ALABAMA DEPARTMENT OF TRANSPORTATION
OFFICE ENGINEER DIVISION
ADMINISTRATIVE CODE

CHAPTER 450-10-1
PROCEDURE AND REQUIREMENTS FOR OUTDOOR ADVERTISING

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450-10-1-.01 Purpose Of Chapter.

The purpose of this chapter is to establish the procedures and minimum standards that shall govern the inspection and licensing of outdoor advertising by the Alabama Department of Transportation Maintenance Bureau. The chapter repeals 450-3-1-.06 from the Alabama Department of Transportation's Administrative Code.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-286.
History: **New Rule:** Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.02 Definitions.

(1) The following definitions, terms, words and phrases shall have the meanings given. These definitions are in addition to the definitions found in the Code of Ala. 1975, §23-1-271.

(a) Abandoned Sign: Signs legally erected and in existence before adoption of the Highway Beatification Act of 1972 or does not have a valid permit that are overgrown by trees or vegetation not on the highway right-of-way which blocks visibility of one-third or more of the advertising area, or has peeling, rusting, fading or other wear effects that makes the advertising area illegible and which has remained in such a condition for over one year or has had no legible message of any type on the advertising in area for over one year.

(b) Blank Sign: A sign that is illegible, unable to convey its message or be clearly seen and/or read by the motoring public of advertising matter or its message does not cover more than one-third (1/3) of the area of the sign.

(c) Conforming Sign: A sign that complies with all provisions of the state law.

(d) Department: The Alabama Department of Transportation.

(e) Destroyed sign: A sign damaged by an Act of God, vandalism, fire, wind, flood, sabotage, earthquake, or other catastrophic occurrences where the structure, message, supports or stringers is damaged to the extent of 50% or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s).

(f) Directional Sign: A sign containing directional information about public places owned or operated by Federal, State or local government or their agencies; publicly or privately owned natural phenomena, historic, cultural, scenic, educational, and religious sites and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public.

(g) Infrastructure: The underling framework of a system; esp. public services and facilities (such as, but not limited to, highways, bridges, electricity, telephone, gas, sewers, and water systems) needed to support commerce as well as economic and residential development.

(h) Non-conforming Sign: A sign lawfully erected but does not comply with the provisions of State Law or State Regulations passed at a later date or later fails to comply with State Law or State Regulations due to changed conditions. A non-conforming sign must be maintained in accordance with State Law or it is subject to removal without compensation.

(i) Official Signs and Notices: Signs and notices erected and maintained by public officers or public agencies within their territory 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. A Local Chamber of Commerce is not a local government agency and its signs are not official signs.

(j) Public Service Signs: Signs located on school bus stop shelters, bus stop benches and trash receptacles owned and maintained by city, county and state governments and agencies.

(k) Service Club and Religious Notices: 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 eight (8) square feet in area.

(l) Transient or Temporary Activities: Activities that do not have:

1. At least one employee attendant at the activity site, performing work and available to the public for at least thirty-six (36) hours per week on at least four (4) days per week for at least thirty-six (36) weeks per year;

2. Electricity, land line telephone, plumbing, indoor restroom, permanent flooring other than dirt, gravel, sand, etc., adequate heating; and,

3. The activity, or a major portion of it, must be conducted from a permanent building constructed principally of brick, concrete block, stone, concrete, metal or wood or some combination of these materials.

(m) Unzoned Commercial, business or industrial area: A parcel of land designated for regular use as commercial or industrial, in which one distinct conforming industrial or commercial activity is located. Regular use is defined as maintaining the standards set forth under the above definition of Transient or Temporary Activities.

(n) Zoned: Real property, parcel of land, or land that is subject to a complete system of land use, including regulation size, lighting, and spacing of signs, for tracts which comprise at least 20 percent of the land within a political subdivision established and actively enforced by duly constituted zoning authorities.

(o) Zoned commercial or industrial areas: Areas inside the control area of a political subdivision which are zoned for commercial or industrial use and that meet the requirements of 450-10-1-.14.

Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-271, 23-1-278, 23-1-286.
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450-10-1-.03 Maintenance.

(1) Signs in an unzoned commercial, business or industrial areas, or in a zoned commercial area which were lawfully in existence on the effective date of the Highway Beautification Act of 1972, but which do not conform to the requirements of the Highway Beautification Act of 1972 are declared non-conforming. Only routine maintenance and the change of the message can be performed on it. No major replacement of sign supports in the structure will be allowed. Any addition of illuminations, LEDs, or solar power lights to a non-conforming sign is prohibited. If for any reason the sign including structure, message, supports, or stringers is damaged to the extent of 50% or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s), then any repair or replacement of any part of the sign including message, supports, and stringers will be considered the erection of a new sign and consequently prohibited. Non-conforming signs destroyed or damaged by an Act of God, fire, earthquake, wind, flood, or other catastrophic occurrences shall not be replaced.

(2) Signs that were permitted before the effective date of this provision will be allowed to remain as a permitted sign in accordance with §§23-1-271 through 23-1-274, Code of Ala. 1975. All other aspects of this Chapter will apply to permitted signs.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-273, 23-1-274, 23-1-275, 23-1-276, 23-1-277.
History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.04 Permits.

(1) The Department must approve or deny an application for permit to erect an outdoor advertising sign, stating in writing reason(s) for the denial, within 90 days of submission of the application for permit. If the application for permit is not denied in writing by the Department within 90 days of submission, it will be deemed denied and Permittee may seek redress through the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et seq., and Alabama Courts.

(2) The Permittee must erect the outdoor advertising sign described in the application for permit within twelve (12) months from the date of issue. If the sign has not been completely erected within the prescribed time, the permit is automatically deemed revoked and the permit fee forfeited. The Permitee may reapply for the permit for the same area but if the sign has not been erected within the prescribed time, the permit is deemed revoked and the permit fee forfeited. After the second permit, the Permittee cannot reapply for a permit within 500 feet of the same area for twelve (12) months. Once a permit has been issued, the Permittee must place an identification tag to designate a permitted outdoor advertising sign issued by ALDOT on the sign pursuant to Code of Ala. 1975, §§23-1-275(d). The use of portable signs at locations requiring permits is prohibited.

(3) All signs permits time-stamped by the department on or before January 15, 2008 will be reviewed in accordance with §§23-1-271 through 23-1-274, Code of Ala. 1975.

Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-275.
History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.05 Directional Signs.

(1) The following Directional Signs are prohibited:

1. Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the locations of those signs or at the location of those activities.

2. Signs located in such a manner as to obscure or otherwise 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.

3. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

4. Obsolete signs.

5. Signs which are structurally unsafe or in disrepair.

6. Signs which move or have any animated or moving parts.

7. Signs located in rest areas, park lands, or scenic areas.

8. No sign shall exceed the following limits:

(i) A maximum area of 150 square feet.

(ii) A maximum height of 20 feet, a maximum length of 20 feet.

(2) All dimensions include border and trim but exclude supports.

(3) 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 or light from being directed at any portion of the traveled way of an interstate or primary 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 as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(4) Each location of a directional sign must be approved by the Department.

1. No directional sign may be located within 500 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 whichever is further from the intersection.)

2. No directional sign may be located within 500 feet of a rest area, park land, or scenic area.

3. (i) No two directional signs facing the same direction of travel shall be spaced less than 1 mile apart

(ii) No more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity.

(iii) Signs located adjacent to the interstate system shall be within 75 air miles of the activity.

(iv) Signs located adjacent to the primary system shall be within 50 air miles of the activity.

(5) The message on directional signs 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.

(6) To be eligible, privately owned attractions must be nationally or regionally known and of outstanding interest to the traveling public.

(7) The Department will determine the eligibility of a facility for directional signing on an individual basis. Additional criteria to be used in determining eligibility are as follows:

1. Kind of attraction or facility.

2. Purpose of the activity or facility.

3. How widely known is the activity.

4. Is it publicly or privately owned.

5. Size of the activity or attraction, such as the number of camp sites or spaces for trailers, etc.

6. The various activities included in the operation, such as swimming, boating, camping, golfing, etc.

7. The number of people attending the facility annually.

(8) If the activity or attraction meets enough of the above criteria to warrant further consideration for directional signs, an application for permit should be filed through the district engineer using Form OA No. 5 Revised 3/1/73 and forwarded on to the Department Maintenance Engineer for review and approval by the Director.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.
History: **New Rule:** Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.06 Official Signs.

(1) The Department may allow city governments or recognized civic groups to erect and maintain structures capable of attractively displaying groupings of signs denoting the existence of, meeting place and meeting time of local civic clubs, church groups or nonprofit organizations. The structure shall be maintained:

1. with or without the displays and must be strong enough to resist normal wind loads for the locality.

2. free of peeling, chipping, rusting, wearing and fading so as to be fully legible at all times.

3. in a safe manner, free from rusting, rotting, breaking and other deterioration, including cutouts, extensions, border, trim, and any other part of the sign or structure, and,

4. must not have any vegetation growing upon it or touching or clinging to it.

(2) If ALDOT or its designated agent(s) notifies a city government or responsible civic group that its sign needs repair, the repair work shall be done within thirty (30) days of the notice or the sign shall be removed at the sign-owner or landowner's expense.

(3) The maximum area for any one such structure shall be 675 feet with a maximum height of 15 feet and a maximum length of 45 feet, inclusive of any border or trim but excluding the base or apron, supports and other structure members. A panel may be installed on the structure bearing the message "Welcome to _____"(City), such a panel shall not occupy more than 25 per cent of the total structure area. No more than two such structures shall be allowed on any one approach to a city.

(4) The following criteria will be used to determine what groups may place signs on the structure or erect official signs individually:

1. any church of any denomination

2. any civic club with national affiliation

3. any local civic club that is nonprofit

(5) The church signs whether placed on a structure with other signs or erected individually may state the name of the church, the name of the pastor, the directions to the church, the time of each service or any combination of these messages as desired.

(6) Civic club and group signs whether erected individually or on a structure in groups may contain a group emblem and a message indicating the meeting time and location.

(7) These official signs may be erected in an adjacent area without any zoning and spacing provisions but must be erected off the right-of-way, with a maximum area of 8 square feet per individual sign.

(8) No written application for permit will be required and no fee charged for signs meeting these requirements. The district manager shall approve or disapprove each such sign erected or expected to be erected for compliance with these rules and regulations.
Author: Maintenance Bureau

Statutory Authority: Code of Ala. 1975, §§23-1-273, 23-1-274, 23-1-278, 23-1-286.
History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.07 Abandonment.

(1) Outdoor advertising sign structures that contain obsolete advertising matter, have been without advertising matter or are in need of substantial repairs for a period of twelve (12) months shall be deemed abandoned. Any change of obsolete advertising matter to current advertising matter, installing new advertising matter on the structure, or performing any maintenance on the structure shall be a new sign and subject to the provisions of the Act. Any changes to the sign cannot increase the size of the sign. More than one-third (1/3) of the billboard must have advertisement on it not to be considered an abandoned sign.

(2) The sign owner and/or landowner shall be given notice, by certified mail, by the Department that a sign is considered an abandoned sign. The Department shall set forth the reasonable repairs or corrections that must be made in order that the sign no longer be considered an abandoned sign. The sign owner and landowner shall have 90 days from receipt of the certified mail to make the repairs or corrections. If the repairs or corrections are not completed within the 90 days, the sign must be removed at the sign owner or landowner's expense.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-274, 23-1-275, 23-1-278, 23-1-286.
History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.08 Public Service Signs.

(1) Public service signs shall contain safety slogans or messages which shall occupy not less than sixty (60) percent of the area of the sign; the remainder of the sign area may be used to identify the donor, sponsor or contributor of the facility and shall contain no other message. These facilities must be 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. These facilities shall not have more than one sign facing in any one direction.

(2) The size of public service signs allowed on school bus shelters shall not exceed thirty-two (32) square feet in area. The

size signs allowed on bus stop benches may be as long as the bench and shall not exceed two feet six inches (2'6") in width or height. The size of each sign allowed on trash receptacles shall not exceed six (6) square feet in area.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.
History: **New Rule:** Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.09 Grandfather Clause Signs.

(1) Signs a zoned areas which were lawfully in existence on the effective date of the Highway Beautification Act of 1972, but which do not conform to the requirements of the Highway Beautification Act of 1972 as to size, lighting, or spacing criteria shall be allowed to remain for the duration of its normal life. Only routine maintenance and the change of message can be performed on it. No major replacement of sign supports in the structure will be allowed. If for any reason the sign including structure, message, supports, and stringers is damaged to the extent of 50 percent or more of the current structural value as determined by an appraisal by ALDOT or its designated agent(s), then any repair or replacement of any part of the sign including message, supports, and stringers will be considered the erection of a new sign and consequently prohibited.

(2) Signs that were permitted before the effective date of this provision will be allowed to remain as a permitted sign in accordance with §§23-1-171 through 23-1-274, Code of Ala. 1975. All other aspects of this Chapter will apply to permitted signs.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.
History: **New Rule:** Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.10 Selective Vegetation Control To Retain Outdoor Advertising Display Visibility.

(1) Minor trimming of trees, shrubs, vegetation and other plant life on highway right-of-way for the purpose of retaining visibility of legal, permitted outdoor advertising signs and select non-conforming signs will be allowed under strict compliance with the following conditions:

1. The trimming or cutting must not adversely affect the aesthetics of the right-of-way.

2. No vegetation shall be trimmed or cut that is in place as a result of a Federal Air landscape project.

3. All cut vegetation shall be removed from the highway right-of-way by the applicant.

4. Access to sites adjacent to Interstate and other controlled access highways must be gained without using the main travelway of the highway.

5. Trimming or cutting at legal permitted signs will be allowed only at locations where the advertising sign installation preceded the obscuring growth. Trimming or cutting shall not be used to provide visibility where none existed or exists at a proposed sign location. Only maximum trimming or cutting necessary to retain the sight distance and visibility that existed at the time of the erection of the legal permitted advertising sign will be allowed. In no case will trimming be allowed further than 500 feet in advance of the sign, measured parallel to the roadway along the nearest edge of pavement.

6. Trimming of vegetation at legal non-conforming signs will be allowed at signs where it is determined by the Department that no damage to the natural aesthetics of the roadside will be incurred. In no case will trimming be allowed further than 300 feet in advance of the sign, measured parallel to the roadway along the nearest edge of pavement.

7. No trimming will be allowed within the median areas of divided highways.

8. The applicant will indemnify and save harmless the Alabama Department of Transportation from any actions resulting from the applicant’s operation or the agent’s operation.

9. Applications to trim or cut vegetation on the right-of-way shall be made by letter to the appropriate Transportation Department District Manager. The letter must contain detailed, specific information about the proposed cutting and a clause to satisfy the provision of Rule No. 8 listed above. The District Manager shall forward the letter along with his recommendation to the Division Engineer. The Division Engineer will notify the applicant in writing of his decision relevant to the application. If the application is approved the applicant shall notify the District Manager at least forty-eight (48) hours in advance of any trimming or cutting and not later than forty-eight (48) hours after trimming or cutting is complete. A separate application will be required for each

sign and for each time trimming or cutting is proposed for a particular sign.

10. Failure of an applicant to adhere to these stipulations faithfully in any one instance will be grounds to deny future consideration to that applicant and grounds to revoke the outdoor advertising sign permit for the site involved.

11. Cutting of vegetation not approved by ALDOT will be presumed to be done by the sign-owner until proven otherwise. Such cutting will result in the permit for the sign being revoked and the sign being removed at the sign-owner's expense. Any clean-up necessary for the cutting of vegetation not approved by ALDOT will be at the sign-owner's expense.

12. Poisoning of vegetation is prohibited. No use of herbicides is allowed.

13. The section in no way precludes any rights of the sign owner granted under the Alabama Constitution of 1901 and the State of Alabama.

Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.
History: **New Rule:** Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.11 Application And Renewal Fees.

(1) No outdoor advertising sign may be erected without first obtaining a permit from the Director. The application for a permit shall be on a form provided by the Director and shall contain information as the Director may require. Upon receipt of an application containing all required information in due form and properly executed, the Director shall issue a permit to the applicant for the erection of the sign, provided such sign will not violate any provisions of the Department. A charge of $25.00 will be made for each location covered in the permit. The application for a permit shall be accompanied by the required fee.

(2) Permits shall be valid for one calendar year, and may be renewed annually upon payment of a fee of $10.00. Only one permit shall be required for double-faced, back-to-back or V-type signs. Advertising copy may be changed at any time without payment of an additional fee, and nothing in this regulation shall be construed to grant the Director any power of censorship with regard thereto.

(3) Permit fees for signs under this regulation shall become due and payable on January 1 of each year and delinquent on February

15 thereafter. A 25 percent penalty shall be charged and collected for any delinquent renewal fee after February 15.

(4) Notification of denied permits shall be sent by certified mail to the applicant. The applicant may appeal a denial, suspension or revocation of a permit by requesting a hearing pursuant to the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-1, et seq. The applicant shall have fourteen (14) days from receipt of the certified letter to file a written request with the Department. The written request must be sent by certified mail to:

Alabama Department of Transportation
ATTN: MAINTENANCE BUREAU
1409 Coliseum Blvd.
Montgomery, Alabama 36110

(5) The request shall state all grounds or reasons why the proposed action is in error. Any grounds or reasons NOT stated shall be deemed waived.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-275(a), (b) and (c).
History: New Rule: Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.

450-10-1-.12 Unzoned Commercial And Unzoned Industrial Areas.

(1) Unzoned commercial or industrial area must satisfy the following criteria:

1. On non-interstate highways, the commercial or industrial activity must be located on either side of the highway and within 600 feet of the sign location. On interstate highways, the commercial or industrial area must be located on the same side of the highway and within 600 feet of the sign location;

2. The commercial or industrial activities must be within 660 feet from the nearest edge of the right-of-way; and

3. (a) Distances specified in this paragraph must be measured from the nearest edge of the regularly used buildings, parking lots, or processing areas and shall be along or parallel to the edge of pavement of the highway.

(b) Certain activities, including, but not limited to, the following, may not be recognized as commercial or industrial activities:

1. Signs.

2. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

3. Transient or temporary activities.

4. Activities not visible from the main-traveled way.

5. Activities conducted more than 660 feet from the nearest edge of the right-of-way.

6. Activities conducted in a building principally used as a residence.

7. Railroad tracks and minor sidings.

8. Communication towers.

9. Mining or Quarry activities

10. Funeral home(s)

11. Cemeteries

(2) A business must be located on an unzoned commercial or unzoned industrial area for twelve (12) months before outdoor advertising signs will be permitted in the unzoned commercial or unzoned industrial area.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.
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450-10-1-.13 Digital, Rotoboard Signs And Variable/Changeable Electronic LED Signs.

(1) Digital, Rotoboard and Variable/Changeable Electronic LED signs may display multiple messages, provided the sign is static display and does not have more than two sign faces for each direction the sign is facing. "Tri-vision" and LED display panels are also allowed on conforming signs provided the static display time for each message is at least 8 seconds, and the time to change from one message to another is no greater than 2 seconds.

(2) Signs shall not be erected and maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but limited to, time, date, temperature, weather or news.

(3) Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

(4) Signs shall not be erected or maintained which shall be so illuminated that they obscure or interfere with any official traffic signs, device or signal. Signs must contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

(5) Spacing between Digital, Rotoboard and Variable/ Changeable Electronic LED signs shall not be less than the minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public. Signs will be located where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

(6) The ensure driver safety, signs must include a default designed to freeze a display in one still position if a malfunction occurs. Signs must have a process for modifying displays and lighting levels where directed by the Department to assure safety of the motoring public.
Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.
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450-10-1-.14 Zoning.

(1) Even if an area is declared zoned, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) The land use or zoning designation provides for limited commercial or industrial activity only as an incident to other primary land uses, such as but not limited to, spot or strip zoning.

(b) The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.

(c) The physical dimensions or other attributes of the affected parcel would not reasonably accommodate traditional

commercial or industrial uses and the area surrounding the affected parcel is not predominately commercial or industrial.

(d) A business must be located on a zoned commercial or zoned industrial area or within 2640 feet of a zoned commercial or zoned industrial area and no more than 660 feet from the edge of right-of-way for 12 months or 1320 feet (1/4) of a mile of infrastructure an no more than 600 feet from edge of right-of-way before outdoor advertising signs will be permitted in a zoned commercial of zoned industrial area.

Author: Maintenance Bureau
Statutory Authority: Code of Ala. 1975, §§23-1-59, 23-1-273, 23-1-274, 23-1-275, 23-1-278, 23-1-286.
History: **New Rule:** Filed April 18, 2008; Re-Filed May 19, 2008 after withdrawal for minor modifications per approval from JCARR; effective June 23, 2008.