

**RULES
OF
TENNESSEE DEPARTMENT OF TRANSPORTATION
MAINTENANCE DIVISION**

**CHAPTER 1680-2-3
CONTROL OF OUTDOOR ADVERTISING**

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1680-2-3-.01 PREFACE.

These regulations have been established by the Tennessee Department of Transportation, Maintenance Division, to provide effective control of Outdoor Advertising adjacent to Federal Aid Primary and Federal-Aid Interstate highway systems within the State of Tennessee.

Authority: T.C.A. §54-2-23 and U.S.C §131. *Administrative History:* Original rule certified June 10, 1974. Repeal and new rule filed June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989.

1680-2-3-.02 DEFINITIONS. (Listed Alphabetically)

- (1) *Abandoned Outdoor Advertising Device*, means any regulated device which for a twelve month period falls into one or more of the following classifications:
 - (a) a device in substantial need of repair;
 - (b) a device whose face or faces is damaged fifty percent or more;
 - (c) a device which displays only a message of its availability for advertising purposes,
- (2) *Adjacent Area*, means that area within six hundred sixty feet (660') of the nearest edge of the right-of-way of interstate and primary highways and visible from the main traveled way of the interstate or primary highways.
- (3) *Agreement*, means the agreement entered into, pursuant to T.C.A. §54-21-116, between the Commissioner and the Secretary of Transportation of the United States regarding the definition of unzoned commercial and industrial areas, and size, lighting, and spacing of certain outdoor advertising.
- (4) *Commissioner*, means the Commissioner of the Tennessee Department of Transportation.
- (5) *Comprehensive Zoning*, means a complete approach to land use within an entire political subdivision, For "ample, the mere placing of the label "Zoned Commercial or Industrial" on land does not constitute comprehensive zoning but rather, the establishment of a complete set of regulations to govern the land use within the entire political subdivision is required.

(Rule 1680-2-3-.02, continued)

- (6) *Department*, means the Tennessee Department of Transportation.
- (7) *Destroyed*, with respect to non-conforming and grandfathered non-conforming devices, means that fifty percent (50%) or more of the device's poles or posts are dislocated or damaged to the extent that any part of the stringers or sign face has fallen to the ground.
- (8) *Directional Signs*, means 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, scientific, educational, religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation.
- (9) *Double-faced, Back-to-Back, or "V" Type Sign*, shall mean those configurations or multiple outdoor advertising structures, as those terms are commonly understood. In no instance shall these terms include two or more devices which are not physically contiguous or connected by the same structure or cross-bracing or, in the case of back-to-back or "IV" type signs, located more than 15 feet apart at their nearest points.
- (10) *Erect*, means to construct, build, raise, assemble, place, affix, attain, create, paint, draw, or in any other way bring into being or establish, but does not apply to changes of copy treatment on existing outdoor advertising.
- (11) *Grandfather Non-Conforming Device*, means one which was lawfully erected prior to the passage of the state law which is located in a legal area as defined by the law but which does not meet the size, lighting, or spacing criteria as set forth in the Agreement entered into between the Department of Transportation and the Federal Highway Administration which is part of the law.
- (12) *Information Center*, means an area or site established and maintained at a Safety Rest Area for the purpose of informing the public of places of interest within this State and providing such other information as the Commissioner may consider desirable.
- (13) *Interstate System*, means that portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated by the Commissioner and approved by the Secretary of Transportation of the United States, pursuant to the provisions of Title 23, United States Code.
- (14) *Main Traveled Way*, means the traveled way of a highway on which through traffic is Carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, parking areas.
- (15) *Non-Conforming Device*, means one which was lawfully erected but which does not comply with the provisions of state law or state regulations passed at a later date or which fail to comply with state law or state regulations due to changed conditions.
- (16) *Official Signs and Notices*, means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by State or local government agencies or non-profit historical societies may be considered official signs.
- (17) *Outdoor Advertising*, means any outdoor sign, display, device, bulletin, figure, painting, drawing, message, placard, poster, billboard, or other thing which is used to advertise or inform any part of the advertising or informative contents of which is located within an adjacent area and is visible from any place on the main traveled way of the state, interstate, or primary highway systems.

(Rule 1680-2-3-.02, continued)

- (18) *Parkland*, means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge, or historic site.
- (19) *Person*, means and includes an individual, a partnership, an association, a corporation, or other entity.
- (20) *Primary System*, means that portion of connected main highways located within this State, as officially designated, or as may be hereafter be so designated by the Commissioner and approved by the Secretary of Transportation of the United States, pursuant to the provisions of Title 23, United States Code.
- (21) *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.
- (22) *Scenic Area*, means any area of particular scenic beauty or historical significance as determined by the Federal, State, or local officials having jurisdiction thereof and includes interests in lands which have been acquired for the restoration, preservation, and enhancement of scenic beauty.
- (23) *Service Club and Religious Notices*, means devices and notices, relating to non-profit service clubs, or charitable associations, or religious services.
- (24) *Traveled Way*, means the portion of roadway for the movement of vehicles, exclusive of shoulders.
- (25) *Unzoned Commercial or Unzoned Industrial*, means those areas in a political subdivision not comprehensively zoned, on which there are located one or more permanent structures within which a commercial or industrial business is actively conducted, and which are equipped with all customary utilities, facilities and open to the public regularly or regularly used by the employees of the business as their principle work station or which due to the nature of the business is equipped, staffed, and accessible to the public as is customary. It includes the area along the highway extended outward 600 feet from and beyond the edge of the regularly used area of said activity in each direction and a corresponding zone directly across a primary highway which is not also a limited or controlled access highway. All measurements shall be from the edge of the regularly used building, parking lots, storage, or processing area of the commercial or industrial activity, not from the property lines of the activity and shall be along or parallel to the edge of the pavement of the highway. The area created by the 600 foot measurement may not infringe upon a public parkland, public playground, public recreation area, scenic area, cemetery, or upon an area that is primarily residential in character. The area shall not include land across the highway from a commercial or industrial activity when said highway is an interstate or controlled access primary highway. None of the following, but not limited to the following, shall be considered commercial or industrial activities for the purpose of outdoor advertising.
 - (a) outdoor advertising structure.
 - (b) agricultural, forestry, ranching, grazing, farming, and related activities, including but not limited to wayside fresh produce stands.
 - (c) transient or temporary businesses and activities. All businesses and activities that qualify must be established at least 10 months before the location is eligible.
 - (d) businesses not recognizable at anytime of the year as a commercial or industrial activity from the main traveled way.
 - (e) activities more than 660 feet from the nearest edge of the right-of-way.
 - (f) activities conducted in a building principally used as a residence.

(Rule 1680-2-3-.02, continued)

- (g) railroad tracks and minor sidings.

Note: The 600 feet shall be measured along the edge of the pavement nearest the commercial activity and from points which are perpendicular to the edge of pavement of the traveled way.

- (26) *Visible*, means capable of being seen (whether or not readable) without visual aid by a person of normal acuity.
- (27) *Zoned Commercial or Zoned Industrial*, means those areas in a comprehensively zoned political subdivision set aside for commercial or industrial use pursuant to the state or local zoning regulations, but shall not include strip zoning, spot zoning, or variances granted by the local political subdivision strictly for outdoor advertising.

Authority: T.C.A. § 54-21-112. **Administrative History:** Original rule certified June 10, 1974. Repeal and refiled June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989. Amendment filed February 1, 1989; effective March 18, 1989. Public Necessity rule filed August 1, 2006; effective October 1, 2006 through March 15, 2007. Amendment filed December 21, 2006; effective March 6, 2007.

1680-2-3-.03 CRITERIA FOR THE ERECTION AND CONTROL OF OUTDOOR ADVERTISING.

- (1) Restrictions on Outdoor Advertising adjacent to Interstate and Primary Highways:
- (a) Outdoor Advertising erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way are subject to the following restrictions:
1. Zoning:

Outdoor Advertising must be located in areas zoned for commercial or industrial use or in areas which qualify for unzoned commercial or industrial use. (See Definition 1680-2-3-.02, Paragraph 27)

 - (i) The following types of advertising signs are not restricted by the zoning criteria:
 - (I) Directional and other official signs and notices including, but not limited to natural wonders, scenic, and historic attractions, which are authorized or required by law.
 - (II) Signs, displays, and devices advertising the sale or lease of property on which they are located.
 - (III) Signs, displays, and devices advertising activities conducted on the property on which they are located. (See Rule 1680-2-3-.06 for detailed description of an on-premise sign)
 2. Size:
 - (i) The maximum total gross area for one outdoor advertising structure shall be 775 square feet, with a maximum height of 30 feet or maximum length of 60 feet (a 60'x30' sign is not allowed). All measurements shall be inclusive of any border and trim but exclusive of ornamental base or apron supports and other structural members.

In counties having a population greater than 250,000 the state will accept the particular county's standard size, but in no instance shall this standard size,

(Rule 1680-2-3-.04, continued)

determined by the local governing body, exceed 1200 square feet, inclusive of any border and trim and exclusive of ornamental base or apron supports and other standard members.

- (ii) The area shall be measured by the smallest square, rectangle, circle, or combination thereof which will encompass the entire sign.
- (iii) An outdoor advertising structure may contain one device per horizontal facing and may be stacked, back-to-back or V-type, but the total area of any facing may not exceed 775 square feet except as outlined above for counties with a population of 250,000 or greater.
- (iv) Diagrams are included in the Appendix to this issuance to further describe the size requirements.
- (v) Size criteria for directional signs is contained in §1680-2-3-.05.
 - (I) Signs, displays, and devices advertising the sale or lease of property on which they are located.
 - (II) Signs, displays, and device advertising activities conducted on the property on which they are located (on-premise).

3. Lighting:

- (i) Outdoor advertising which contain, include, have attached or are illuminated by any flashing, intermittent or moving light, or lights which involve moving parts are prohibited, except that which gives public information, such as time, date, temperature, weather, or similar information.
- (ii) Outdoor advertising which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any Interstate or Federal-Aid Primary Highway and are of such intensity or brilliance as to cause glare or to impair vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle, are prohibited.
- (iii) No outdoor advertising shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

4. Spacing:

- (i) Interstate Highway Systems and Controlled Access Primary Highways
 - (I) No two structures shall be spaced less than 1000 feet apart on the same side of the highway.
 - (II) Outside the corporate limits of a municipality, or in a county having the metropolitan form of government, outside the urban services district, no structure may be located adjacent to or within one thousand feet (1,000') of an interchange or intersection at-grade, measured along the interstate or controlled access highway on the primary system from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main traveled way. Provided, however, that if the boundaries of the urban services district in a county having the metropolitan form of government,

(Rule 1680-2-3-.04, continued)

overlap the corporate limits of a municipality, located within any such county, then the corporate limits shall be the prevailing factor for determining spacing of structures, rather than the urban services district boundaries. (See illustration in Appendix, page 90)

(ii) Primary Highway System (Non-Controlled Access)

- (I) Outside the corporate limits of a municipality, or in the case of a county having the metropolitan form of government, outside the urban services district, no two structures shall be spaced less than five hundred feet (500') apart on the same side of the highway. Provided, however, that if the boundaries of the urban services district in a county having the metropolitan form of government, overlap the corporate limits of a municipality located within any such county, then the corporate limits shall be the prevailing factor for determining spacing of structures, rather than the urban services district boundaries.
- (II) Within the corporate limits of a municipality, or in the case of a county having the metropolitan form of government, within the urban services district boundaries, no two structures shall be spaced less than 100 feet apart on the same side of the highway.

(iii) Spacing Exceptions

With respect to (I) of (i) and (I) and (II) of (ii), structures may be spaced closer together when they are separated by buildings or other obstructions so that only one is visible from the main traveled way within the otherwise applicable spacing requirement at any one time. This applies to both Federal-Aid Interstate and Federal-Aid Primary routes.

(iv) Explanatory Notes

With respect to spacing requirements on both the Federal-Aid Interstate and Primary Highway Systems:

- (I) The following types of signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements:
 - I. Directional and other official signs and notices.
 - II. Signs, displays, and devices advertising the sale or lease of the property on which they are located.
 - III. Signs, displays, and devices advertising activities conducted on the property on which they are located. (On Premise)
- (II) The minimum distance between outdoor advertising devices shall be measured along the nearest edge of pavement to the advertising device between points directly opposite the signs along each side of the highway. (See illustration in Appendix – page 91)

5. Application for New Outdoor Advertising Structures:

(Rule 1680-2-3-.04, continued)

No person shall begin construction of a new outdoor advertising device without first obtaining a permit. Applications are available from the Highway Beautification Office, Department of Transportation, Maintenance Division, Suite 400, James K. Polk Building, 505 Deaderick Street, Nashville, TN 37219. The following procedure must be met in order to obtain a permit for a new device. The following procedure must be met in order to obtain a permit for a new device.

- (i) An application for an outdoor advertising permit must be filed with the Highway Beautification Headquarters Office in Nashville accompanied by check or money order made payable to the Tennessee Department of Transportation for the seventy-five (\$75.00) dollar application fee. A detailed sketch of the location must be provided. Permit applications will be considered on a first come first serve basis. The applicant must either show proof of ownership of the property or submit a valid land lease or an affidavit signed by the property owner stating that permission has been given to erect this particular outdoor advertising device. The property owner's signature must be notarized. If a permit is issued, then one of the above types of permission must remain in effect for the life of the permit. If not, the permit may be revoked. No location will be considered unless the application has been filed in the Highway Beautification Headquarters Office. Incomplete applications with accompanying fees will be returned without action.
- (ii) The location listed on the application will be inspected in the field by the Department's outdoor advertising personnel. The location of the sign site must be clearly explained on a map and the actual location must be marked by an easily visible flag or stake; if not, the application will be denied.
- (iii) A serially numbered permit and metal tag will be issued for each approved application.
- (iv) Disapproved applications will be returned with a letter of explanation concerning the reason for the permit denial. Application fees are non-refundable for any type of denial.
- (v) The outdoor advertising owner must begin erection of the structure with the tag affixed or establish a pole or other similar device at the approved site and attach the tag thereto within sixty (60) days from the date the permit is issued. If this procedure has not been followed at the end of the sixty (60) day period, the permit shall be voidable. In addition, the outdoor advertising owner must complete the structure within one hundred eighty (180) days from the date the permit is issued. If the structure is not completed within the one hundred eighty (180) day period the permit shall be voidable.
- (vi) Outdoor advertising constructed prior to obtaining a permit and tag is subject to removal at the expense of the owner.
- (vii) Application forms and copies of the Rules and Regulations are available at the following Regional Highway Beautification Offices:

Region I - Highway Beautification Office
P.O. Box 58 Concord Street
Knoxville, TN. 37901
Telephone No. 615-594-6325

(Rule 1680-2-3-.04, continued)

Region 11 - Highway Beautification Office
 P.O. Box 22368
 Cromwell Road
 Chattanooga, TN. 37422-2368
 Telephone No. 615-892-3430
 Region III - Highway Beautification Office
 2200 Charlotte Avenue
 Nashville, TN. 37203
 Telephone No. 615-320-8302

Region IV - Highway Beautification Office
 120 State Street
 P.O. Box 429
 Jackson, TN. 38301
 Telephone No. 901-424-4110

6. Permits (Existing Outdoor Advertising Structures):

Unless otherwise provided in these rules no person shall construct, erect, operate, use, maintain, or cause, or permit to be constructed, erected, operated, used or maintained, any outdoor advertising visible from the main traveled way of Interstate or Primary Highway System without first obtaining from the Department a permit and tag authorizing the same. These permits are available from the Highway Beautification Office, Department of Transportation, Maintenance Division, Suite 400 James K. Polk Building, 505 Deaderick Street, Nashville, TN. 37219.

- (i) The cost of the permit and tag is seventy-five (\$75.00) dollars per face of an advertising device. A check or money order made payable to the Tennessee Department of Transportation should be submitted with the application form. The fee is based on the calendar year and is not subject to proration or refund. *Back-to-back* structures are considered to have *two* faces. Round structures are considered to have three faces.
- (ii) The permit and tags shall be void January 1 of each year, if renewals for the next year are not completed between November 1 and December 31 inclusive.
- (iii) Each permit and tag is issued for a specific structure and site . The tag is not transferable to another location. (Under no circumstances may a permit and tag be transferred to another location.)
- (iv) Permit renewal information will be mailed to permit holders of record by November 1 of each year.
- (v) Each request for a permit and tag must be accompanied by a completed application.
- (vi) The tag must be affixed to the outdoor advertising at least four feet off the ground or the tag must be visible from the main traveled way and affixed to the pole nearest the highway or the lower corner of the advertising nearest the highway. If the current tag is not attached, as described herein, the device will be considered illegal. However, if vegetation located on the right-of-way prevents visibility the department will waive the visibility requirement.

(Rule 1680-2-3-.04, continued)

- (vii) A replacement tag for stolen, vandalized, or lost tags is available at a cost of ten (\$10.00) dollars per replacement tag upon a written request.
 - (viii) If a permit holder desires to transfer a permit to another holder, then he or she must notify the Highway Beautification Office of his or her intentions in written form and must include a transfer fee of two (\$2.00) dollars per permit.
- (2) Restrictions on Outdoor Advertising adjacent to Interstate and Primary Highway Systems beyond 660 feet of the nearest edge of the right-of-way outside of urban limits are as follows: Effective as of July 1, 1976.
- (a) Control of outdoor advertising devices and displays extends to outdoor advertising devices and displays located beyond 660 feet of the nearest edge of the right-of-way of the Federal-Aid Interstate and Primary Systems outside of urban areas erected with the purpose of their message being read from the main traveled way of such systems. Such signs, displays, or devices are prohibited, whether or not in commercial or industrial areas, unless they are of a class or type allowed within 660 feet of the nearest edge of the right-of-way of such systems outside of commercial or industrial areas.

Explanatory Note;

Art Urban Area, as defined in Title 23, United States Code, Section 101, means an urbanized area, or an urban place as designated by the Bureau of the Census having a population of five thousand (5000) or more and not within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary of the United States Department of Transportation.

(3) Landmark Signs

Signs lawfully in existence on October 22, 1965, determined by the Commissioner, subject to the concurrence of the Secretary of Transportation of the United States, to be landmark signs, including signs on farm structures, or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section, are not required to be removed. Landmark signs are exempt from permit and fee requirements.

Explanatory Note:

Reasonable maintenance, repair, and restoration of a landmark sign is permitted. Substantial change in the size, lighting, or message content will terminate its exempt status.

Authority: T.C.A. § 54-21-112. **Administrative History:** Original rule certified June 10 1974. Repeal and new rule filed June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989. Amendment filed December 21, 2006; effective March 6, 2007.

1680-2-3-.04 CONTROL OF NON-CONFORMING AND GRANDFATHERED NON- CONFORMING ADVERTISING DEVICES ALONG THE INTERSTATE AND PRIMARY SYSTEM OF HIGHWAYS.

Those outdoor advertising devices legally in existence on April 4, 1972 shall be entitled to remain in place and in use until compensation for removal has been made.

- (1) Grandfathered non-conforming devices as defined in § 1680-2-3-.02, paragraph 11, and nonconforming devices as defined in § 1680-2-3-.02, paragraph 15, may remain in place, subject to restrictions set forth herein, until such time as they may be purchased.
 - (a) Restrictions on non-conforming and grandfathered non-conforming devices are as follows:

(Rule 1680-2-3-.04, continued)

1. Maintenance beyond customary maintenance will not be allowed. Customary maintenance is defined as the replacement of the sign face or stringers, but not the replacement of any pole, post, or support structure.
 2. Under no circumstances may the location be changed.
 3. Extension or changing height above ground level or enlargement of the sign face will not be allowed.
 4. Lighting cannot be added to an unilluminated sign.
 5. Reflective material cannot be added to an unreflectorized sign.
- (2) A lawfully permitted non-conforming device or grandfathered non-conforming device that has been destroyed or damaged beyond what may be repaired through customary maintenance may be rebuilt or repaired beyond customary maintenance only if all of the following conditions are satisfied:
- (a) The destruction of or damage to the device must have been caused by vandalism or some other criminal or tortious acts, excluding any negligent or intentional acts of the permit holder or any party acting by permission of, with the knowledge of, or in concert with the permit holder and/or sign owner.
 - (b) No device may be rebuilt and/or repaired without the prior written approval of the Regional Highway Beautification Office for the administrative region of the Tennessee Department of Transportation in which the device is located.
 - (c) The current holder of the permit or sign owner, if different, must submit a written request for approval to the appropriate Regional Highway Beautification Office, which written request must provide, at a minimum:
 1. Proof of the date and cause of the destruction of and/or damage to the device, including a copy of the police report made with respect to the vandalism or other criminal or tortious act causing such destruction or damage; and
 2. A general description of the manner in which it is proposed to rebuild and/or repair the device.
 - (d) No post, pole or other support structure, or any component of the device other than the sign face or stringers, will be approved for replacement or repair without proof that such post, pole, support structure, or other component of the device was destroyed or damaged by an act of vandalism or some other criminal or tortious act.
 - (e) The device must be rebuilt and/or repaired in such manner that it replicates the original device, including specifically as follows:
 1. The rebuilt and/or repaired device must remain or be rebuilt in the exact same location as the original device; and
 2. The rebuilt and/or repaired device must have the same height, size, and dimensions as the original device; and
 3. Each post, pole, other support structure, or other component of the device, including the sign face and stringers, must be rebuilt and/or repaired with materials that replicate the

(Rule 1680-2-3-.04, continued)

materials used to construct that same component in the original device (e.g., wood for wood, steel for steel, etc.); and

4. No component may be added to the original device, including no lighting if the original sign was not illuminated, no reflective material if the original sign was not reflectorized, and no changeable message technology on the sign face if not included on the original sign.
- (f) The rebuilding and/or repair of the device must be completed within twelve (12) months after the date on which the original device was destroyed and/or damaged or the device will be treated as an abandoned outdoor advertising device.
- (3) Except as provided in paragraph (2) of this rule above, any previously permitted non-conforming device or grandfathered non-conforming device that is destroyed by natural disaster, natural attrition, or any other cause whatsoever shall not continue to be permitted under this Chapter.

Authority: T.C.A. §54-21-112. **Administrative History:** Original rule certified June 10, 1974. Repealed and refiled June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989. Amendment filed February 1, 1989; effective March 18, 1989. Public Necessity rule filed August 1, 2006; effective October 1, 2006 through March 15, 2007. Amendment filed December 21, 2006; effective March 6, 2007.

1680-2-3-.05 DIRECTIONAL SIGNS. Directional devices must meet the following criteria:

- (1) Directional Signs shall not exceed the following size limits:
 - (a) Maximum area - 150 square feet
 - (b) Maximum height - 20 feet
 - (c) Maximum length - 20 feet
- (2) All dimensions include border and trim, but exclude supports.
- (3) The lighting requirements are explained in §1680-2-3-.03.
- (4) Spacing of Directional Signs:
 - (a) Each location of a directional sign must be approved by the Department.
 - (b) No directional sign may be located within 2000 feet of an intersection or interchange at grade measured along the interstate system or controlled access highway. Measurement shall be made from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
 - (c) No directional sign may be located within 2000 feet of a rest area, parkland, or scenic area.
 - (d) No two directional signs facing in the same direction of travel shall be spaced less than one (1) mile apart:
 1. Not more than three (3) directional signs pertaining to the same activity facing the same direction of travel shall be erected along a single route approaching the activity.
 2. Signs located adjacent to the Interstate System shall be within 75 air miles of the activity.

(Rule 1680-2-3-.05, continued)

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

(5) Message Content - Directional Signs

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, and exit-numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or its environs are prohibited.

(6) Selection Methods and Criteria

(a) In determining whether privately owned attractions or activities can be eligible for directional signing the following must be met:

1. The site must fall into one of the categories as listed in §1680-2-3-.02, paragraph 8.
2. The attraction or activity must document that it is nationally or regionally known in the Southeastern United States.
3. It must be determined that the activity or attraction is of outstanding interest to the traveling public.

(b) All applications for directional signing must be submitted to the Highway Beautification Headquarters Office in Nashville, Tennessee, whose personnel will determine eligibility.

If an application is approved, a metal identification tag will be issued at no cost to the sign owner. This tag will be displayed on the pole nearest the highway, at least four (4) feet off the ground and visible from the highway. This tag is a permanent identification of the sign.

(7) The following directional devices are prohibited:

- (a) Signs advertising activities that are illegal under Federal or State Laws or regulations in effect at the location of such devices or at the location of such activities.
- (b) Devices located in such 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.
- (c) Devices which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- (d) Obsolete signs.
- (e) Devices which are structurally unsafe or in disrepair.
- (f) Devices which move or have any animated or moving parts.
- (g) Devices located in rest areas, parklands, or scenic areas.

(8) Civic or Service Club Signs

(a) Any civic or service club sign that is requested shall be approved by the Regional Engineer. Such requests shall be rejected if they encroach any primary or interstate right-of-way.

(Rule 1680-2-3-.05, continued)

- (b) Criteria for civic or service signs are as follows:
1. The sign must be no larger than eight (8) square feet.
 2. The message must pertain only to a religious, charitable, or civic organization.
 3. Such signs will not be placed in any intersection or in any other location that would block sight distance.

Authority: T.C.A. § 54-21-112. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989. Amendment filed December 21, 2006; effective March 6, 2007.

1680-2-3-.06 ON-PREMISE SIGNS.

(1) General

Signs advertising the sale or lease of the property on which they are located and signs advertising activities conducted on the property upon which they are located are called “on-premise” signs. These are not required to be permitted as discussed in §1680-2-3-.03, 5. and 6., but are subject to the criteria listed below when determining whether a sign is an on-premise sign.

(2) Characteristics of an On-Premise Sign

A sign will be considered to be an on-premise sign if it meets the following requirements.

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

(3) Premises Test

The following criteria shall be used in determining whether a device 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. Generally, it is defined as the land occupied by the buildings or other physical uses essential to the activity including such areas as are arranged and designed to be used in connection with such buildings or uses.
- (b) The following will not be considered to be a part of the premises on which the activity is conducted and any signs located on such land will be considered “off-premise” advertising.
 1. Any land which is not used as an integral part of the principle activity. This would include but is not limited to, land which is separated from the activity, by a roadway, highway, or other obstructions and not used by the activity and extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility even though it might be under the same ownership.
 2. Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity. For example, land adjacent to or adjoining a service station, but devoted to raising of crops, residence, or farmstead uses or other than commercial or industrial uses

(Rule 1680-2-3-.06, continued)

having no relationship to the service station activity would not be part of the premises of the service station, even though under the same ownership.

3. Any land which is:

- (i) at some distance from the principle activity, and
- (ii) in closer proximity to the highway than the principle activity, and
- (iii) developed or used only in the area of the sign site or between the sign site and the principle activity, and
- (iv) occupied solely by structures or uses which are only incidental to the principle activity, and which serve no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes. Generally, these will be facilities such as picnic, playground, or camping areas, dog kennels, golf driving ranges, skeet ranges, common or private roadways or easements, walking paths, fences, and sign maintenance sheds.

(c) Narrow Strips

Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configurations of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes. In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land:

- 1. Which is non-building land, such as swamp land, marsh land, or other wet land, 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.

Note: On-premise advertising may extend to fifty (50) feet from the principle activity as set forth above unless the area extends across a roadway.

(4) Purpose Test

The following criteria shall be used for determining whether a sign has as its purpose (1) the identification of the activity located on the premises or its products or services, or (2) the sale or lease of the property on which the sign is located, rather than the business of outdoor advertising.

(a) General

- 1. Any sign which consists solely of the name of the establishment is an on-premise sign.
- 2. A sign which identifies the establishment's principle or accessory product or services offered on the premises is an on-premise sign.
- 3. An example of an accessory product would be a brand of tires offered for sale at a service station.

(Rule 1680-2-3-.06, continued)

(b) Business of Outdoor Advertising

1. When an outdoor advertising device (1) brings rental income to the property owner, or (2) consists principally of brand name or trade name advertising, or (3) the product or service advertised is only incidental to the principle activity, it shall be considered the business of outdoor advertising and not an on-premise sign. An example would be a typical billboard located on the top of a service station building that advertised a brand of cigarettes or chewing gum which is incidentally sold in a vending machine on the property.
2. An outdoor advertising device which advertises activities conducted on the premises, but which also advertises, in a prominent manner, activities not conducted on the premises, is not an on-premise sign. An example would be a sign advertising a motel or restaurant not located on the premises with a notation or attachment stating "Skeet Range Here," or "Dog Kennels Here." The on-premise activity would only be the skeet range or dog kennels.

(c) Sale or Lease Signs

A sale or lease sign which also advertises any product or service not located upon and related to the business of selling or leasing the land on which the sign is located is not an on-premise sign. An example of this would be a typical billboard which states "THIS PROPERTY FOR SALE---SMITHS MOTEL; 500 ROOMS, AIR CONDITIONED, TURN RIGHT 3 BLOCKS AT MA IN STREET."

Authority: T.C.A. §54-21-23 and U.S.C. §131. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989.

1680-2-3-.07 REMOVAL OF ABANDONED SIGNS.

Abandoned signs will be considered illegal and subject to removal at the expense of the owner after a 12 month period of abandonment has expired and due notice has been given.

Authority: T.C.A. Title 54, Chapter 26. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989.

1680-2-3-.08 VEGETATION CONTROL.

(1) Definitions

- (a) For the purpose of T.C.A. §54-21-119, generally visible is defined as capable of being visible to occupants of vehicles using the main traveled way for some of the distance between the point where such capacity occurs and the location perpendicular to the outdoor advertising.
- (b) For the purpose of T.C.A. §54-21-119, clearly visible is defined as capable of advising of the message.

(2) Administration

- (a) T.C.A. §54-21-119, is construed as being in contemplation of an increase in the amount or size of vegetation within those portions of the right-of-way from which the face of outdoor advertising is capable of being visible to occupants of vehicles using the main traveled way

(Rule 1680-2-3-.08, continued)

existing on the date of erection of the outdoor advertising, whereby such visibility becomes less than general.

- (b) When applications are made for vegetation control permits, the area of general visibility on the date of erection will be reviewed to determine whether such an increase in the amount and size thereof has occurred since the date of erection to warrant the issuance of a permit to attain clear visibility for an area of up to 500 feet within the area of general visibility. Vegetation which blocked the view of the outdoor advertising device on the date of erection will not be eligible for removal.

(3) Application for Vegetation Control Permit

No person shall begin to cut, trim, or remove vegetation located on the right-of-way adjacent to outdoor advertising without first obtaining a permit from the Highway Beautification Office. The following procedure will be followed in order to obtain a permit for vegetation control:

- (a) request a vegetation control application form.
- (b) return completed application to Highway Beautification Office, Department of Transportation, Maintenance Division, Suite 400 James K. Polk Building, 505 Deaderick Street, Nashville, TN. 37219. Enclose a check or money order made payable to the Tennessee Department of Transportation in the amount of one hundred (\$100.00) dollars. This is a non-refundable fee.
- (c) attach to application a copy of the current permit renewal form for the outdoor advertising around which vegetation control is requested.
- (d) applicant must also attach the following information:
 - 1. an 8"x10" or larger photograph showing the area in which vegetation control is proposed.
 - 2. a scale drawing showing vegetation proposed to be cut, trimmed, or removed. Such vegetation should be labeled.
 - 3. a written proposal
 - 4. a scale drawing showing the proposal replacement vegetation plan.
- (e) If the vegetation control permit is granted the applicant must provide the following:
 - 1. check or money order in the amount of one hundred fifty (\$150.00) dollars made payable to the Tennessee Department of Transportation.
 - 2. surety bond. (a form for this will be provided by the Department)
 - 3. certificate of insurance in the amount of not less than \$100,000 for each person injured and \$300,000 for each accident, plus \$50,000 total property damage for each accident, such insurance to remain in full force and effect until work has been completed and approved by the Department.
- (f) Furthermore if a vegetation control permit is issued the applicant shall abide by all conditions imposed by the Tennessee Department of Transportation, as set forth on the face of the permit, or suffer permit revocation and other consequences of law.

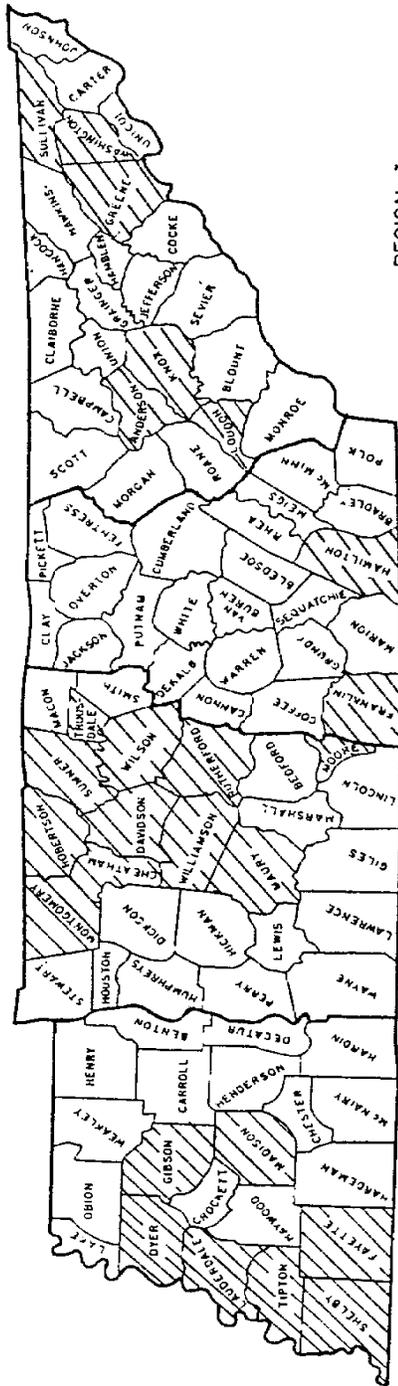
(Rule 1680-2-3-.08, continued)

- (g) Vegetation control permits will be issued each year from October 1 through April 15. All work must be completed by April 15th. The Highway Beautification Office will accept vegetation control applications on September 1 of each year.

Note: Vegetation control maintenance permits will be issued between April 15 and October 1 provided no replacement vegetation is required.

Authority: T.C.A. §54-21-23 and U.S.C. §131. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989.

1680-2-3-.09 APPENDIX.



REGION I

- Anderson
- Blount
- Campbell
- Carter
- Clairborne
- Cocke
- Grainger
- Greene
- Hamblen
- Hancock
- Hawkins
- Jefferson
- Joinsion
- Knox
- Loudon
- Monroe
- Morgan
- Roane
- Scott
- Sevier
- Sullivan
- Union
- Washington

REGION II

- Bledsoe
- Bradley
- Cannon
- Clay
- Coffee
- Cumberland
- DeKalb
- Fentress
- Franklin
- Grundy
- Hamilton
- Jackson
- McMinn
- Marion
- Meigs
- Overton
- Pickett
- Polk
- Putnam
- Rhea
- Sequatchie
- Van Buren
- Warren
- White

REGION III

- Bedford
- Cheatham
- Davidson
- Dickson
- Giles
- Hickman
- Houston
- Humphreys
- Lawrence
- Lewis
- Lincoln
- Macon
- Marshall
- Maury
- Montgomery
- Moore
- Perry
- Robertson
- Rutherford
- Smith
- Stewart
- Sumner
- Trousdale
- Wayne
- Williamson
- Wilson

REGION IV

- Benton
- Carrroll
- Chester
- Crockett
- Decatur
- Eyer
- Fayette
- Gibson
- Hardeman
- Hardin
- Haywood
- Henderson
- Henry
- Lake
- Lauderdale
- McNairy
- Madison
- Obion
- Shelby
- Tipton
- Weakley

REGIONS OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION
COMPREHENSIVELY ZONED COUNTIES

(Rule 1680-2-3-.09, continued)

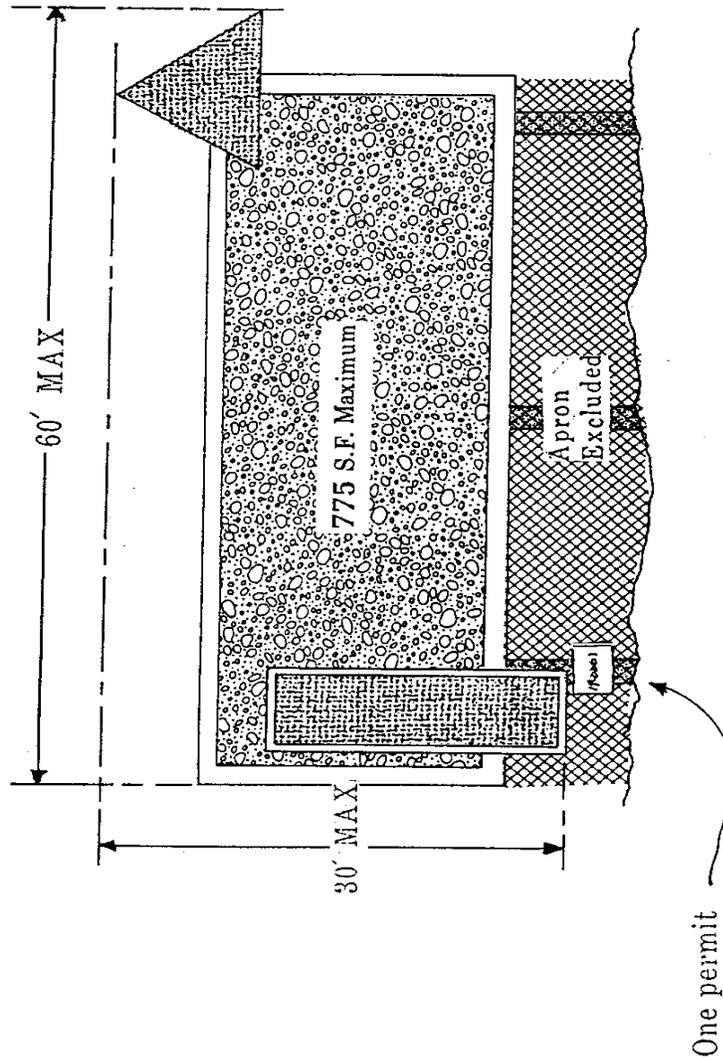
STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION
OUTDOOR ADVERTISING DEVICE APPLICATION AND PERMIT

Name of Applicant		Street Address		
City	State	Zip Code	Phone No.	Date of Application
Property Owner-Name & Address				
Lessor (if other than property owner)—Name & Address				
LOCATION OF OUTDOOR ADVERTISING DEVICE				
SIDE OF ROAD		North _____	East _____	
(CHECK ONE)		South _____	West _____	
Is the device on a controlled access highway?		Yes _____	Is the device within 1000 Ft. of an entrance or exit?	Yes _____
		No _____		No _____
Highway Number	Nearest Town or Place	Miles from Town or Place		
		_____ Miles		
U.S. _____ Tenn. _____		North _____	South _____	East _____ West _____
Present Zoning of Site:		Sign Erection Date		
If unzoned commercial or industrial, name of qualifying activity.		No _____ Inside Corporate Limit of City or Town, if yes what City or Town		
		Yes _____		
COUNTY: _____				
Distance to nearest outdoor advertising device in each direction. Same side of road				
CHECK TWO: _____ Ft. So., _____ Ft. No., _____ Ft. E., _____ Ft. W.				
Sign Material; Face and Uprights:		Area:	Shape:	
Wood _____	Combination _____	_____ Sq. Ft.	_____ Square	_____ Triangular
Metal _____	Lighted _____	Dimensions:	_____ Circular	_____ Slatted
		Height _____ Ft.	_____ Rectangular	_____ Other
		Width _____ Ft.		
NOTE: The Following Must Accompany This Application				
1) A sketch of the sign site location on a separate sheet of paper.				
2) A copy of a valid land lease or signed affidavit by the property owner stating permission has been given to erect a sign. (Property owner's signature must be notarized.)				
3) A check or money order in the amount of \$75.00 payable to the Tennessee Department of Transportation.				
FIELD INSPECTION REQUIREMENT: The applicant must mark the location for a proposed sign site with an easily visible flag or stake. Failure to properly mark a proposed site will result in the rejection of this application; the application fee will be retained as required by law.				
This application is for a permit for one facing of an outdoor advertising device. The permit is not transferable to another Outdoor Advertising Device.				
I hereby certify that I have personally examined and understand the "Rules and Regulations for the Control of Outdoor Advertising" and this application is made in compliance with same, and further certify that the statements made on the application are accurate and true to the best of my knowledge and understand that if investigation reveals that any of the information on the application is false the permit will be voided, tag confiscated, and the Outdoor Advertising Device will be declared illegal.				
I also certify that the only Vegetation Control allowed at this location for signs erected after April 20, 1983, will be to maintain the visibility as it existed on the date of erection.				
Signed _____				
Name Typed or Printed _____				
D.O.T. OFFICE USE ONLY				
DATE OF ISSUANCE	ISSUED BY	TAG AND PERMIT NUMBER 19 _____		

ROW FORM 201
REVISED 07-05-84
DT 0256

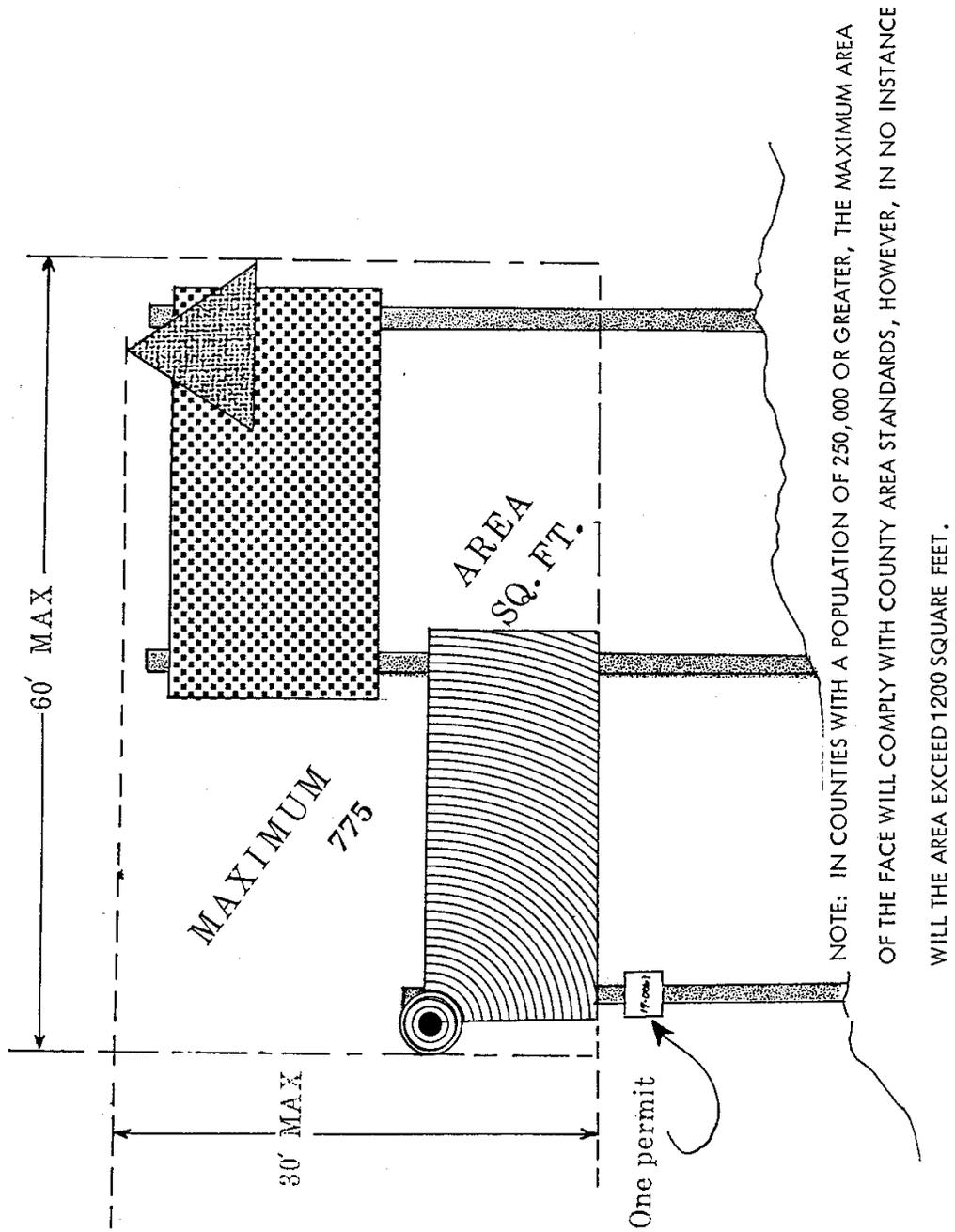
Return White, Yellow and Pink Copies to
the Outdoor Advertising Control Office
—Retain Orange (last) copy for your files—

(Rule 1680-2-3-.09, continued)

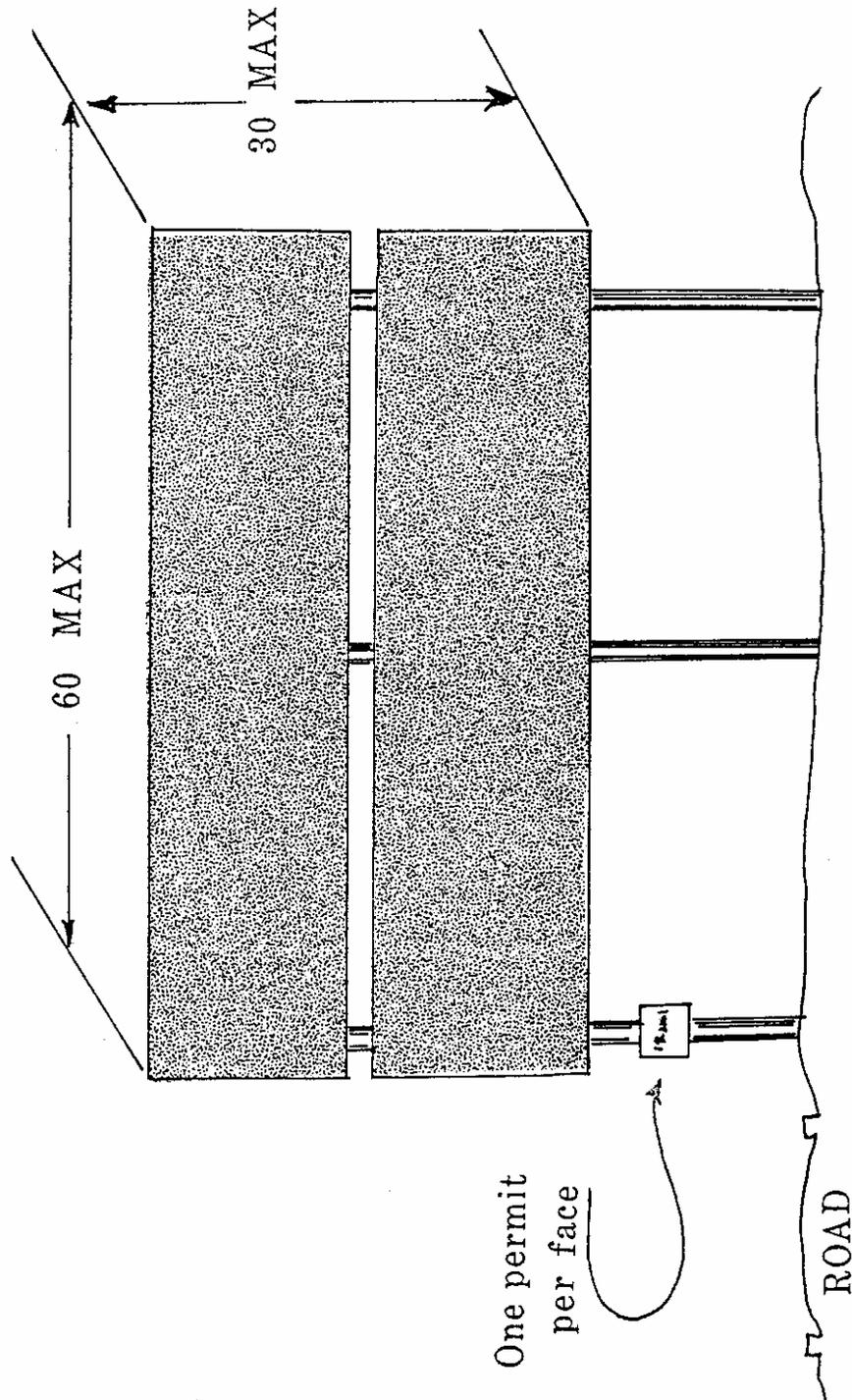


NOTE: IN COUNTIES WITH A POPULATION OF 250,000 OR GREATER, THE MAXIMUM AREA OF THE FACE WILL COMPLY WITH COUNTY AREA STANDARDS, HOWEVER, IN NO INSTANCE WILL THE AREA EXCEED 1200 SQUARE FEET.

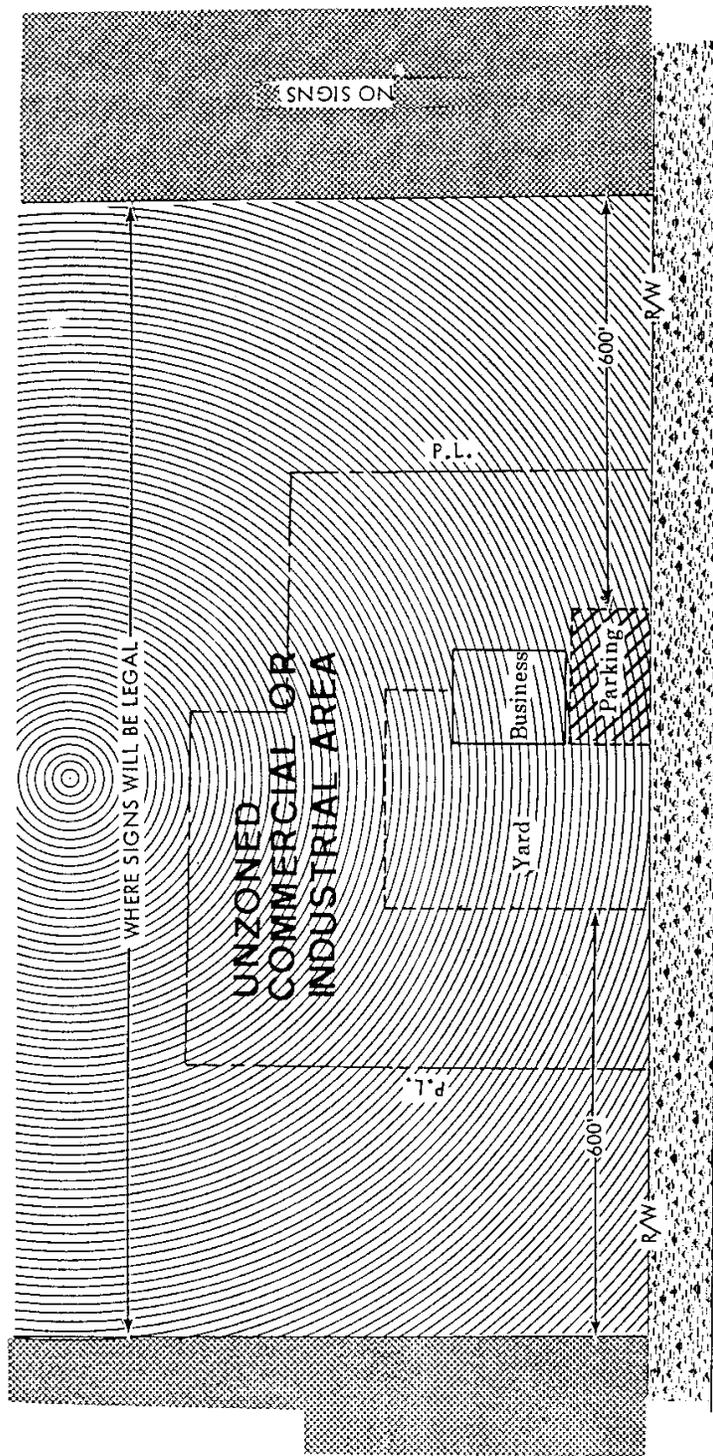
(Rule 1680-2-3-.09, continued)



(Rule 1680-2-3-.09, continued)

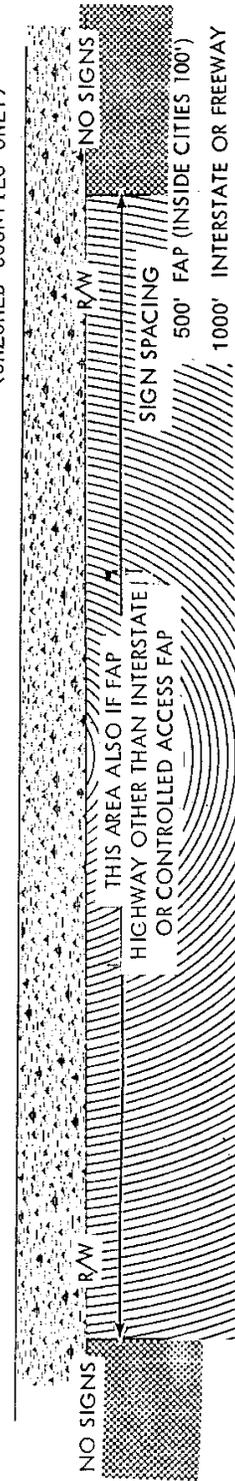


(Rule 1680-2-3-.09, continued)

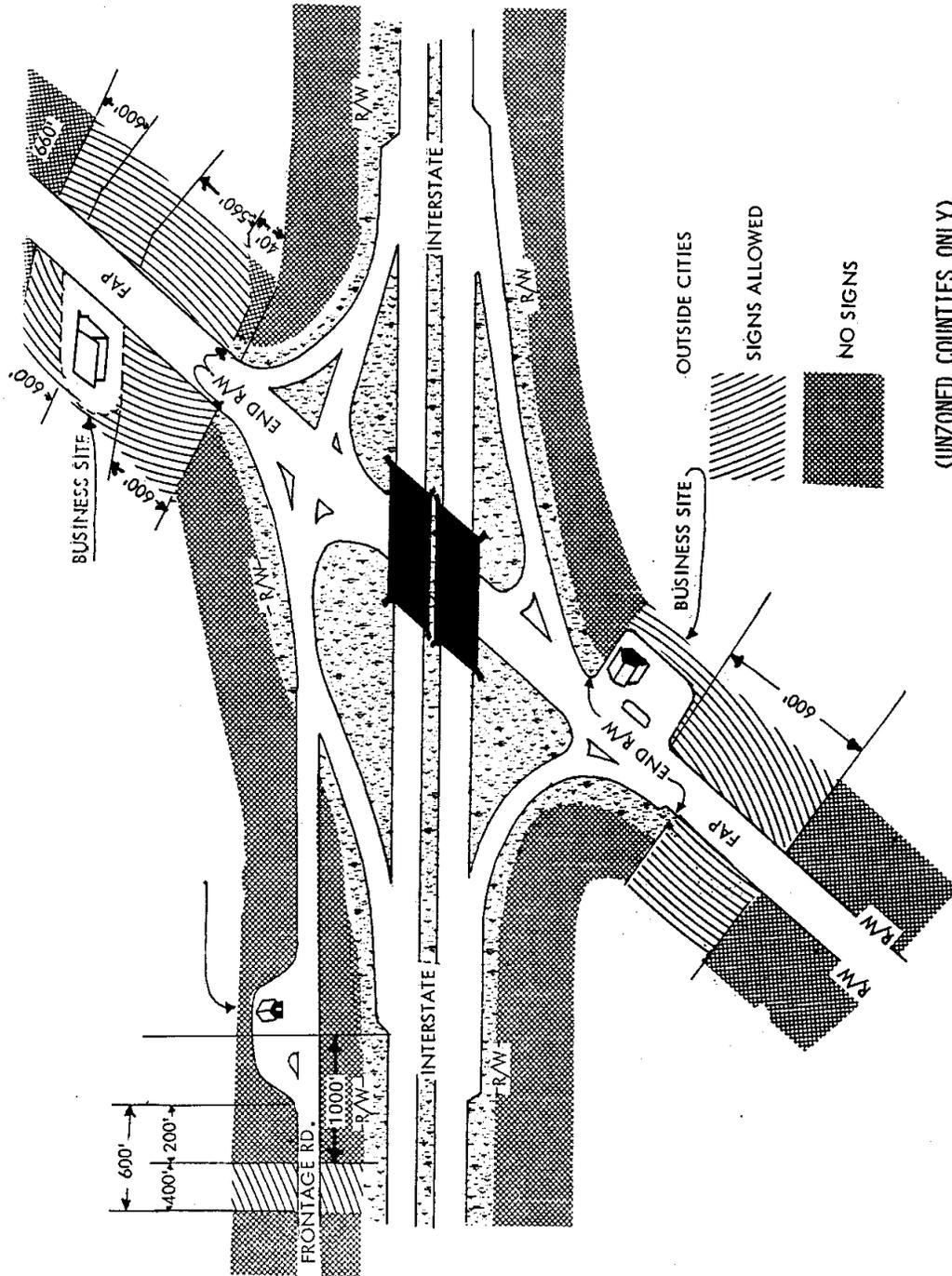


FAP HIGHWAY

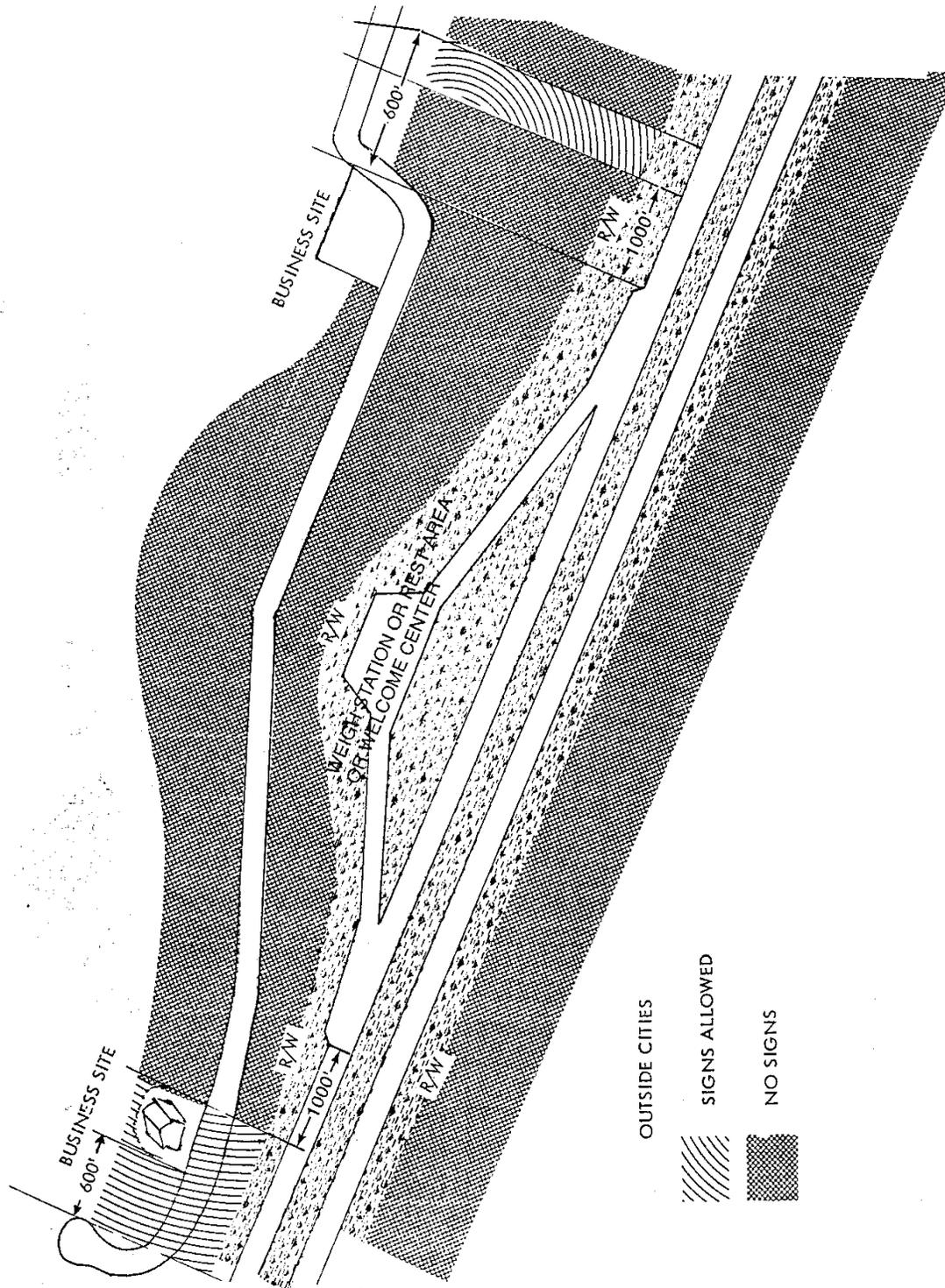
(UNZONED COUNTIES ONLY)



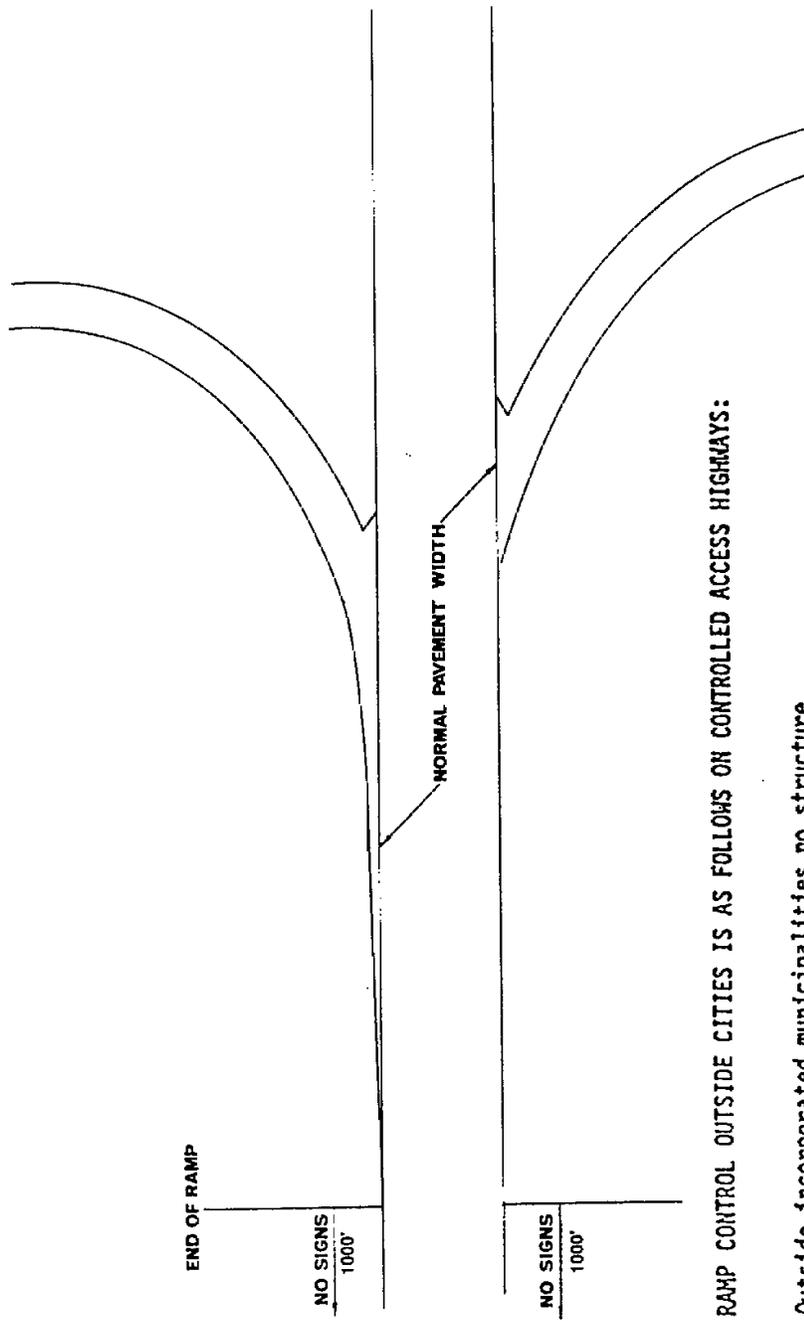
(Rule 1680-2-3-.09, continued)



(Rule 1680-2-3-.09, continued)



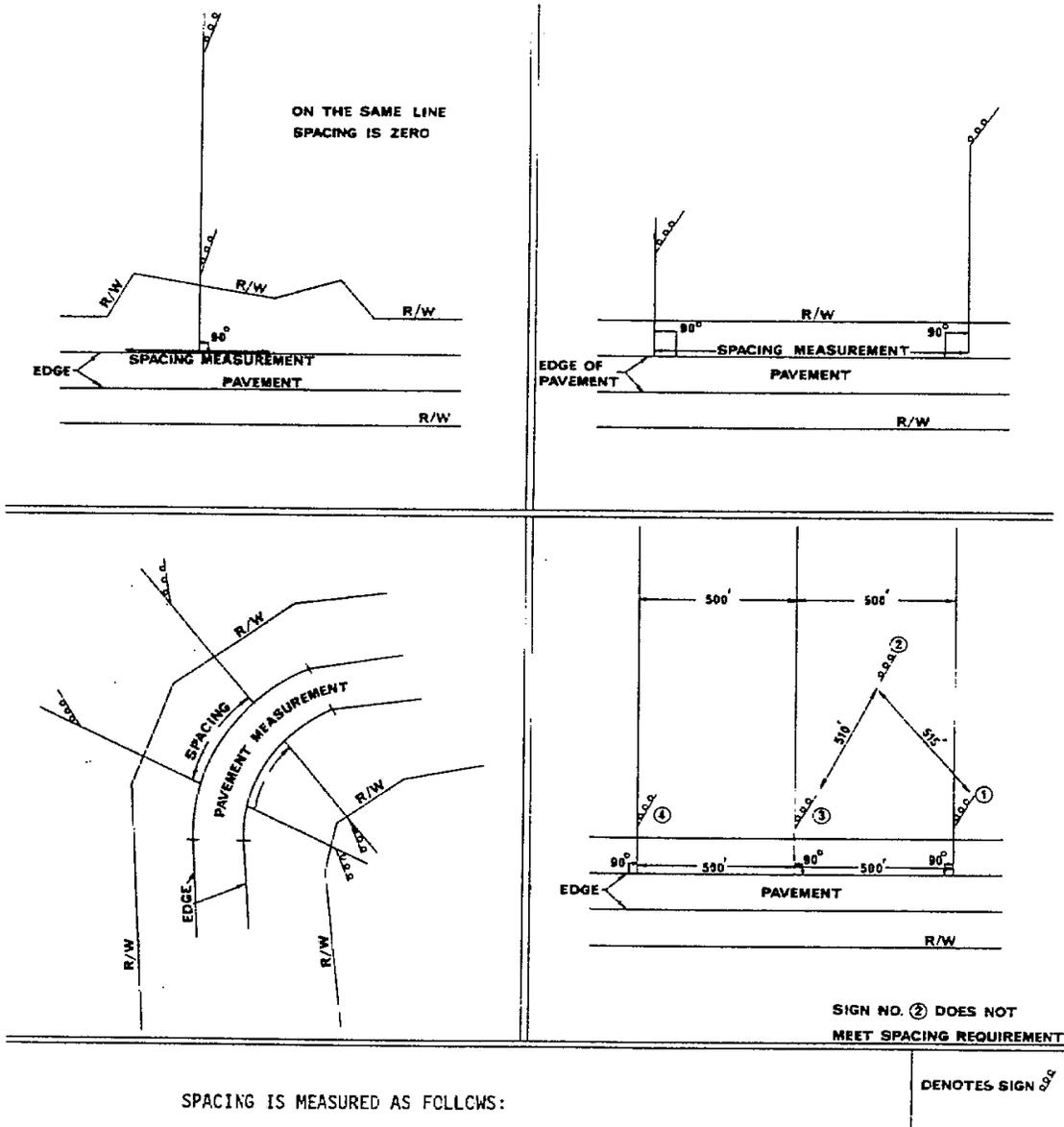
(Rule 1680-2-3-.09, continued)



RAMP CONTROL OUTSIDE CITIES IS AS FOLLOWS ON CONTROLLED ACCESS HIGHWAYS:

Outside incorporated municipalities no structure may be located adjacent to, or within 1000 feet of an interchange, or intersection at grade, measured along the interstate from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main traveled way.

(Rule 1680-2-3-.09, continued)



SPACING IS MEASURED AS FOLLOWS:

The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(Rule 1680-2-3-.09, continued)

Authority: T.C.A. §54-21-23 and U.S.C §131. **Administrative History:** Original rule filed June 9, 1977; effective July 11, 1977. Repeal and new rule filed January 27, 1989; effective March 13, 1989.

1680-2-3-.10 THROUGH 1690-2-3-.13 REPEALED.

Authority: T.C.A. §54-21-23 and U.S.C §131. **Administrative History:** Original rule filed October 10, 1984; effective November 9, 1984. Repeal filed January 27, 1989; effective March 13, 1989.