



ADMINISTRATIVE RULES OF MONTANA



18.6.204 ON-PREMISE SIGNS - QUALIFYING LOCATIONS

- (1) On-premise signs which advertise activities conducted on the property upon which they are located do not require a permit from the department. The department shall be the sole determinant as to whether a sign qualifies as an on-premise sign after meeting all requirements of the Outdoor Advertising Act and these rules.
- (2) The sign must be located on the same premises as the activity or property advertised.
 - (a) Premises include the area occupied by the buildings and appurtenances associated with the activity such as parking lots, storage areas, processing areas, or areas for the physical uses that are customary to the activity, including open spaces landscaped, arranged and designed to be used in connection with the buildings or activities.
 - (b) Premises do not include vacant land, land used for unrelated activities, or land that is separated by other ownerships or roadways.
- (3) The purpose of the advertising sign must be the identification of:
 - (a) the principal establishment;
 - (b) the principal activity located on the premises;
 - (c) the principal products or services; or
 - (d) the sale or lease of the property on which the sign is located.
- (4) On-premise signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device are prohibited.
- (5) When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if the sign brings rental or lease income to the property owner, the sign shall be considered the business of outdoor advertising and not an on-premise sign.
- (6) Signs located on land in the following situations are not considered on-premise advertising:
 - (a) any land on which a sale or lease sign contains advertising for any product or service not conducted upon the premises;
 - (b) any land which is not used as an integral part of the principal activity, including but not limited to land which is separated from the activity by:
 - (i) a roadway;
 - (ii) a highway;

- (iii) any other obstruction not used by the activity;
- (iv) extensive undeveloped highway frontage contiguous to the land actually used by a commercial facility whether or not it is under the same ownership;
- (c) any land which is used for or devoted to a separate purpose unrelated to the advertised activity;
- (d) any land occupied solely by structures or uses which serve no reasonable or integrated purpose related to the principal activity other than to attempt to qualify the land as a site for signs, including but not limited to playgrounds, camping areas, walking paths, fences, and maintenance sheds; or
- (e) any land where the sign is located at or near the end of a narrow strip contiguous to the advertised activity, including but not limited to any configuration of land which cannot be put to any reasonable use related to the activity other than as a site for signs, such as wetlands, common or private roadways, or a strip of land held by easement or other lesser interest.

Authorizing statute(s): 75-15-121, MCA

Implementing statute(s): 75-15-103, 75-15-111, 75-15-113, MCA

History: NEW, 2008 MAR p. 2476, Eff. 11/27/08; AMD, 2012 MAR p. 185, Eff. 1/27/12; AMD, 2016 MAR p. 1440, Eff. 8/20/16.