RULES
OF
TENNESSEE DEPARTMENT OF TRANSPORTATION
MAINTENANCE DIVISION

CHAPTER 1680-02-03
CONTROL OF OUTDOOR ADVERTISING

TABLE OF CONTENTS

1680-02-03-.01	Preface	1680-02-03-.07	Removal of abandoned signs
1680-02-03-.02	Definitions	1680-02-03-.08	Vegetation control
1680-02-03-.03	Criteria for the erection and control of outdoor advertising	1680-02-03-.09	Appendix
1680-02-03-.04	Control of advertising devises along the Interstate and primary system of highways	1680-02-03-.10 through 1680-02-03-.13	Repealed
1680-02-03-.05	Directional signs		
1680-02-03-.06	On-premise signs		

1680-02-03-.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.*

1680-02-03-.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.

(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 Jaw 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.

(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.

(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) Void, means a status in which a permit is in violation of at least one requirement of these Rules or governing statutes and such violation cannot or has not been cured within the applicable cure period such that the permit is subject to immediate revocation.

(28) Voidable, means a status in which a permit is in violation of at least one requirement of these Rules or governing statutes and eligible to be rendered void and the outdoor advertising device removed by a final administrative action.

(29) *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. § 54-21-104, 54-21-105, and 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. Amendment filed September 24, 2008; effective December 8, 2008.*

1680-02-03-.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 1680-02-03-.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 1680-02-03-.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, 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 §1680-02-03-.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, 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. The 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. [reserved]

6. Application Requirements for New Outdoor Advertising Permits.

(i) No person shall construct, erect, operate, use, maintain, or cause or permit to be constructed, erected, operated, used or maintained, any outdoor advertising device visible from the main traveled way of the Interstate System, Federal Aid Primary System, or National Highway System and subject to regulation under Title 54, Chapter 21 of the Tennessee Code without first obtaining from the Department a permit and tag authorizing the same. An outdoor advertising device that is erected prior to obtaining the required permit shall be considered illegal and subject to removal at the expense of the owner as provided in Tennessee Code Annotated § 54-21-105.

(ii) The outdoor advertising permit application form and related forms may be viewed on the Department's Beautification Office website at http://www.todot.state.tn.us/environment/ beautification/. An original permit application form and related forms may be obtained from any of the following Beautification Offices:

Headquarters - Beautification Office
Suite 400, James K. Polk Bldg.
505 Deaderick Street
Nashville, TN 37243-0333
Telephone No. 615-741-2877
Fax No. 615-532-5995

Region I - Beautification Office
7345 Region Lane
Knoxville, TN. 37901
Telephone No. 865-594-2451
Fax No. 865-594-6341

Region II - Beautification Office
P. O. Box 22368
4005 Cromwell Road
Chattanooga, TN. 37422-2368
Telephone No. 423-892-3430, Ext. 2293
Fax No. 423-899-1636

Region III - Beautification Office
6601 Centennial Blvd.
Nashville, TN. 37243-0360
Telephone No. 615-350-4389
Fax No. 615-350-3966

Region IV - Beautification Office
300 Benchmark Place
Jackson, TN. 38301-0429
Telephone No. 731-935-0170
Fax No. 731-935-0208

(iii) A complete original application for an outdoor advertising permit must be hand delivered or mailed to the Department's Headquarters Beautification Office in Nashville at the address indicated above. No faxed application materials will be accepted.

(iv) In addition to a completed application form, a complete application for an outdoor advertising permit shall also include the following:

(I) Payment of the application fee by check or money order made payable to the Tennessee Department of Transportation and in the amount established in T.C.A. § 54-21-104 (provided that payment in cash will be accepted if personally delivered to the Headquarters Beautification Office);

(II) A map or scaled drawing which shows:

I. The property lines of the real property within which the outdoor advertising device is to be located;

II. The location of the highway along which the outdoor advertising permit is requested and any other public roads adjacent to the property;

III. The location and property lines of the State's highway right-of-way;

IV. The location of the proposed outdoor advertising device within the property; and

V. The public road, driveway, or other means by which the applicant can obtain access to the real property where the proposed outdoor advertising device is to be located without using direct ingress and egress across or using any part of the state highway right-of-way.

(III) A signed and notarized affidavit from the property owner (on a form provided by any of the Beautification Offices listed above), as follows:

I. If the applicant is the property owner or the owner of a permanent easement granting the applicant the right to construct and operate an outdoor advertising device on the property, the affidavit shall:

A. Certify the applicant's ownership interest in the property; and

B. Attach a copy of the applicant's most recent property record in the Assessor of Property's Office of the county in which the property is located. If this record is available online, the Department will accept a print-out of this document.

II. If the applicant is not the property owner or owner of a permanent easement granting the applicant the right to construct and operate an outdoor advertising device on the property, the affidavit shall:

A. Certify that the property owner has given the applicant permission to construct and operate the proposed outdoor advertising device at the proposed location; and

B. Attach a copy of the property owner's most recent property record in the Assessor of Property's Office of the county in which the property is located. If this record is available online, the Department will accept a print-out of this document.

(v) The applicant shall mark the proposed location of the outdoor advertising device in the field by placing a stake in the ground, the top of which shall be not less than four (4) feet above ground level, at the precise location on the owner's property where the device is proposed to be located; provided, however, that if the proposed location of the device is in a paved area, the precise location shall be marked on the pavement in paint. The stake or mark shall identify the applicant.

7. Processing of Applications.

(i) No application for an outdoor advertising permit will be considered unless the completed application form and all other documents required by these Rules have been filed in the Headquarters Beautification Office. An incomplete application will not be considered.

(ii) All documents included with an incomplete application shall be returned to the applicant without being processed, and the application fee shall be returned or refunded. If the incomplete application is accompanied by any other documents pertaining to the permitting of any outdoor advertising device, including without limitation a request to cancel another outdoor advertising permit or the cancellation of a previous request for hearing, the entire package will be returned to the applicant with the incomplete application without being processed.

(iii) If an application is withdrawn or returned for any reason, and the applicant chooses to resubmit the application, the subsequently filed application, if complete, shall be processed as a new application as of the date it is received and shall be given a new application number.

(iv) The return of an incomplete application, and any accompanying materials, without processing in accordance with these Rules is not a final administrative action subject to appeal or an administrative hearing.

(Rule 1680-02-03-.03, continued)

(v) Complete applications will be considered on a first come, first served basis and processed in order of time stamped at the Headquarters Beautification Office upon receipt.

(vi) Upon determining that an application is complete, the Headquarters Beautification Office will forward the complete application to the Beautification Office personnel assigned to conduct a field inspection.

(vii) Upon receiving a complete application, the assigned Beautification personnel will initiate a field inspection of the proposed location for the outdoor advertising device.

(viii) If Beautification personnel find that the actual proposed location is not marked on the pavement or staked in the field by a stake as required in these Rules, the Beautification personnel will so notify the Headquarters Beautification Office and the application will be denied. Prior to denying an application, the Beautification personnel will attempt to contact the applicant so that the defect may be cured.

(ix) If Beautification personnel find that the proposed outdoor advertising location would fail to meet the minimum spacing required by law due to a conflict with the location of an earlier filed application, or with the location of an existing permit that the Department has deemed voidable under these Rules, the Beautification personnel shall not complete the field inspection on the later filed application and shall notify the Headquarters Beautification Office that a minimum spacing conflict exists.

(x) Because applications must be considered on a first come, first served basis, the Headquarters Beautification Office shall proceed as follows upon being notified that a minimum spacing conflict exists:

(I) If an application is submitted for a proposed location that has a minimum spacing conflict with the location proposed in an earlier filed application, the Headquarters Beautification Office shall first determine whether to grant or deny the permit requested in the earlier filed application and proceed as follows:

I. If the earlier filed application is granted, the Headquarters Beautification Office shall deny the later filed application.

II. If the earlier filed application is denied, the later filed application will not be processed until such time as the earlier applicant has an opportunity to request a hearing on the denial and then as follows:

A. If the earlier applicant makes a timely request for a hearing, the later filed application, including the application fee and all documents accompanying the application shall be returned to the applicant without processing.

B. If the earlier applicant does not make a timely request for hearing, the later filed application will be processed and either granted or denied in accordance with these Rules.

(II) If an application is submitted for a proposed location that has a minimum spacing conflict with the location of an existing outdoor advertising device having a permit that the Department has deemed voidable under these Rules, but which remains in a pending status because the holder of the permit still has the opportunity to undertake remedial action or to request a hearing, or because the holder of the permit has requested a hearing but the case has not been finally adjudicated, the application for the new outdoor advertising permit, including the application fee and all documents accompanying the application, shall be returned to the applicant without processing.

(xi) If the proposed location is properly marked on the pavement or staked in the field and there does not appear to be any minimum spacing conflict with a pending application or permit, Beautification personnel will complete the field inspection in consideration of the zoning, spacing and other requirements for permitting an outdoor advertising device under these Rules.

(xii) Apart from the failure to meet any other requirement of these Rules, if it is determined by the Beautification personnel that the applicant is unable to obtain access to the proposed location to erect and maintain an outdoor advertising device except by direct ingress and egress across the state highway right of way, or by breaching the State's right of access control, if any, or by using some part of the State's right-of-way, then the application shall be denied.

(xiii) Upon completing the field inspection, Beautification personnel will submit a written field inspection report to the Headquarters Beautification Office.

(xiv) The Headquarters Beautification Office will review the field inspection report for completeness and accuracy. The Headquarters Beautification Office shall make the determination to grant or deny the requested outdoor advertising permit and shall notify the relevant Beautification Office of its decision.

(xv) If the Headquarters Beautification Office grants the permit, a serially numbered permit and metal tag will be issued to the applicant. The permit and metal tag shall be issued only for the specific outdoor advertising sign face identified on the approved application and only for the precise location footprint as marked on the pavement or as staked in the field. Under no circumstances shall a permit and/or tag be used for or moved to any other location.

(xvi) If the Headquarters Beautification Office decides to deny the permit, the Department will send a copy of the disapproved application to the applicant with a letter explaining the reason for the permit denial. The application fee shall not be refunded.

8. Requirements for Construction of a Permitted Outdoor Advertising Device.

(i) If a permit is issued, the permit holder must erect the support structure and attach the sign face at the approved location within one hundred and eighty (180) days from the date the permit is issued. A copy of the

approved application must be on-site in the possession of the permit holder, or any person acting on behalf of the permit holder during the construction of the device. If the device is not fully constructed within the one hundred eighty (180) day period, the permit shall be voidable.

(ii) The dimensions of the sign face on the outdoor advertising device, as built, must conform to the dimensions of the proposed sign face as described in the approved application. If the permit holder does not construct the sign face in accordance with the approved application, the permit shall be voidable.

(iii) The tag must be affixed to the outdoor advertising device and visible from the main traveled way of the highway on which the outdoor advertising device is permitted. If the tag is not attached and visible as required, the outdoor advertising permit for that device shall be voidable; provided, however, if the growth of vegetation on the highway right-of-way subsequently prevents visibility of the tag from the main traveled way of the highway, the Department may waive this visibility requirement.

(iv) Neither the permit holder nor any person acting on behalf of the permit holder shall obtain access to the site of the outdoor advertising device by direct ingress and egress across the state highway right-of-way, nor shall the permit holder or any such person use any part of the State's highway right-of-way, to erect or maintain the outdoor advertising device. No equipment used by the permit holder or any such person to construct or maintain the outdoor advertising device shall encroach upon the right-of-way. Removal of any access control fence or any breach of the Department's right of access control is strictly prohibited. If any of these provisions are violated, the permit shall be voidable.

(v) It is the responsibility of the permit holder to locate the state highway right-of-way property line. No outdoor advertising device shall under any circumstances be allowed on the State's highway right-of-way. Any outdoor advertising device located partly or entirely on the State's highway right-of-way shall be considered an encroachment subject to removal at the owner's expense under the provisions of Tennessee Code Annotated § 54-5-136.

9. Voiding of Permits.

(i) The Commissioner has the authority to void an outdoor advertising permit under the following conditions:

(I) Any negligent or intentional misrepresentation of material fact on any application submitted pursuant to these Rules;

(II) Any violation of one or more of the requirements for a permit under Federal or State law or these Rules.

(ii) In the event the Department deems a permit voidable under these Rules, the Department shall give notice either by certified mail or other form of return receipt mail or by personal service to the permit holder; provided, however, that notice shall be deemed effective if the permit holder refuses to accept delivery of the certified mail or other return receipt mail. Such notice shall identify the alleged violation that renders the permit voidable;

specify the remedial action, if any, which is required to correct the violation; and advise that failure to complete the remedial action within thirty (30) days or to request a hearing to contest the alleged violation within thirty (30) days will result in the permit becoming void, the right to a hearing waived, and the outdoor advertising device subject to removal.

(iii) Once a permit is issued for a location, the Department will not void a permit based on a change in property ownership or the lack of consent of the property owner for the permit owner to operate and maintain an outdoor advertising device at this location unless the permit holder requests that the permit be voided or there is a court order stating, in effect, that the permit holder has no legal right to operate or maintain an outdoor advertising device at that location.

10. Administrative Hearings.

(i) If an application for an outdoor advertising permit is processed by the Department and subsequently denied, or if the permit for an existing device has been deemed void or voidable under these Rules, the applicant shall have thirty (30) days from the date of the receipt of the denial letter or notice to request, in writing, an administrative hearing concerning the grounds upon which the permit was denied or is deemed to be voidable. The request for hearing shall state the specific facts and provisions of law upon which the applicant relies to contest the denial or voiding of the permit.

(ii) If an administrative hearing is requested in the allotted time to contest the denial of an application for a permit, the application shall remain in a pending status until the matter has been finally adjudicated by a final administrative order, a final court order upon judicial review, or by agreement of the parties.

(iii) If an administrative hearing is requested in the allotted time to contest the grounds upon which the Department has deemed a permit to be voidable, the permit shall not be eligible for renewal and shall be placed in a pending status until the matter has been finally adjudicated by a final administrative order, a final court order upon judicial review, or by agreement of the parties. If the final order or agreement results in reinstatement of the permit, the permit holder shall be responsible for payment of all annual permit renewal back fees from the date of the hearing request. After the back fees are paid, the permit will be returned to active status and shall be eligible for renewal.

(iv) A hearing on the denial or proposed voiding of an outdoor advertising permit shall be conducted as provided in the Uniform Administrative Procedures Act, Tennessee Code Annotated § 4-5-101, et seq., and the Rules of the Tennessee Department of State, Administrative Procedures Division, Chapter 1360-4-1.

(v) The return of an application, and any accompanying materials, without processing in accordance with these Rules is not a final administrative action subject to appeal or an administrative hearing. Accordingly, the Department shall not initiate or accept any request for an administrative hearing based on the return of an application or any accompanying materials without processing.

(vi) The Department has no authority to resolve any dispute between the permit holder and the current property owner concerning the terms of the permit holder's lease or any other claim the permit holder may have to remain on the property. Accordingly, the Department shall not initiate or accept any request for an administrative hearing to resolve any such dispute.

11. Replacement Tags for Outdoor Advertising Devices:

Replacements for stolen, vandalized, lost, or illegible tags may be obtained from the Headquarters Beautification Office. Requests for replacement tags must be made in writing and accompanied by a check or money order, payable to the Tennessee Department of Transportation, for the amount of the replacement tag fee as provided in Tennessee Code Annotated § 54-21-104 (provided that payment in cash will be accepted if personally delivered to the Headquarters Beautification Office).

12. Annual Renewal of Permits for Outdoor Advertising Devices:

(i) Permits shall be renewed annually between November 1st and December 31st.

(ii) For each permit that is to be renewed, the permit holder shall return the renewal form together with payment of the annual renewal fee by check or money order made payable to the Tennessee Department of Transportation and in the amount provided in Tennessee Code Annotated § 54-21-104 (provided that payment in cash will be accepted if personally delivered to the Headquarters Beautification Office).

(iii) The permit holder shall notify the Headquarters Beautification Office of any change in the permit holder's mailing address.

(iv) Permits and tags shall be voidable on January 1 of each year if not renewed by December 31 of the prior year.

(v) In the event that a permit holder fails to renew as provided in these Rules, the Department shall notify the permit holder of the violation, as provided in subparagraph (1)(a), part 9(ii) of this Rule. The notice shall state that the permit holder has thirty (30) days after receipt of the notice either to remove the device, request an administrative hearing to contest the violation, or to remedy the violation by applying for a new permit for the same location.

13. Transfer of Outdoor Advertising Permits.

(i) If a permit holder chooses to transfer a permit to another company or individual, the transfer request must be in writing and signed by the current permit holder and sent to the Headquarters Beautification Office. It must include a check or money order payable to the Tennessee Department of Transportation for the amount of the transfer fee as provided in Tennessee Code Annotated § 54-21-104 (provided that payment in cash will be accepted if personally delivered to the Headquarters Beautification Office).

(Rule 1680-02-03-.03, continued)

(ii) Permits and tags are issued for a particular sign face and outdoor advertising location and may not be moved to or used for any other location.

(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. § 54-21-104, 54-21-105, and 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. Amendment filed September 24, 2008; effective December 8, 2008.*

1680-02-03-.04 CONTROL OF NON-CONDFORMING 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 § 1680-02-03-.02, paragraph 11, and nonconforming devices as defined in § 1680-02-03-.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 1680-02-03-.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

(Rule 1680-02-03-.04, continued)

materials that replicate the 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.*

1680-02-03-.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 §1680-02-03-.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.

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 §1680-02-03-.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.

(Rule 1680-02-03-.05, continued)

(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.

(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.*

1680-02-03-.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 §1680-02-03-.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 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

(Rule 1680-02-03-.06, continued)

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.

(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.*

1680-02-03-.07 REMOVAL OF ABANDONED SIGNS.

The permit for an abandoned outdoor advertising device shall be voidable after a twelve-month period of abandonment.

Authority: *T.C.A. 54-21-104, 54-21-105 and 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 September 24, 2008; effective December 8, 2008.*

(Rule 1680-02-03-.08, continued)

1680-02-03-.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 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

(Rule 1680-02-03-.08, continued)

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.

(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.*

PLANNING STATUS :

Tennessee Counties with Zoning

(as of 1-1-09)

N

Zoning in Place (47 - 49.5%)

Zoning Under Consideration (0 %)

L.P.O. Regional Boundaries

Illustration prepared by:
LOCAL PLANNING ASSISTANCE OFFICE
Chattanooga, Tennessee

Outdoor Advertising Device Application, State of Tennessee, Department of Transportation, Environmental Division, Beautification Office

Please Type or Print Clear – Press Hard Type of Application (Check One): Original Application ____ Application for Expired Permit ____

1. Name of Applicant		2. Mailing Address	
3. City	4. State Zip Code	5. Phone Number (Include Area Code)	6. Application Date
7. Property Owner Name and Mailing Address (Required State and Zip Code)			

Location of Outdoor Advertising Device

8. Highway Route Number		9. County Name	10. Is this a Fully Controlled Access Highway?
Interstate # _____	Primary Hwy or NHS State Route# _____	_____	Yes ____ No ____

11. Is the sign within 1,000 feet of an entrance or exit ramp? Yes _____ No _____	12. Is the sign within the corporate limits of a city or town: Yes ___ No ___ If YES, name of City or Town _____

13. Nearest Intersecting Highway or Road Intersection _____ Distance from Intersection _____ Direction from North ____ South ___ East ____ West ___	14. Present Zoning of Site	15. Name of qualifying activity if unzoned commercial or industrial:

16. Distance to nearest outdoor advertising device in each direction on the same side of the road

COMPLETE TWO: _____ Ft. South, _____ Ft. North, _____ Ft. East, _____, Ft. West

17. Is this application for an existing sign? Yes _____ No ____	18. If the answer to item 17 is YES, when was the sign erected? _____	19. Previous Permit or Tag Number _____	20. Will Outdoor Advertising Device be a back to back or V-Type structure? Yes _____ No _____

Face Type, Materials and Configuration – You are required to build whatever you apply for on your application if issued permit.

21. Is this application for transferring a Permitted Stacked Device Yes ____ No ____ If yes, list tag #: _____	22. Sign Face Area: _____ Sq. Ft. Face Dimensions: Height _____Ft. Width _____ Ft.	23. Shape: _____ Square _____ Triangular _____ Circular _____ Rectangular _____ Other	24. Sign Face Material: Face: _____ Wood _____ Metal _____ Other	25. Lighted Yes ___ No___ Face Type: 26. Stretch Vinyl or Other Yes _____ No____ 27. Mechanical Changeable Panels: Yes_____ No_____ ****28. Digital Display or LED: Yes_____ No _____**

NOTE: The following Must Accompany This Application – Whatever is stated on application will be required to build if permitted.

1) A check or money order in the amount of **$200.00** payable to the TDOT for application fee and additional fees for expired permits.

2) A copy of a notarized valid **land lease or signed notarized affidavit** by the property owner stating permission has been given to erect a sign. (Property owner's signature must be notarized.

3) A map or sketch of the **proposed** sign site location on a separate sheet of paper.

Field Inspection Requirement: The applicant must mark the **proposed** sign location with an easily visible flag or stake. Failure to properly mark a **proposed location** 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 face 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 for 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 to be performed at this location for signs erected after April 20, 1983, will be in accordance with the Rules and Regulation.

Signed _____ Name Typed or Printed _____

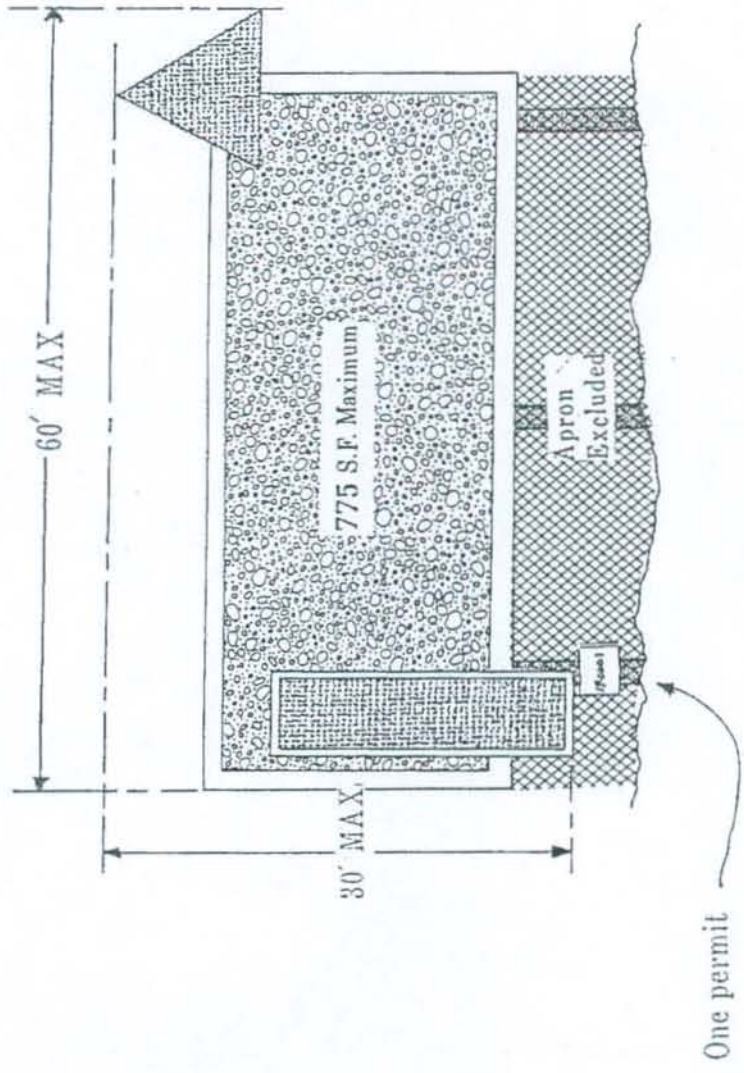
Department of Transportation — CENTRAL OFFICE USE ONLY

DATE OF ISSUANCE	ISSUED BY	TAG NUMBER

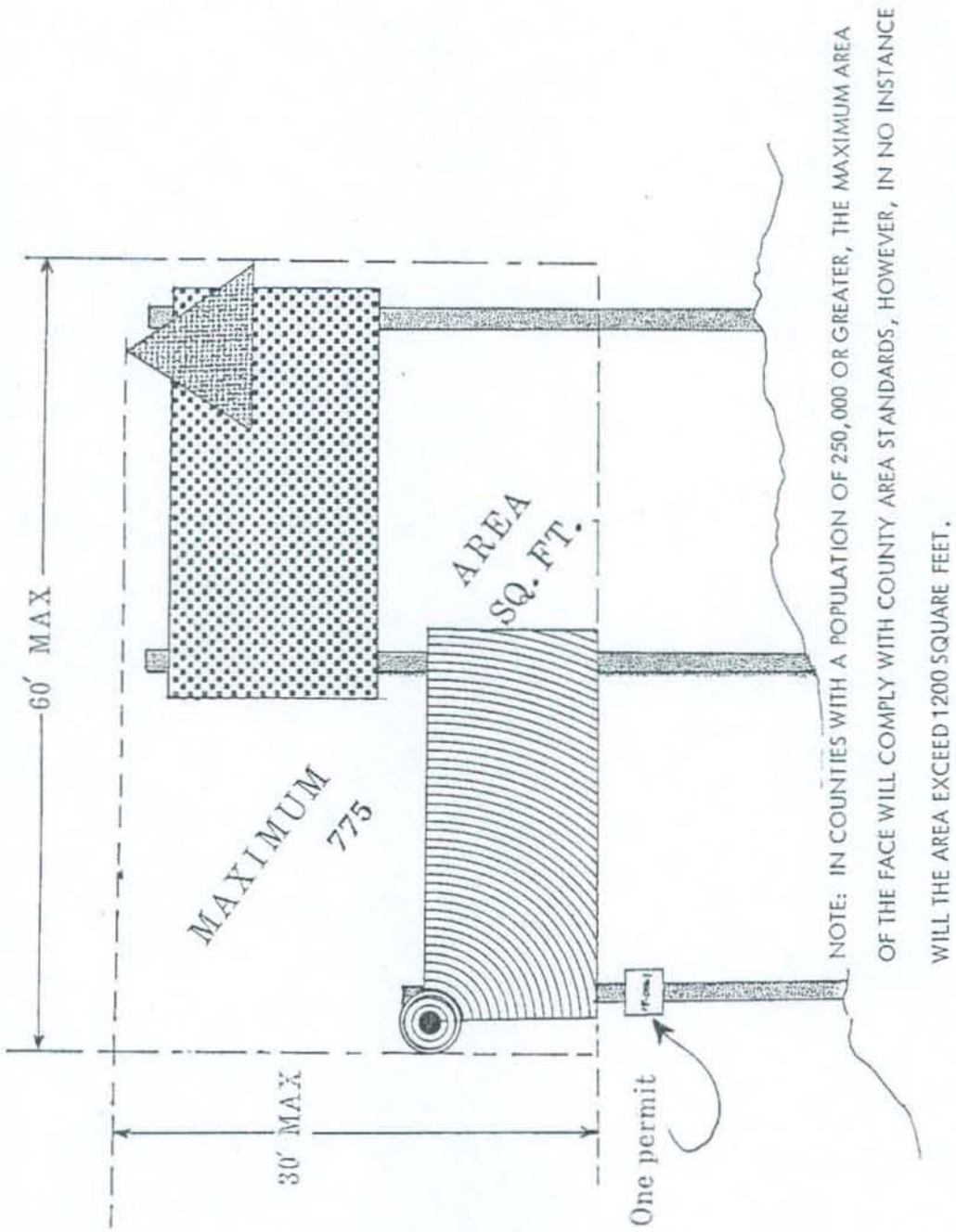
COUNTY	ROUTE	LOG MILE	Return White and Canary Copies to Beautification **Office – ODA, Suite 400 James K. Polk Bldg., Nashville, TN 37243-0333** (Please Retain Pink (last) copy for your files.)

**** Item 28 is required to be marked Yes if you are applying for & going to build a Digital Display, LED.**

DT-0266
REVISED April 2008



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.


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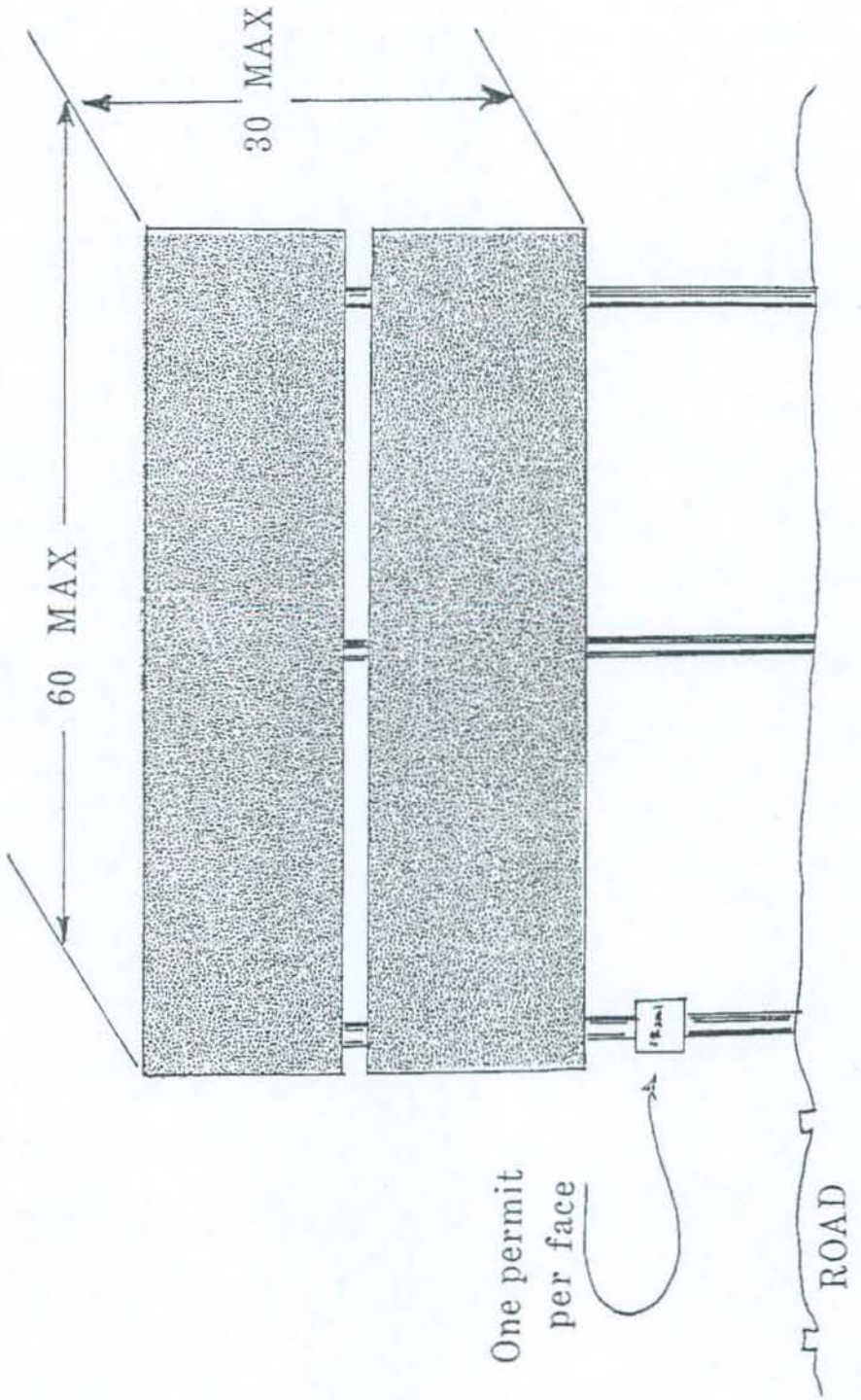
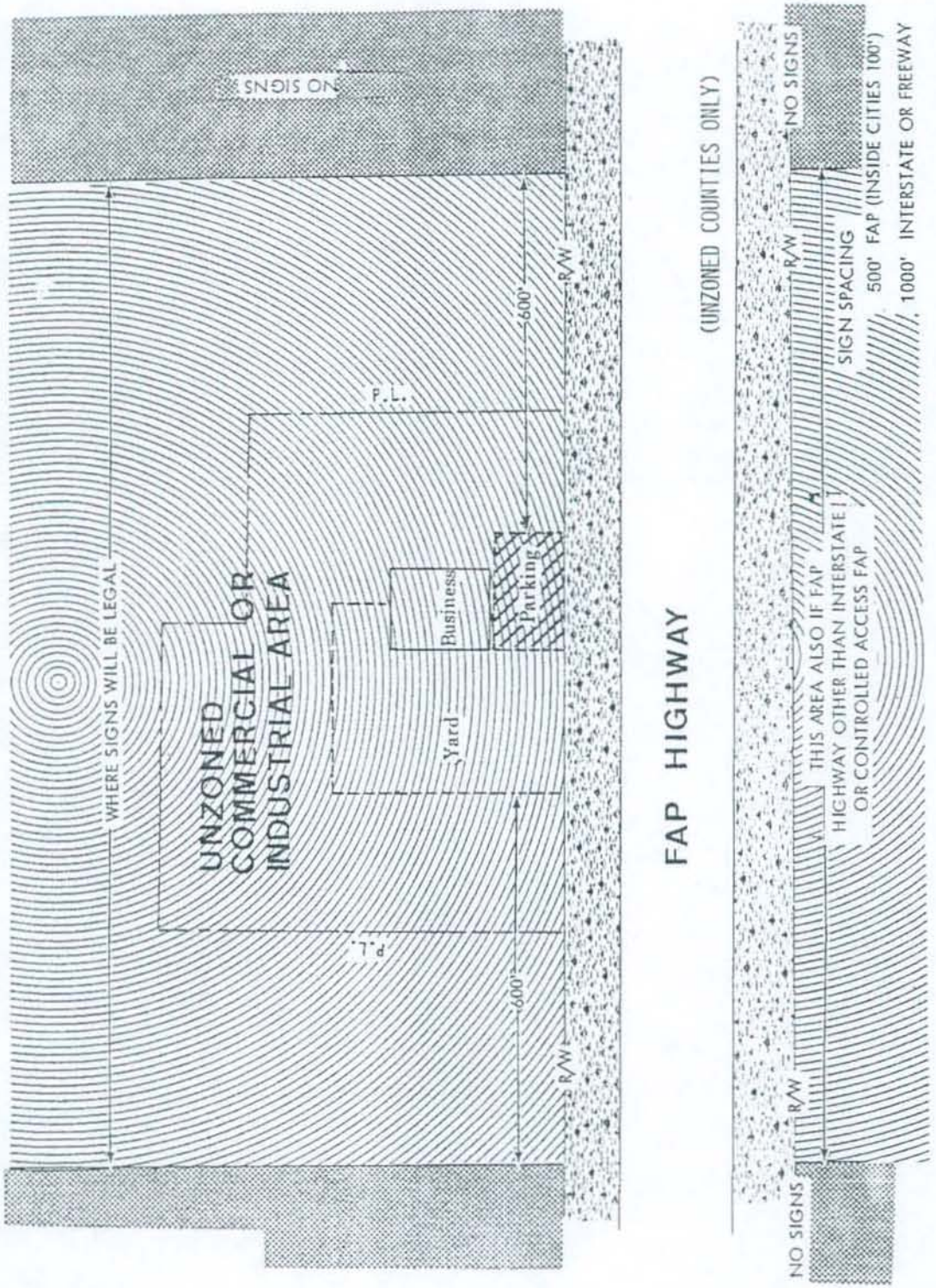
30' MAX
One permit
NOTE: IN COUNTIES WITH A POPULATION OF 250,000 OR GREATER, THE MAXIMUM AREA
OF THE FACE WILL COMPLY WITH COUNTY AREA STANDARDS, HOWEVER, IN NO INSTANCE
WILL THE AREA EXCEED 1200 SQUARE FEET.

(Rule 1680-02-03-.09, continued)




NO SIGNS
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(UNZONED COUNTIES ONLY)
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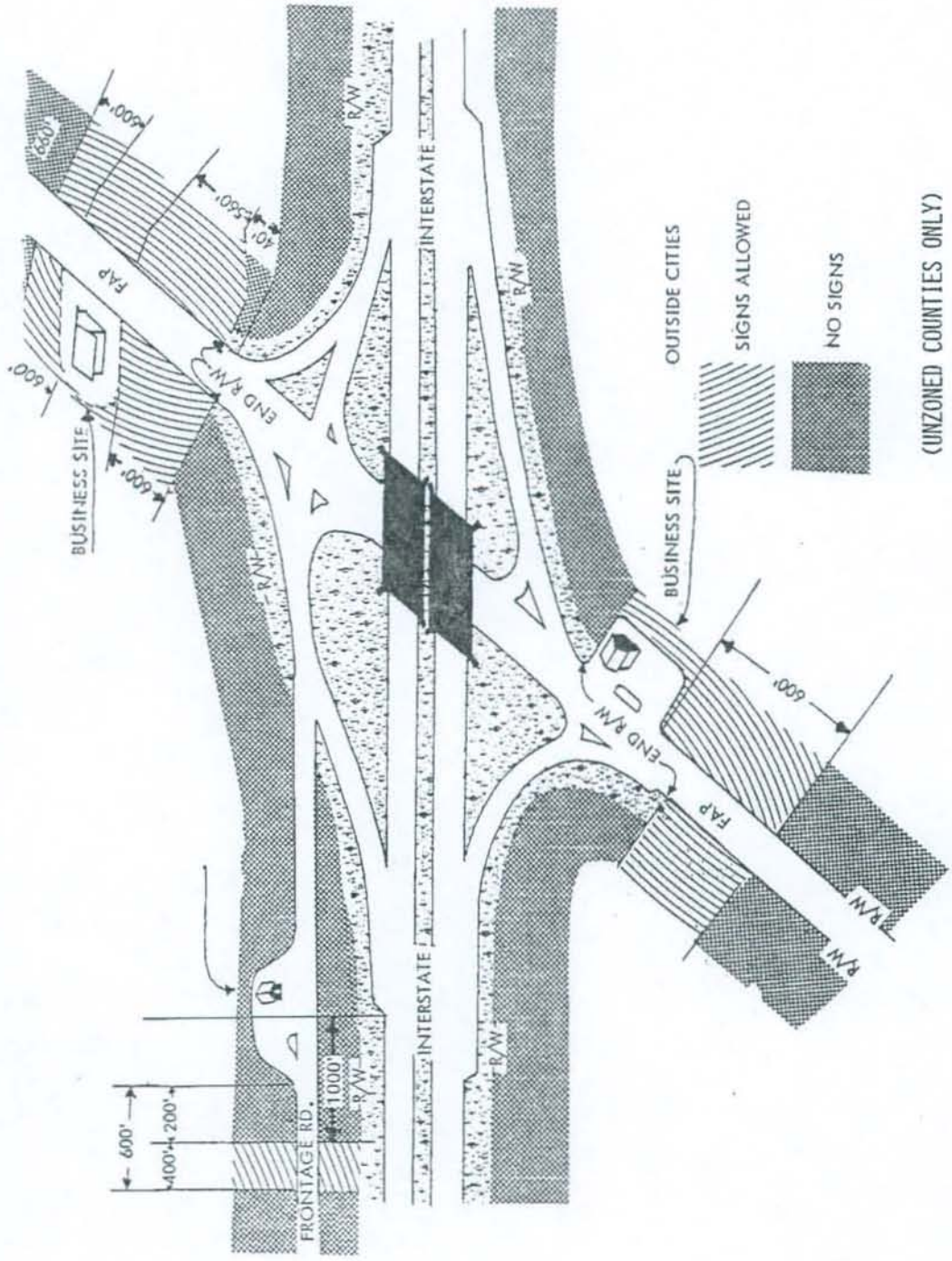
1000' INTERSTATE OR FREEWAY


OUTSIDE CITIES
SIGNS ALLOWED
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(UNZONED COUNTIES ONLY)
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BUSINESS SITE
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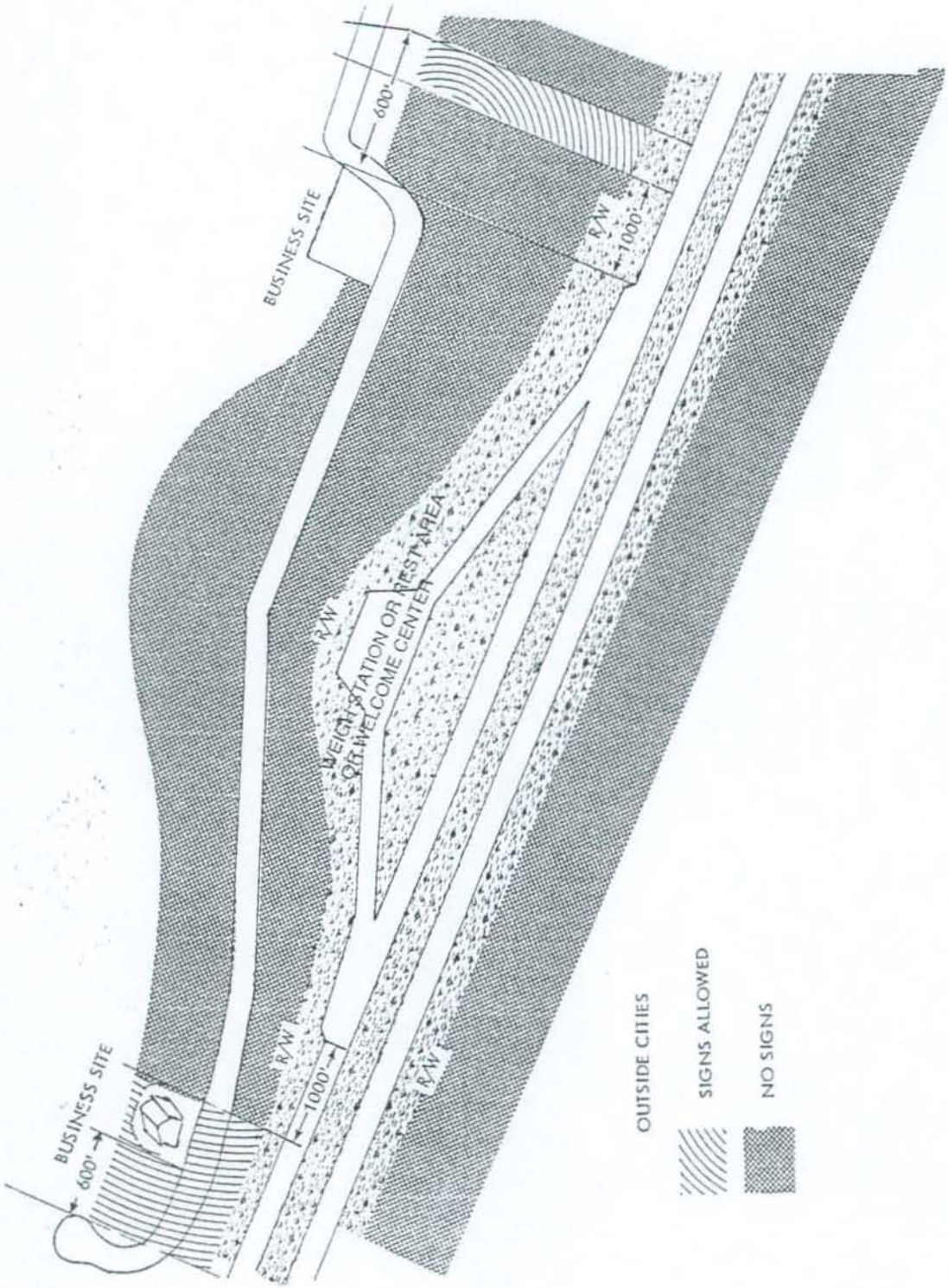
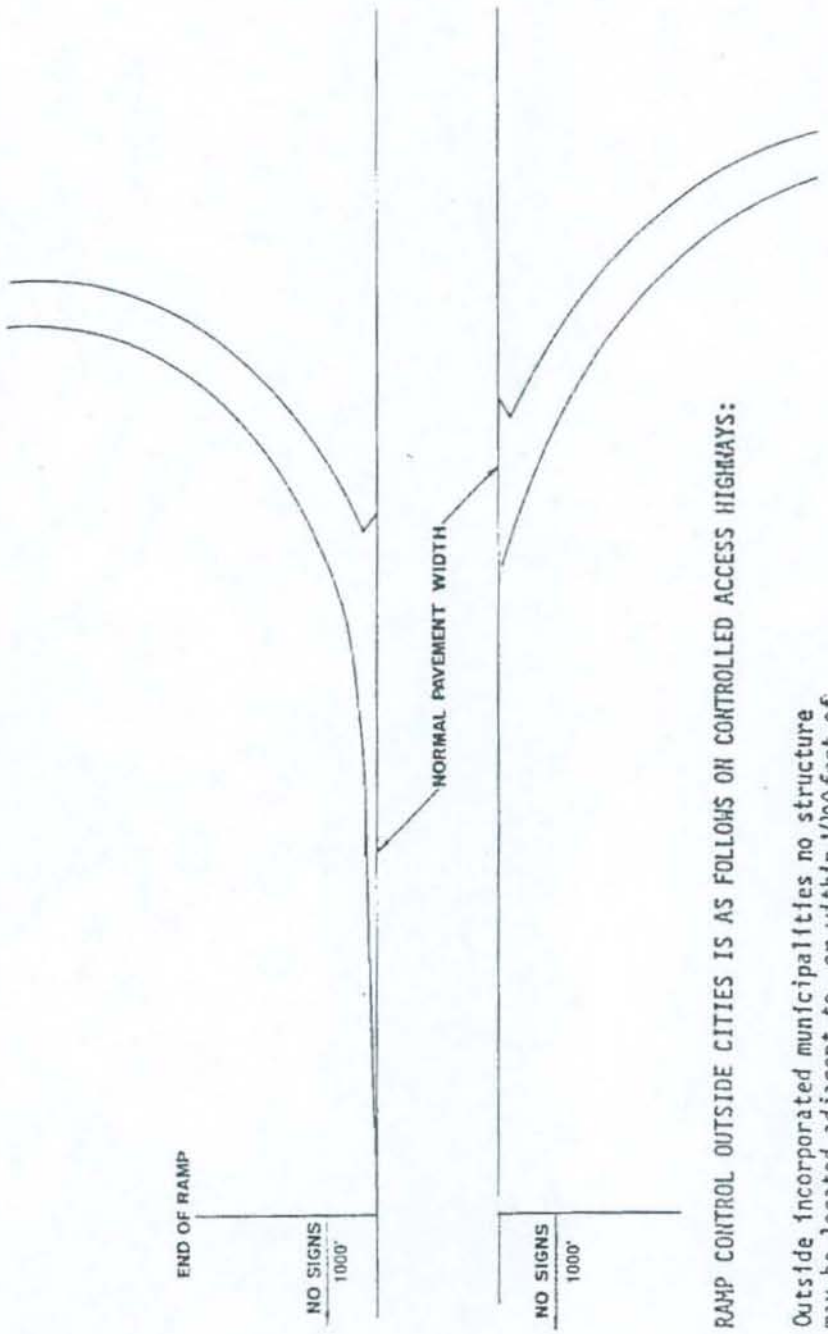
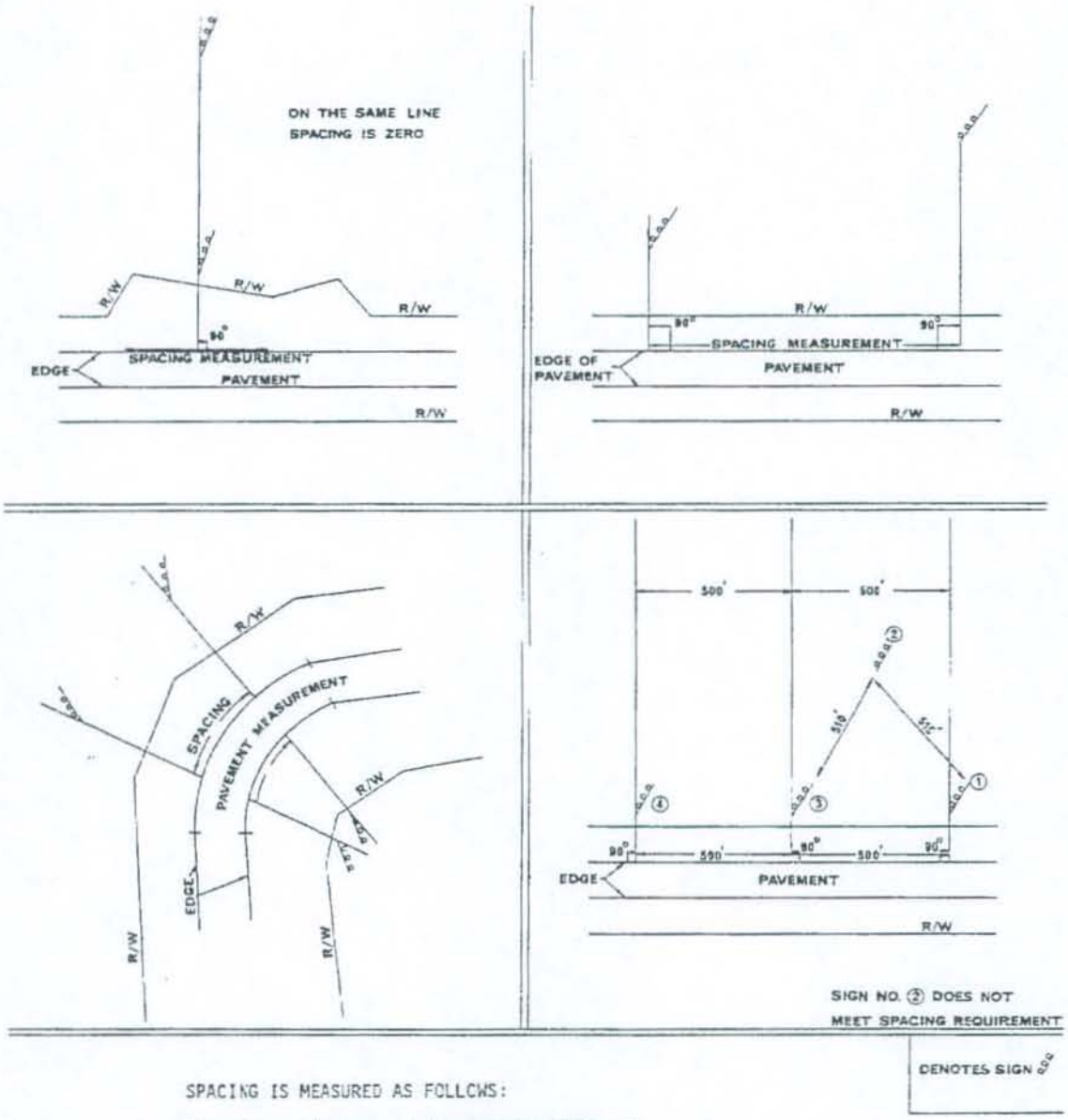
(Rule 1680-02-03-.09, continued)





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.



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 1680-02-03-.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.*

1680-02-03-.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.*