken or raised surface set in a frame for the sole purpose of advertising, or any other shaped surface and/or structure including but not limited to; Digital Display, Trivision, other type of Commercial Electronic Changeable Message Sign (CEVMS), etc. approved by the Department.
28. "Permit" means a revocable certificate issuing permission by the Department authorizing the erection and maintenance of a sign at the location described thereon for a twelve [12] month period beginning from the date of issuance. The issuance of an outdoor advertising permit does not supersede municipal or other agency sign requirements or restrictions. Permits are not chattel.
29. "Permit holder" means any person holding a valid and unrevoked outdoor advertising permit. Permit Holders must demonstrate to the satisfaction of the Department that they have legal control of the real property [i.e., footprint] where the sign is located and legal control of the sign.

30. "Person" means any individual, group, corporation, limited liability company, partnership, association, any public entity, as the context may require, or combination thereof.
31. "Primary system" 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 23 U.S.C. § 103(b).
32. "Public service signs" means signs located on bus stop shelters, which sign:
- a. Identify the donor, sponsor, or contributor of said shelters;
  - b. Contain safety slogans or messages, which shall occupy not less than fifty percent [50%] of the area of the sign;
  - c. Contain no other message;
  - d. Are located on 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 state-way involved; and must be located on a designated, active transit system.
  - e. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.
33. "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.
34. "Replacement costs" are based on a mixture of signs in each category with different components such as backbracing, aprons, scaffolds, and differing heights above ground level. The basic structure cost figure will thus apply whether or not the sign being valued has any (or all) of the above-mentioned features. Additives for such items as incandescent lighting, mercury vapor lights, quartz floodlights, unusual features, or differing heights above ground level over eleven (11) feet, should be made when appropriate and the costs are verified by the Department's Appraisal Unit.
35. "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 or highway use.

36. "Rules and regulations" means the State of Rhode Island and Providence Plantations, Rhode Island Department of Transportation, Control and Restriction of Billboards, Signs and Other Advertising Devices.
37. "Safety rest areas" 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. No advertising of any form will be allowed and is strictly prohibited within Safety Rest Areas unless previously reviewed and approved by the Director of the Department of Transportation, pursuant to the provisions of R.I. Gen. Laws § 24-10.1-2(6).
38. "Secondary systems" means that portion of state maintained roads that are neither interstate nor primary roads, pursuant to the provisions of R.I. Gen. Laws § 24-10.1-2(7).
39. "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, pursuant to the provisions of 23 C.F.R. § 750.153(p).
40. "Sign" means the following: a display as a lettered board, a posted command, warning, or direction, including messages utilizing new technologies such as Trivision or equivalent technologies such as CMS, Digital LED, Video LED, Price Pack [changed by satellite or other], Lottery [changed by satellite or other], Electronic Water Art, Holographic, Projectorized, Gas Plasma, or other changeable messages as approved by the Department of Transportation, and if and when necessary the Federal Highway Administration, any outdoor advertising sign, device, figure, painting, drawing, message, notices, placard, poster, billboard, billboard structure, monopole structure, letter board, or other thing which is designed, including lighting, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the state-way of the Interstate or primary system, or secondary system.
41. "State-way" means the following: an interstate, a road, highway, route, traveled way, interway, primary, Federal-aid primary or secondary system, designated scenic roadway and arterials pursuant to the Rhode Island

Division of Planning, Statewide Highway Functional Classification Map (2003).

42. "Structure" means any device, engineered or not which provides support for panels that provide an advertising message, including but not limited to monopoles, multipoles, or any other thing used to provide support.
43. "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 state-way for a distance of five hundred (500) consecutive 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 state-way. 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 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. In addition, "spot or strip zoning," will not be considered as a commercial or an industrial area.
44. "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, which boundaries to be fixed by the Office of Statewide Planning, subject to approval by the Secretary of the U.S. Department of Transportation. Such boundaries shall be as a minimum, encompass the entire urban place designated by the Bureau of the Census.
45. "Urbanized area" means an area so designated by the Bureau of the Census, within boundaries to be fixed by the Office of Statewide Planning, subject to approval by the Secretary of the U.S. 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, pursuant to the provisions of 23 U.S.C. § 101(a).
46. "Visible" means capable of being seen, [whether or not legible] without visual aid by a person of normal visual acuity, pursuant to the provisions of 23 C.F.R § 750.153(j).



## **1.5 Signs Outside Urban Areas**

- A. The following signs shall be allowed outside urban areas.
1. Directional and other official signs.
  2. Signs located in Commercial or Industrial zones, as defined in § 1.4(A)(3) of this Part. However, signs that are more than 660 feet from the edge of the right-of-way, and erected with the purpose of their message being read from the main-traveled way are prohibited.
  3. Signs located in Unzoned commercial or industrial areas, as defined in § 1.4(A)(43) of this Part. However, signs which are more than 660 feet from the edge of the right-of-way, and erected with the purpose of their message being read from the main-traveled way are prohibited.
  4. Landmark signs, as defined in § 1.4(A)(19) of this Part.
  5. Any and all types of signs not listed above are hereby prohibited outside urban areas.

## **1.6 General Regulations**

- A. The following shall apply to all legally conforming and legally non-conforming signs:
1. Signs shall not be erected or maintained or altered 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 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.
  3. Nothing in these Rules and Regulations shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation or resolution, which are more restrictive than the provisions of this chapter.
  4. Pursuant to R.I. Gen. Laws § 24-10.1-9(b), the Director of the Department shall not regulate any on-premise or off-premise non-commercial protected speech contained within any advertising display authorized by these regulations.

## **1.7 Criteria for a Legal Conforming Sign**

- A. For a sign to be designated legal conforming, it must comply with the following location, size, spacing, and lighting criteria, pursuant to R.I. Gen. Laws § 24-10.1-3.
- B. Location
  - 1. Signs must be located in a zoned commercial or industrial area or a non-urban area that is unzoned commercial or industrial.
  - 2. All signs shall be set back at least twenty-five (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.
  - 3. 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, including designated scenic roadways and bicycle paths, designated as such by the Rhode Island Department of Transportation.
- C. Size
  - 1. No sign panel shall exceed the following limits:
    - a. For signs panel which are located within 150 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, cutouts, extensions, but exclude bases and supports.
    - b. 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, cutouts and extensions but exclude bases and supports.
    - c. Cutouts and extensions are not to exceed the following limits:
      - (1) Five (5) feet from the top of trim.
      - (2) One and one-half feet from either vertical side of trim.
      - (3) Two (2) feet from bottom of trim.

- (4) No one cutout shall exceed more than ten percent (10%) of the total copy area or no combination of cutouts shall exceed thirty percent (30%) of the total copy area. Prior to the installation of any and all cutouts, a permit holder must submit to the Department a written explanation providing the exact design, dimensions, panel number, and specifications of the proposed cutout. The permit holder must make this request no less than ten (10) business days prior to the anticipated installation of the cutout, and must strictly adhere to the restrictions listed above. No erection of a cutout will be permitted without first submitting a schematic of the proposed cutout for review, and receiving prior written approval of the Department.
- d. 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. §§ 1.7(C)(1)(a) through (c), of this Part.
- e. Back-to-back signs shall be considered as two (2) signs.
- f. V-type signs shall be considered as two (2) signs, but must be erected so that only one (1) face is visible to traffic proceeding in any one (1) direction on any Interstate or Primary System.

D. Spacing

- 1. If a sign is located on and/or adjacent to an Interstate or Primary Highways or Secondary Roads the followings applies:
  - a. Signs shall not be located within seven hundred and fifty (750) feet of items listed in §§ 1.7(D)(1)(a)(1) through (7) of this Part below, which are adjacent to the highway right-of-way regardless of whether there is direct access from the state-way, including but not limited to those areas being designated and maintained as such by public governmental agencies as follows:
    - (1) Recreational Public Parks
    - (2) Public Forests
    - (3) Public Playgrounds
    - (4) Scenic Overlooks or Designated Scenic Roadways

- (5) Bicycle Paths
- (6) Schools
- (7) Safety Rest Areas

- b. In connection with §1.7(C)(1)(a) above, the 750-foot limitation, which will be measured from the property lines of recreational public parks, schools, public forests, safety rest areas, public playgrounds, and bicycle paths 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 state-way, no sign shall be allowed which obscures the intended view. If there is an existing structure or building other than outdoor advertising within the seven hundred and fifty (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.
- c. If an entity with a sign exists within an unzoned area, and said entity ceases to exist or operate for a minimum period of ninety (90) calendar days, said signs would then be considered non-conforming. If the same area becomes zoned, in any designation but commercial or industrial, the sign will remain non-conforming under R.I. Gen. Laws Chapter 24-10.1.
- d. Signs that are located in zoned and unzoned commercial and industrial areas and were legally erected in accordance with the laws and regulations in effect at the time of their erection, but do not comply with the criteria contained in § 1.7(A) of this Part may continue to be maintained. All such signs shall be classified as grandfathered non-conforming and must comply with the requirements of § 1.7 of this Part. When highways are added to the Interstate and Primary System, standards contained in § 1.7(A) of this Part, shall apply only to signs erected, in commercial or industrial zones and areas adjacent thereto, subsequent to the date that such state-ways are added to the system
- e. The minimum distances between signs of two hundred and fifty (250) feet and seven hundred and fifty (750) feet shall be measured along the nearest edge of the pavement between points directly opposite the signs.
- f. On-premise signs and other signs authorized and defined by R.I. Gen. Laws § 24-10.1-3(a), (b), and (c) shall not be considered for

purposes of measurement. Alleys, undeveloped rights-of-way, private roads and driveways are not intersections, and will not be utilized for measurement purposes.

- g. No signs may be located on the same side of the state-way within two hundred and fifty (250) feet of a major official guide sign.

2. Spacing of Legal Conforming Signs Adjacent to Interstate Highways and Freeways on the Primary System or Secondary Systems

- a. Zoned industrial or commercial area [does not apply to secondary systems] – spacing between signs along each side of the highway shall be a minimum of seven hundred and fifty (750) feet from the sign structure to sign structure. Back-to-back and V-type signs may be erected at single locations. No structure may be located adjacent to or within five hundred (500) feet of an Interchange, exit or entrance ramp, intersection at grade, or a safety rest area. Said five hundred (500) feet to be measured along the edge of pavement along the Interchange, ramp, intersection at grade, or a safety rest area or state-way from the beginning or ending of the pavement widening at the entrance to and exist from the state-way. Said distance limitation shall be measured separately for each direction of travel.
- b. Unzoned industrial or commercial area [applies to all systems including secondary systems] – spacing between signs along each side of the state-way 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, exit or entrance ramp, intersection at grade, or a safety rest area. Said 1000 feet to be measured along the state-way from the beginning or ending of pavement widening at the exit from or entrance to the state-way.

3. Spacing of Legal Conforming Signs Adjacent to Secondary Systems Zoned Industrial/Commercial

- a. The location of signs shall conform to the following minimum criteria to be applied separately to each side of the secondary system.
  - (1) Spacing between signs along each side of the secondary system shall be a minimum of two hundred and fifty (250) feet. V-type or back-to-back signs may be erected at a single location, but any such signs shall be at least five hundred

(500) feet from any other sign the same side of the secondary system.

- (2) No sign may be located within one hundred (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 under § 1.7(D)(2)(b) of this Part.

#### E. Lighting

1. 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, or other changeable LED message signs or billboards with changeable messages.
2. No lighting may be used in any way in connection with any sign unless:
  - a. it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the state-way, or
  - b. 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.
3. The Department has the right to require adjustments to lighting.

#### F. New Technologies

1. Adjacent to the state-way, no legally conforming signs advertising copy may be converted to Trivision or equivalent technologies unless approved by the Department, and if and when necessary, the Federal Highway Administration. Non-conforming signs do not qualify for conversion and no video shall be allowed. The Department will not allow the conversion of signs utilizing LED technology pending its study of safety issues.
2. If a signs advertisement copy is converted to a type of new technology, the Department may require a percentage of the advertisement copy be dedicated to public service (e.g. Amber Alert).

3. However, in accordance with R.I. Gen. Laws Chapter 24-10.1, for each sign using such technology, two (2) valid permits for signs or billboards of equivalent size shall be required. Provided, further, however, that in the event that a person, firm or corporation does not hold more than one permit, only one permit for signs of equivalent size shall be required.

G. Timing of Messages

1. A sign that is converted to Trivision or equivalent technologies, or message signs, or any other types of signs with changeable messages, shall display said messages for ten (10) continuous seconds or more without interruption. The Department may adjust the timing of messages based on public safety concerns.

## **1.8 Revocation of Legal Non-Conforming Signs**

A. There are several ways in which a legal non-conforming sign permit may be revoked:

1. A legal non-conforming sign that is abandoned or discontinued is a sign that may lose its legal non-conforming status if the sign owner fails to operate the sign ninety (90) calendar days unless receiving prior approval by the Director of the Department of Transportation. Examples are:
  - a. Obsolete message content on the sign.
  - b. Blanked-out signs void of any message content.
  - c. Signs in need of such substantial repair where replacement costs exceeds twenty-five percent (25%) of the sign's current fair market value. Repairs must not begin without the prior written approval of the Director of the Department of Transportation. Reasonable repair and maintenance is permitted as prescribed in § 1.9 of this Part.
2. Destruction of a Legal Non-Conforming Sign. A legal non-conforming sign that is destroyed by Acts of God, such as high winds, lightening, or floods, whose replacement cost exceeds twenty-five percent (25%) of its current fair market value, shall not be re-erected and the permit shall be revoked.
3. Vandalism: A legal non-conforming sign that is vandalized by criminal or tortious acts may be re-erected with the prior approval of the Director of the Department of Transportation.

4. Sale, Leasing, Transferring: A legal non-conforming sign may be sold, leased, or otherwise transferred without affecting its status. However, the location, size, spacing, lighting, or duration of the message [if applicable], of the sign shall not be changed, and the sign must have been actually in existence at the time the applicable State law or regulations became effective [May 6, 1966].

## **1.9 Maintenance of Legal Non-Conforming Signs**

- A. Customary Maintenance – Legal non-conforming signs must remain substantially the same as they were on the date they became nonconforming. Reasonable repair and maintenance are permitted. Changes to the physical structure on the sign, other than a change of message, must be accomplished in accordance with these Rules and Regulations. These requirements include:
  1. No change in the size of the legal non-conforming sign or the advertising panel.
  2. No change in the type of existing structure, including but not limited to a legal non-conforming sign with wooden posts to a monopole.
  3. No addition of lighting, either attached or unattached.
  4. No repairs exceeding twenty-five percent (25%) of the replacement cost of the legal non-conforming sign structure subject to these Rules and Regulations.
- B. The permission to maintain any legal non-conforming sign shall be terminated by:
  1. Abandonment of the sign: A legal non-conforming sign shall be deemed to be abandoned if, for a period of ninety (90) calendar days, 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 (6) 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. If for a period of ninety (90) calendar days, an “available for lease” or similar message that concerns the availability of the sign itself, and which does not constitute advertising matter, is left in place, the legal non-conforming sign may be considered abandoned.
  2. Increase of any dimension of the legal non-conforming sign from its original dimensions (i.e., height, width, length) in existence at the time the applicable Federal and State laws or regulations became effective.



3. Change of any aspect or character or the increase of the lumens of the lighting or the replacement of the legal non-conforming sign.
4. Performing maintenance of legal non-conforming signs from within the right-of-way of access-controlled state-ways without the written permission of the Director of the Department of Transportation.
5. Damage to the legal non-conforming sign from any cause whatsoever, except by willful acts, where the cost of repairing the damage exceeds twenty-five percent (25%) of the replacement cost of such legal non-conforming sign structure and/or where the legal non-conforming sign is at a minimum, twenty-five percent (25%) destroyed on the date of damage will not be replaced. Any legal non-conforming sign structure damaged by criminal or deliberate acts may be replaced upon a showing of the legal non-conforming sign owner that the legal non-conforming sign was so destroyed and upon prior written approval from the Director of the Department of Transportation.
6. Deterioration of the legal non-conforming sign where the cost of repairing or maintaining the legal non-conforming sign structure exceeds twenty-five percent (25%) of the replacement cost of such legal non conforming sign on the date that the Department determines that the legal non-conforming sign is obsolete.
7. A legal non-conforming sign may be relocated to a legal conforming location with the prior approval of the Department.

C. 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 twenty-five percent (25%) of the replacement cost of the legal non-conforming sign shall be completed so as to result in the legal non-conforming sign being in satisfactory condition in the sole judgment of the Department. These repairs must be completed within ninety (90) calendar days from the date of notification the legal non-conforming sign owner to repair, or the legal non- conforming sign or billboard structure will be removed as an illegal sign.

## **1.10 Illegal Signs**

- A. A sign shall be classified as illegal including but not limited to the following:

1. If erected in a controlled area where signs are not allowed; or
  2. If violates size, lighting or spacing requirements; or
  3. If fails to have a proper permit.
- B. The Department will handle the removal and penalty for Illegal Signs in accordance with R.I. Gen. Laws §§ 24-10.1-7 and 24-10.1-8.
- C. Signs advertising activities that are illegal under State, Federal, or Local Laws, or State Regulations in effect at the location of the signs are prohibited.

### **1.11 On-Premise Advertising Signs**

- A. Pursuant to R.I. Gen. Laws § 24-10.1-9(b), the Director of the Department shall not regulate any on-premise or off-premise non-commercial protected speech contained within any advertising display authorized by these regulations.
- B. On-Premise advertising signs may not be required to have a permit under this Part, and may be permissible if they conform to the following rules:
1. The on-premise advertising sign shall be located within fifty (50) feet of the immediate vicinity of the principal activity.
  2. The on-premise advertising sign shall be located on the same premises as the principal activity or property advertised. Any sign that consist solely of the name of the establishment is an on-premise sign.
  3. The on-premise advertising sign shall have as its purpose:
    - a. Advertising of the sole and/or principal activity and/or its products being sold and/or services rendered; or
    - b. Advertising of the sale or lease of property on which the on-premise advertising sign is located, rather than the purpose of general advertising.
    - c. An on-premise advertising sign identifying the establishments' principal and/or accessory products and/or services offered on the premises is an on-premise advertising sign.
  4. A "For Sale" or "For Lease" advertising sign which advertises a product or a service located upon and related to the business of selling or leasing the land on which the advertising sign is located, is an on-premise advertising sign.

5. If any or all portion of a sign advertises
    - a. Activity or activities conducted on the premises, and/or products or services part of the principal activity
  6. The on-premise advertising sign owner bears the burden of proving, by a preponderance of the evidence, that the advertised activity is conducted on the premises. The following shall be used for determining whether an on-premise advertising sign is located on the same premises as the activity or property advertised.
    - a. The premises on which an activity is conducted is determined by physical facts rather than property lines, 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. On-Premise advertising signs shall be no more than fifty (50) feet from said activity.
- B. An on-premise advertising sign shall not be located on:
1. Any land or site, 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 state-way or other obstruction, and not used by the activity, and/or extensive undeveloped state-way frontage contiguous to the land actually used by a commercial facility, even though it might be under the same ownership.
  2. Any land or site, which is used for, or devoted to, a separate purpose unrelated to the advertised activity.
  3. Any land or site occupied solely by structures or uses which are only incidental to the principal activity, and which serve no reasonable or integral purpose related to the activity other than to attempt to qualify the land for signing purposes. Generally, these will be inexpensive facilities, included by not limited to; picnics, playgrounds, or camping areas, dog kennels, golf-driving ranges, common or private roadways or easements, walking paths, bicycle paths, fences, and sign maintenance sheds.

#### **1.11.1 Narrow Strips**

- A. Where the sign site is located at or near the end of a narrow strip contiguous to the activity, the sign 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 replacement cost premises on which the advertised activity is conducted if it is located upon a narrow strip of land:
1. which is non-buildable land, such as a swampland, marshland, or other wetland, or
  2. which is a common or private roadway, or
  3. held by easement or other lesser interest than the premises where the advertised activity is located. Exception to the above would be a commercial or industrial complex/park marquee sign.

#### **1.11.2 On-Premise Advertising Signs Located on Interstate and National Highway System**

- A. All on-premise signs including but not limited to those located adjacent to those roadways listed in with State Planning, and they must be in compliance with the provisions contained herein, including the following:
1. No sign panels will exceed a maximum area of one hundred and fifty (150) square feet
  2. Signs with new technologies will not be erected without the express written approval of the Director of the Department of Transportation
  3. Lighting will be in conformance with the provisions provided in § 1.7 of this Part.
  4. No sign will block the view of an official directional sign
  5. All signs must be a minimum of fifty (50) feet from the state highway line
  6. Signs utilizing digital display technology are limited to a continuous ten-second (10) motionless display

#### **1.12 Directional, Regulatory, Warning, and Agricultural Signs**

- A. Directional, Regulatory and Warning Signs are not under the jurisdiction of these Rules and Regulations. The erection and maintenance of these types of signs will be referred to and are under the jurisdiction of the Department's Traffic

Engineering Section, and are in conformance with the MUTCD, incorporated in § 1.3 of this Part.

- B. No rule or regulation of the Department of Transportation shall be enforced against any agricultural operation to prevent it from placing a seasonal directional sign or display on the state's right-of-way, on the condition that that sign or display conforms with the local zoning ordinance, and that sign or display is promptly removed by the agricultural operation upon the conclusion of the season for which said sign or display was placed, in accordance with R.I. Gen. Laws § 2-23.

### **1.13 Reclassification of Signs**

The Department reserves the right to reclassify signs which are legally conforming that become legal non-conforming [and vice versa] due to revisions in the Federal Law, State Law, and/or Rules and Regulations, and/or change in business activity, and/or re-zoning by proper authority, and/or change in state-way configuration.

### **1.14 Permit Process**

- A. All signs lawfully erected [which include both conforming and non-conforming signs] require a permit and a panel identification number. Permits are issued to site-specific locations. Permits are issued under this application process will expire on December 31st in the year in which they were issued, unless sooner revoked for cause [outlined in these Rules and Regulations] by the Department. No permits shall be transferred or assigned to another entity without the approval of the Department.
- B. Requirements for a Permit Application
  - 1. A separate application for a permit shall be made for each separate sign, as so defined in these Rules and Regulations on a form furnished by the Department; which application shall be signed by the applicant or the applicant's representative duly authorized in writing, to act for the applicant.
  - 2. The following items shall be required for the permit application process:
    - a. written proof of legal control through the calendar year, and/or ownership of the real property [footprint of the sign] upon which the sign is located [i.e. lease, rental agreement, deed, etc.];

- b. written proof of legal control through the calendar year and/or ownership of the sign [i.e. lease, rental agreement, bill of sale];
- c. written proof of insurance with language indemnifying and naming the State of Rhode Island as co-insured where applicable [if the sign is located on State-owned property];
- d. name and address of the present legal owner of the real property on which the sign is located;
- e. Assessor's Plat and Lot Number of the real property upon which the sign is located;
- f. name and address of the present sign owner.

3. The Permit Rate Structure shall be as follows:

Structure	Rate
72 square foot stagnant signs	\$200 per panel
300 and 672 square foot stagnant signs	\$450 per panel
Changeable Message Sign /Mechanical [any size]	\$1,300 per panel
Changeable Message Sign /Electronic [any size] [Also Includes Any Other New Technology]	\$2,000 per panel

- a. Fees are charged on a per panel basis, and shall be paid in the form of a non-refundable check made payable to the "General Treasurer, State of Rhode Island." Applications for a new sign location shall have a non-refundable fee of \$100. If the application is approved for a new location, the fee schedule above shall determine the cost of the permit.
4. The Department may respond to a completed application within a reasonable time, not to exceed sixty (60) calendar days. However, if it is found that the information in the application is incomplete or incorrect, the Department reserves the right to suspend the sixty (60) calendar day response time until all required information is submitted, reviewed, and

found to be complete. Only at that time will the Department be held to the sixty (60) calendar day response time.

B. Revocation of Permit

1. The Department of Transportation shall have the right after thirty (30) calendar days notice, in writing, to the permit holder, to revoke any permit granted if the sign fails to comply with these Rules and Regulations, Federal or State Laws that pertain to the governing of signs. If within the thirty (30) calendar day period the permit holder amends the sign to conform to these Rules and Regulations, Federal or State Laws that pertain to the governing of signs, the revocation will be suspended. The Department will revoke immediately any permit whose sign message content resembles a traffic, directional or official guide sign or illegal content.

C. Identification of Sign

1. 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 one hundred and fifty (150) feet from the nearest edge of the right-of-way, and four (4) inches in height for signs located beyond one hundred and fifty (150) feet from the nearest edge of the right-of-way and are to be placed on the furthest left support post, two and one-half (2.5) feet from the bottom of the sign; provided; however, that wherever signs are 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.
2. The Department will assign panel numbers for each sign panel. Each panel number shall be clearly visible, and shall not be less than two (2) inches in height for signs closer than one hundred and fifty (150) feet from the nearest edge of the right-of-way, and four (4) inches in height for signs located beyond one hundred and fifty (150) feet from the nearest edge of the right-of-way and are to be placed on the furthest left support post, two and one-half (2.5) feet from the bottom of the sign; provided; however, that wherever signs are erected on a single post, the number shall be placed on the face of the post under the sign.

E. Appeal

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



**290-RICR-30-00-1**

**TITLE 290 - DEPARTMENT OF TRANSPORTATION**

**CHAPTER 30 - BUSINESS, PROPERTY OWNERS, AND THE PUBLIC**

**SUBCHAPTER 00 - N/A**

**PART 1 - CONTROL AND RESTRICTION OF BILLBOARDS, SIGNS AND OTHER  
ADVERTISING DEVICES (290-RICR-30-00-1)**

Type of Filing: Amendment

**Agency Signature**

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Agency Head Signature

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Agency Signing Date

**Department of State**

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Regulation Effective Date

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Department of State Initials

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Department of State Date