

Wyoming Administrative Rules

Transportation, Dept. of

General Agency, Board or Commission Rules

Chapter 16: Outdoor Advertising

Effective Date: 12/19/2013 to Current

Rule Type: Current Rules & Regulations

Reference Number: 045.0003.16.12192013



Wyoming Department of Transportation
Outdoor Advertising

CHAPTER 16

Section 1. **Authority and Purpose.**

The Wyoming Department of Transportation, pursuant to W.S. 24-10-105 is authorized to promulgate rules governing outdoor advertising along the interstate, national, and former primary highway systems.

Section 2. **Definitions.**

The following words or terms when used shall have the following meanings, unless the context clearly indicates otherwise:

(a) **“Abandoned sign”** means a sign that is obliterated, displays an obsolete advertising message, or is in need of repair for 9 continuous months.

(b) **“Back-to-back sign”** means a sign with 2 display surfaces mounted on a single structure with the display surfaces visible to traffic from opposite directions of travel.

(c) **“Blank sign”** means a sign structure having no panel or face, or whose panel or face is not covered at least 50 percent in area by an advertising message for 9 continuous months. If the sign structure has multiple display surfaces, a blank sign means a sign with either surface having an advertising message covering less than 50 percent of its area.

(d) **“Blinking”** means a form of flashing in which the pattern of sudden illumination changes occurs with more than 2 on-off cycles per second.

(e) **“Commercial or industrial activities”** means 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 activities:

(i) Outdoor advertising structures;

(ii) Agricultural, forestry, grazing, farming, and related activities including wayside fresh produce stands;

(iii) Seasonal activities, or activities not conducted an average of at least 30 hours per week or at least 5 days a week;

- (iv) Activities not visible from the main-traveled way;
- (v) Activities conducted in a building principally used as a residence;
- (vi) Railroad tracks and minor sidings unless abutting land on at least one side of the tracks is classified as a zoned or an unzoned commercial or industrial area;
- (vii) Mineral extraction in the form of oil wells, pumping stations, transfer stations, storage tanks, and so forth;
- (viii) Activities located more than 660 feet from the highway right-of-way;
- (ix) Mobile home parks consisting primarily of blocked and skirted mobile homes;
- (x) Activities that violate state or local law, ordinances, or covenants.

(f) **“Commercial or industrial zone”** means those areas reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances or regulations, or enabling state legislation, including highway service areas in which the primary use of the land is reserved for commercial and roadside services other than outdoor advertising. To be accepted, any commercial or industrial zone shall be adopted in accordance with the planning and zoning provisions of W. S. 18-5-201 through W.S. 18-5-208.

(g) **“Conforming sign”** means a sign that is lawfully in place and complies with size, lighting, or spacing requirements and all other pertinent lawful regulations.

(h) **“Department”** means the Wyoming Department of Transportation, specifically the Right-of-Way Program.

(i) **“Digital billboard”** means a billboard displaying static images controlled by electronic communications.

(j) **“Directional sign”** means a sign identifying and containing directional information to public places and

(i) owned or operated by federal, state, or local governments or one of their agencies;

(ii) a sign identifying and containing directional information to publicly or privately owned natural phenomena or historic, cultural, scientific, educational, and religious sites; or

(iii) a sign identifying and containing directional information to ranches, oil fields, missile sites, and so forth, located off highways where the side road is not signed by the Department.

(k) **“Dissolve”** means a transition between digital messages that is achieved with varying light intensity and in which the first message gradually appears to dissipate and loses legibility simultaneous to the gradual appearance legibility of the subsequent message.

(l) **“Double-faced sign”** means a sign with 2 display surfaces with multiple messages visible to traffic from one direction of travel.

(m) **“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 normal maintenance or repair of a sign structure.

(n) **“Facing”** means the total advertising surface of an outdoor advertising sign, display, or device visible from the main-traveled way of the highway.

(o) **“Fade”** means a transition between static message displays achieved with varying light intensity and in which the first message gradually loses light intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(p) **“Flashing”** means a pattern of changing light illumination in which the sign illumination alternates suddenly between fully illuminated and fully non-illuminated in less than 4 seconds.

(q) **“Foot candle”** means a unit of illuminance equal to one lumen, uniformly incident upon an area of one square foot.

(r) **“Unlawful sign”** means a sign erected or maintained in violation of the state law, the outdoor advertising rules and regulations, or local law ordinance.

(s) **“Immediate”** means a transition between static message displays achieved in 2 seconds or less.

(t) **“Intermittent”** means a pattern of changing light intensity, other than that achieved with immediate, fade, or dissolve transitions, in which any message remains static for over 4 seconds.

(u) **“Interstate system”** means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may be so designed by the Department and approved by the secretary of transportation pursuant to the provisions of Title 23, United States Code, “Highways.”

(v) **“Maintain”** means to allow to exist.

(w) **“Main-traveled way”** means the traveled way of a state 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.

(x) **“Moving light”** means the physical change in position of any visible illumination source while lighted or the simulation of movement achieved with a pattern of sequentially illuminating visible illumination sources within close proximity to each other.

(y) **“National highway system”** means that portion of connected main highways, including interstate and defense highways, as officially designated by the Department and approved by the secretary of transportation pursuant to the provisions of Title 23, United States Code, “Highways.”

(z) **“Nonconforming sign”** means a sign that was lawfully erected but does not comply with the provisions of the state law or regulations passed later or that later fails to comply with state law or regulations because of changed conditions.

(aa) **“Official signs”** means signs maintained by public agencies, public utilities, or nonprofit organizations.

(bb) **“Off-premises sign”** means an outdoor advertising sign that advertises an activity, service, or product and located in an area other than the premises at which such activity or service occurs or the product is sold or manufactured.

(cc) **“On-premises sign”** means a sign consisting solely of the name of the establishment or identifying the establishment’s principal or accessory products or services offered on the property on which they are located.

(dd) **“Outdoor advertising”** means any permanent or portable outdoor sign, display, light, device, figure, painting, drawing, plaque, poster, billboard, or other object designed, intended, or used to advertise or inform, and which is visible from any place on the main-traveled way of the interstate or national highway systems.

(ee) **“Primary system”** means the federal-aid primary system in existence June 1, 1991, and any highway not on this system but included on the National Highway System.

(ff) **“Poor state of repair”** means an outdoor advertising unit that has been damaged or allowed to deteriorate to the extent that the message or symbols or both are incomplete, the structure has been weakened, or parts of the face or structure have been detached and are free to be moved by the wind.

(gg) **“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.

(hh) **“Static”** means having no motion within a particular message or copy displayed on a digital billboard.

(ii) **“Unzoned Commercial or Industrial Area”** means those areas within 660 feet of the nearest edge of the highway right-of-way that are not zoned by state or local law, regulation, or ordinance and

(i) on which is located one or more permanent structures devoted to a business or industrial activity and not predominantly used for residential purposes, or

(ii) on which a commercial or industrial activity is conducted whether or not a permanent structure is located there.

(iii) These areas shall extend along the highway for 600 feet on either side of the activity and those lands on the direct opposite side of the highway to the extent of the same dimensions, as long as the Department has not deemed those lands on the opposite side as scenic or as having aesthetic value.

(iv) In determining such an area, measurements shall be made from the furthest or outermost edges of the regularly used area of the commercial or industrial activity, structures, normal points of ingress and egress, parking lots, storage, and processing area constituting an integral part of the commercial or industrial activity.

(v) All signs located within an unzoned area shall become nonconforming if the commercial or industrial activity used to define the area ceases for 6 months.

(vi) To be defined as an unzoned commercial or industrial area, the commercial or industrial activity shall be a business that is presently active and easily recognizable as a commercial or industrial activity. The business shall not qualify if:

(A) The majority of the business activity is not actually conducted on the premises during normal business hours.

(B) It is not connected to one or more utilities.

(C) It is not reasonably accessible to the public.

(D) It is located either partially or totally within an area zoned other than as commercial or industrial by local government zoning authority.

(E) The business activity is conducted in a building principally used as a residence.

(F) The commercial or industrial activity is established primarily to qualify an area for displaying outdoor advertising.

(G) The business activity and land use is not characteristic of that generally permitted in areas actually zoned commercial or industrial under the authority of state or local law, regulations, or ordinances.

(vii) Following are typical non-qualifying business activities:

(A) Local, county, state, or federal governmental offices or entities.

(B) Enterprises such as nursing homes, child care centers, hospitals, retirement centers, airports, golf courses, rodeo grounds, and fairgrounds.

(C) Non-profit organizations, service clubs, membership organizations, or any other private or semi-private organization, association, or entities not established for commercial profit, such as country clubs, trap clubs, and veterans clubs.

(jj) **“V-type sign”** means 2 signs erected independently of each other or attached to each other with multiple display surfaces having messages visible to traffic from opposite directions, with an interior angle between the 2 signs of not more than 120 degrees and with the signs separated by not more than 10 feet at the nearest point.

(kk) **“Visible”** means capable of being seen, whether or not legibly, without visual aid by a person of normal visual acuity.

Section 3. Outdoor Advertising Permitted.

(a) No outdoor advertising visible from the main-traveled way of the interstate or primary highways may be erected or maintained except:

(i) Signs maintained by public agencies and public utilities and directional or other official signs or notices required or authorized by law, including but not limited to, signs pertaining to natural wonders and scenic and historic attractions.

(ii) On-premises signs including signs, displays, and devices advertising the sale or lease of property upon which they are located; and signs, displays, and devices advertising activities conducted on the property upon which they are located.

(iii) Off-premises signs including signs, displays, and devices located in areas adjacent to and within 660 feet of the nearest edge of the highway right-of-way and zoned industrial or commercial areas under the authority of law.

(iv) Off-premises signs including signs, displays, and devices located in areas that are adjacent to and within 660 feet of the nearest edge of the highway right-of-way and are unzoned industrial or commercial areas under the authority of law. Actual land use shall determine the unzoned industrial or commercial areas.

(v) All off-premises outdoor advertising signs located beyond 660 feet of the highway right-of-way within urban boundaries as defined by the Department are not controlled by state outdoor advertising law.

Section 4. Digital Billboards.

(a) The message, messages, or copy displayed on a digital billboard:

(i) Shall not be displayed through blinking, intermittent, flashing, or moving lights;

(ii) Shall remain fixed for at least 8 seconds;

(iii) Shall not increase the ambient lighting level by more than 0.3 foot candles when measured by a foot candle meter at:

(A) 150 feet for a digital billboard with a surface area of not more than 242 square feet;

(B) 200 feet for a digital billboard with a surface area greater than 242 square feet but not more than 378 square feet;

(C) 250 feet for a digital billboard with a surface area greater than 378 square feet but not more than 672 square feet; and

(D) 350 feet for a digital billboard with a surface area greater than 672 square feet.

(b) In no case shall a digital billboard increase the ambient lighting level by more than 0.3 foot candles at the property line of a single family dwelling located in a zoned district in which billboards are prohibited.

(c) Each digital billboard shall have a light sensing device to adjust the brightness as ambient light conditions change to conform to the requirements of this section.

(d) Transitions between messages shall be accomplished in 2 seconds or less by employing an immediate, dissolve, or fade method.

Section 5. Limits on Size, Form, Lighting, Locations, Spacing, and Overall Height.

(a) The following limits apply to size.

(i) A single-face outdoor advertising sign shall not exceed a length of 60 feet, a height of 25 feet, or an area of 1,200 square feet.

(ii) A double-face outdoor advertising sign shall not exceed a total of 650 square feet. Neither face shall exceed 325 square feet.

(b) The following limits apply to form.

(i) No more than 2 facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure defined as a double-faced sign.

(ii) Double-faced, back-to-back, and V-type signs shall be considered one structure and require one permit.

(c) The following limits apply to lighting.

(i) Unshielded lighting or signs with flashing, intermittent, or moving light or lights are prohibited.

(d) The following limits apply to location.

(i) Signs may not be erected to obscure or otherwise interfere with an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

(ii) Signs may not be located within 500 feet of any public park, forest, playground, cemetery, or scenic area designated by the Department or other state agency and adjacent to the highway unless the signs are in an incorporated area.

(iii) No signs may be located on railroad right-of-way in areas where the railroad right-of-way intersects the highway right-of-way.

(iv) Outside incorporated villages and cities, signs may not be located within 500 feet of the following, measured from the point of pavement widening, for the longest *on* or *off* interchange ramp in both directions:

(A) An interchange,

(B) An at-grade intersection, or

(C) A safety rest area.

(e) The following limits apply to spacing.

(i) The spacing requirements for outdoor advertising in zoned or unzoned commercial or industrial areas adjacent to the interstate and primary highway systems are as follows:

(A) Interstate highways—No new off-premises sign shall be erected closer than 500 feet to an existing off-premises sign either inside or outside incorporated villages and cities.

(B) Primary highways—No off-premises sign shall be erected closer than 100 feet from an existing off-premises sign within incorporated villages and cities. Outside incorporated villages and cities, no off-premises sign shall be erected closer than 300 feet from an existing off-premises sign.

(C) The preceding spacing requirements do not apply to structures separated by buildings or other obstructions if only one sign facing located within the preceding spacing distance is visible from the highway at any one time. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the nearest sign support along each side of the highway and shall apply only to structures located on the same side of the highway.

(D) The spacing requirements of this section do not apply to on-premises, directional, or official signs, nor shall measurements be made from such signs.

(f) The following limits apply to overall height.

(i) An outdoor advertising sign generally shall not exceed an overall height of 40 feet measured from the sign's highest point to the grade level of the highway from which the sign is to be viewed. If the ground level at the sign location is higher than the highway grade level, the 40-foot overall height criteria may be increased only as needed for sign visibility. Department approval is required to exceed the 40-foot overall height.

Section 6. **Directional Signs.**

(a) The message on a directional sign shall be limited to identifying the site and directional information useful in locating the site, such as mileage, route number, or exit number. Descriptive words, phrases, pictorial representations, and logos are prohibited.

(i) The following directional signs prohibited.

(A) Signs advertising any unlawful activity.

(B) Signs that obscure any official traffic control device or interfere with a driver's view of approaching, merging, or intersecting traffic.

(C) Signs erected or maintained upon trees or drawn upon rocks or other natural features.

(D) Signs whose directional messages refer to sites that no longer exist.

(E) Signs that are structurally unsafe or in disrepair.

(F) Signs with unshielded lighting or signs with flashing, intermittent, or moving light or lights.

(G) Signs located in rest areas, parklands, or scenic areas.

(H) Signs with a commercial advertising legend or symbol.

(b) Directional signs **Types I and II**—**Type I** directional signs contain directional information to public places owned or operated by federal, state, or local governments or areas the Department deems of interest to the traveling public. **Type II** directional signs contain directional information to privately owned natural phenomena; historical, cultural, scientific, religious, or educational sites; areas suited for outdoor recreation; or areas the Department deems of interest to the traveling public.

(c) All **Type I and Type II** directional signs shall be permitted.

(i) The following size limits shall apply to **Type I and Type II** signs:

(A) **Types I and II** directional signs shall not exceed an area of 150 square feet, a height of 20 feet, or a length of 20 feet.

(ii) The following shall apply to the location and spacing of **Types I and II** signs.

(A) Signs shall not be located closer than 2,000 feet to a rest area, parkland, or scenic area or to an interchange or intersection at grade, measured from the point of widening at the entrance or exit from the main-traveled way.

(B) Directional signs facing the same direction of travel shall be spaced more than one mile apart.

(C) No more than 3 **Type I** directional signs relating to the same activity may be erected along a single route approaching the activity.

(D) No directional signs located adjacent to the interstate highway shall be located more than 75 air miles from the attraction or activity. Signs adjacent to primary highways shall be within 50 air miles of the attraction or activity.

(iii) Following are eligibility criteria for **Types I and II** signs.

(A) A site shall be regionally or nationally known. To qualify as regionally known, the site shall be known within the entire state of Wyoming and any state contiguous to Wyoming.

(B) The site shall be of outstanding interest to the traveling public and have a substantial number of tourist visitors. The dominant attraction shall benefit and enlighten the traveling public and not be a tourist-oriented roadside business.

(C) The site shall be within 10 miles of the state highway access on an adequate all-weather road. If the activity is clearly visible from the highway access, “on-premises” signs shall suffice.

(D) Attractions or activities having official highway signs on the right-of-way shall not qualify for directional signs on private property along that respective route.

(E) Historical sites, in addition to complying with preceding subsections (A) through (D), shall be listed in the national register of historic places.

(F) Educational or cultural sites, in addition to meeting preceding subsections (A) through (D), shall comply with one of the following by being:

(I) a site where intellectual faculties are developed; or

(II) a site where characteristic features of a particular stage in the advancement of civilization took place; or

(III) a site where education is advanced; or

(IV) a site containing a structure significant to education. The structure shall either have architectural value or be the surviving structure most associated with a historically significant person or event.

(G) Scientific sites, in addition to complying with preceding subsections (A) through (D), shall be sites or institutions for the systematic study of scientific principals where hypotheses are formulated and tested.

(H) Religious sites, in addition to meeting preceding subsections (A) through (D), shall comply with one of the following:

(I) The site shall be related to religious activities of a particular culture; or

(II) The site shall be the location of religious activity of historical or cultural significance, but it cannot currently be used for worship.

(I) Natural phenomena sites, in addition to complying with preceding subsections (A) through (D), shall be naturally occurring (such as caves, unusual rock formations, waterfalls, and so forth) as distinguished from man-made sites.

(J) Outdoor recreation sites, in addition to meeting subsections (A) through (D), shall comply with one of the following:

(I) The site shall have a minimum of 5 acres, 50 percent of which shall be unoccupied open space accessible to the public; or

(II) The site shall have a picnic area, tables, benches, litter barrels, drinking water, and sanitary facilities; or

(III) The site shall have adequate maintenance staff to keep facilities in a clean and sanitary condition; or

(IV) The site shall have one or more of these facilities: a public boat landing, a supervised swimming area, public fishing access, a campground, a golf course, a tennis court, or a playground.

(iv) The following shall apply to **Type III** directional signs. These signs contain directional information to ranches, oil fields, missile sites, and so forth, located off highways where the side road is not signed by the Department.

(v) **Type III** eligibility criteria include the following.

(A) **Type III** directional signs shall not exceed an area of 32 square feet.

(B) The sign shall be within 500 feet of the approach road.

(C) Only one sign is permitted per activity and may be placed on a back-to-back installation.

(D) The sign shall be on the same side of the highway as the activity.

(E) The Department shall approve the location of all **Type III** directional signs before erection.

(F) A permit is not required for a **Type III** directional sign.

Section 7. **Official Signs.**

(a) **Type I Official Signs** are signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction to carry out an official duty or responsibility. These signs shall not be any larger than necessary to adequately inform the traveling public. The Department shall approve the location of official **Type I** signs before erection, but these signs do not require an advertising permit.

(b) **Type II Official Signs** are signs and notices relating to meetings of nonprofit service clubs or charitable associations or to religious services. The size of these signs shall not exceed an area of 8 square feet. The message content is limited to the organization's name and the meeting times. No more than one such sign may be erected in each approach direction of traffic. The Department shall approve the location of official **Type II** signs before erection, but these signs do not require an advertising permit.

Section 8. **On-premises Signs.**

(a) On-premises signs are signs advertising on-premises activities only. On-premises signs are further defined as follows:

(i) Signs that advertise the sale or lease of the property on which the sign is located;

(ii) Signs advertising a principal product sold, a service rendered, or an activity conducted on the specific property on which the sign is located; and

(iii) Signs that identify the goods produced on the property; the name of the business; or the name of the person, firm, corporation, or agency occupying the property.

(b) "On-premises" qualifying criteria include the following.

(i) The premises on which any activity is conducted is determined by the physical facts rather than by property lines. The premises consist of the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces arranged to be used in connection with such buildings.

(ii) Generally, the property may be defined as a parcel of land on which is a regularly used building or a service, repair, processing, storage or parking area, or some combination of these facilities, used in conjunction with the on-premises activity.

(c) The following land uses shall not be considered part of the premises on which the activity is conducted, and any signs located on such land shall be considered “off-premises” outdoor advertising and subject to permit regulations.

(i) Any land that cannot be reasonably used as an integral part of the business. This includes, but is not limited to, land separated from the activity by a roadway, highway, or other obstruction and not used as an integral part of the business. The same restriction applies to undeveloped highway frontage adjacent to the land actually used by the advertised activity.

(ii) Any vacant land or land used for a purpose unrelated to the advertised activity (for example, land adjacent to or adjoining a service station but devoted to farming or ranching, residence, or other commercial or industrial uses having no relationship to the service station activity).

(iii) Any land occupied solely by structures or uses that are only incidental to the principal activity and serving no purpose other than to attempt to qualify the land for signing purposes.

(iv) Where the sign site is located at or near the end of a narrow strip adjacent to the advertising activity, the sign site shall not be considered part of the premises. A narrow strip shall include any configuration of land that cannot be put to any reasonable use related to the activity other than signing.

(d) Examples of prohibited “on-premises” displays include the following.

(i) A sign advertising a product or service provided on the property but incidental to the business’s principal purpose (such as a sign located on top a service station advertising cigarettes).

(ii) A sign that advertises products, activities, or services conducted on the property but also advertising activities not performed on the property (for example, a sign advertising a motel not located on the property with an additional message stating “rock shop here” to advertise an on-premises rock shop).

(iii) A sale or lease sign advertising a product or service not located on the property and unrelated to the business of selling or leasing the property on which the sign is located (for example, a sign advertising an off-premises restaurant with the message “this property for lease—apply at . . .”).

Section 9. **Political Signs.**

(a) Written campaign advertising shall not be placed on or attached to any real or personal property of the state or its political subdivisions, **except**:

(i) The Department of Transportation shall allow campaign materials to be placed on state rights-of-way within municipalities subject to rules and regulations adopted by the municipality.

(b) Written campaign advertising shall not be placed within the right-of-way of any interstate highway.

Section 10. **Permits.**

(a) A permit shall be obtained for each advertising structure before construction of any sign. If a structure or sign has been erected before a permit is issued, the structure or sign shall be deemed unlawful. Signs exempt from permits are on-premises, official, and **Type III** directional signs, although official and **Type III** directional signs require written permission from the Department before erection.

(b) Each permit issued shall be assigned a separate identification number on a permanent tag provided by the Department. The permit tag shall be affixed to the lower corner of the sign face nearest the right-of-way line or to the face of the upright, leg, or pole of the structure nearest the right-of-way line. The permit tag shall be visible from the nearest point of the highway. A sign that fails to have the permit tag affixed is subject to revocation and removal by the Department.

(c) If the original permit tag becomes lost, damaged, or unreadable, the permit holder shall request a replacement tag. The Department shall provide replacement tags bearing the original permitted number for \$25 each.

(d) Outdoor advertising signs may have the sign owner's name, address, logo, or trade name affixed on a separate name panel of wood or metal construction fastened to the sign or sign structure. A commercial sign company shall limit its name plate to its logo or trade name only, provided that the logo or trade name is as indicated on all the company's outdoor advertising permit applications.

(e) Sign structures bearing permit tags for signs other than the one for which they were issued shall be in violation.

(f) Permit holders shall notify the Department in writing when the sign structure has been erected.

(g) Sign permits may be transferred from the current sign owner to a new owner upon written notification to the Department from the current sign owner.

Section 11. **Application for Permit and Fees.**

(a) A separate application for a permit shall be made for each separate outdoor advertising structure, sign, or display, on an application form furnished by the Department and containing all information the Department requires. Each application shall be accompanied by the following:

(i) A nonrefundable application fee specified by W.S. 24-10-107.

(ii) Written consent of the owner or occupant of the real property upon which the structure, sign, or display is to be erected or maintained.

(iii) A statement from the appropriate zoning authority verifying the zoning classification of the proposed sign site in each city or county where zoning laws are enforced if the sign is located in an area zoned commercial or industrial.

(iv) A zoning map or a diagram of the sign location showing the highway route number and such physical features and other stationary landmarks necessary to describe the location adequately. The zoning map or sketch shall also indicate the distance in feet from the sign location to the nearest milepost marker and the spacing between the sign location and any existing off-premises sign or commercial or industrial activity used to define the area.

(b) **Location**—Before submitting an application, the applicant shall stake the proposed sign location and attach to the stake the applicant's name and address. The stake shall be located at the proposed location of the sign support closest to the highway right-of-way and shall be visible from the highway. Each pending application location may be field checked for compliance with state law and Department regulations before application approval. After approval, the applicant shall in some manner display the permit number, excluding the permit tag, on the location stake.

(c) **Fees**—Each permit shall be valid for 3 years and then renewed annually. Permits for **Type I** directional signs shall be renewed at no cost to the owner agency. Permit renewal fees shall become delinquent 30 days after the annual renewal date. On becoming delinquent, such sign structures are unlawful and shall be removed.

Section 12. Repair, Maintenance, and Relocation.

(a) All signs, including official and directional signs, shall be maintained in a safe condition and in sound repair. The Department shall remove signs in an unsafe condition or poor state of repair if they are not repaired upon notice. Relocation of advertising signs shall not be permitted since outdoor advertising permits are issued for specific locations. The Department shall consider written requests to improve conforming signs and structures and shall grant approval if appropriate.

(b) For nonconforming signs and structures, advertising messages may be changed and structures may be repaired, but they shall not be improved in a manner that increases the structure's value. Some examples of improvements not approved for nonconforming signs are the following:

(i) Adding lighting.

(ii) Revising the structure from wood to steel posts.

(iii) Increasing the size of the original sign face by attaching additional signs, or increasing the size of the existing sign face.

(c) Such improvement of a structure shall cause its permit to be revoked.

(d) A nonconforming sign or structure may be replaced if destroyed by vandals. Prior approval of the Department shall be obtained before replacing an entire structure.

Section 13. Unlawful Signs and Revocation of Permits.

(a) Any of the following can cause a sign to be unlawful and the permits or renewals to be revoked or denied. Upon the revocation of any permit, the sign for which it was issued constitutes unlawful advertising and shall be removed.

(i) Outdoor advertising maintained without a permit or Department approval.

(ii) Outdoor advertising in an unsafe condition or in poor repair.

(iii) Outdoor advertising erected after March 5, 1971, contrary to the terms of the Outdoor Advertising Act (W.S. 24-10-101 through W.S. 24-10-115).

(iv) Outdoor advertising not complying with size or spacing limits.

(v) Outdoor advertising maintained under a permit issued pursuant to an applicant's false and misleading statement.

(vi) Outdoor advertising hindering the clear, unobstructed view of approaching or merging traffic, obstructing the view of any traffic sign or other official sign, or signs imitating a traffic sign.

(vii) Outdoor advertising with unshielded lighting or signs with flashing, intermittent, or moving light or lights.

(viii) Directional signs **Type I**, **Type II**, or **Type III** with a commercial advertising legend or symbol.

(ix) Outdoor advertising that is erected or repaired from within the highway right-of-way.

(x) A sign that is blank or abandoned for 9 continuous months.

(xi) A nonconforming sign once removed from a permitted location becomes unlawful to replace.

(xii) Outdoor advertising painted or affixed to any natural feature.

(xiii) Permitted outdoor advertising not displaying the assigned permit number tag.

(xiv) Failure to renew a permit within 30 days after the expiration of the permit period.

(xv) Failure to erect advertising signs within one year of the date a permit is issued.

(xvi) To otherwise violate state law or Department regulations.

(b) When the Department determines that a violation of outdoor advertising has occurred, the Department shall give written notice of the violation by certified mail to the permit holder and specify that remedial action has to be taken within 30 days, or the permit shall be revoked and action for removal of the sign commenced.

Section 14. Sign Removal Procedures.

(a) The procedures for sign removal are set forth in W. S. 24-10-109 and include the following:

(i) Removal notice shall be given by certified mail to the sign owner and owner or occupant of the land. If the owner of the sign is unknown, notice shall be posted on the structure in a conspicuous place.

(ii) The land or the structure owner may make written request no later than 15 days after receiving the removal notice for a hearing pursuant to General Section, Chapter 3, Appeals and Hearings, of the Wyoming Department of Transportation's rules and regulations. Upon receiving the written hearing request, the Office of Administrative Hearings shall set a date for a hearing within 30 days.

(iii) If a hearing is not requested, or if no appeal is taken from the hearing examiner's decision at such hearing, or if the hearing examiner's decision is affirmed on appeal, the Department shall immediately remove the offending outdoor advertising at its own expense with no compensation to the owner.

Section 15. Local Ordinances.

Local ordinances, regulations, or resolutions more restrictive than the provisions of the Outdoor Advertising Act are not affected by these rules.

Section 16. Violations.

All outdoor advertising not conforming to the requirements of the Outdoor Advertising Act are declared in violation of the act and are also declared public nuisances. Individuals observing violations of the Outdoor Advertising Act are urged to report their complaints immediately to the nearest Department office. Any person violating this act shall be guilty of a misdemeanor.

Section 17. Federal Law.

Rules and regulations promulgated by the Federal Highway Administration pursuant to 23 United States Code, Section 131, as amended, shall supersede these rules and regulations when the federal rules conflict or are more restrictive.