



ADMINISTRATIVE RULES OF MONTANA



18.6.251 REPAIR OF NONCONFORMING SIGNS

- (1) Permittees must complete a notification report detailing proposed allowable maintenance or repair of nonconforming signs, on a form provided by the department, prior to commencement of allowable work. A photo verification of the existing sign condition prompting repair or maintenance must be attached to the notification form. Department response is not required prior to commencement of allowable maintenance, at permittee's risk of later receipt of department noncompliance determination as per (2).
- (2) The department will notify a permittee within 30 days of notification report receipt if maintenance or repair work appears to be noncompliant with statute or rule, and must not be commenced or completed.
- (3) The department may inspect and verify nonconforming sign repair or maintenance work at any time, and if noncompliant maintenance is identified by the department after completion, the sign must be restored to its original status within 90 days of department notification.
- (4) Failure to complete a notification report prior to commencement of maintenance may result in revocation of the permit.
- (5) Emergency repairs, or those which must be performed to address a risk to public health or safety, may be completed immediately upon submission of a photo verification of the emergency sign condition requiring repair. Emergency repair may only be made in accordance with this rule, and may only include sign replacement for damage due to vandalism, criminal acts, or tortious acts.
- (6) As per 75-15-111, MCA, nonconforming signs lawfully in existence prior to April 21, 1995, may be maintained or replaced each year under the following requirements:
 - (a) a sign may be maintained each year if the value of the materials used in the maintenance does not exceed 75 percent of the value of the materials required to replace the sign new;
 - (b) the sign may be replaced, if damaged by vandalism, criminal acts, or tortious acts, at up to and including 100 percent of its replacement cost;
 - (c) the sign replacement must not result in an increase in the area used to display advertising copy nor an increase of height, width, or area over the current dimensions;
 - (d) the sign may not be illuminated, unless already illuminated before the repair or maintenance;
 - (e) the sign to be repaired or replaced may not replace wood poles with steel poles.
- (7) Nonconforming signs lawfully in existence after April 21, 1995, may be maintained or replaced each year under the following requirements:

- (a) a sign may be maintained and repaired if the value of new materials used in the maintenance of a sign during one calendar year does not exceed 30 percent of the value of all the materials which would be required to replace the sign new;
 - (b) the sign may be replaced if damaged by vandalism, criminal acts, or tortious acts, at up to and including 100 percent of its replacement cost;
 - (c) the sign replacement may not result in an increase in the area used to display advertising copy nor an increase of height, width, or area over the current dimensions;
 - (d) the sign may not be illuminated, unless already illuminated before the repair or maintenance;
 - (e) the sign to be repaired or replaced may not replace wood poles with steel poles.
- (8) All changes to nonconforming signs must meet the standards of lawful ordinance, regulation, or resolution of local government and must be approved by the landowner.
 - (9) Nonconforming signs shall not be maintained or repaired from across the right-of-way control access fences or boundaries.
 - (10) Nonconforming signs may be repaired only if such repair and maintenance is reasonably necessary to maintain the sign's appearance and structural integrity. In no case may the repair, maintenance, or re-erection of a sign result in a substantial upgrading of the type or value of the sign.
 - (11) Nonconforming signs which are destroyed, abandoned, or discontinued may not be re-erected except in instances of vandalism or other criminal or tortious acts. The work must be accomplished within 90 days or the permit may be revoked. An extension of time to accomplish the work may be granted at the sole discretion of the department upon written request from the sign owner stating the reason(s) for the request.
 - (12) Nonconforming signs shall not be relocated from their original permitted location.
 - (13) The department shall notify a sign owner of a violation of this rule.
 - (14) A nonconforming sign which has displayed obsolete or damaged advertising matter, or has not displayed advertising matter for a period of 90 days subsequent to receipt of written notice from the department, shall be considered as a discontinued sign and shall be removed by the owner without compensation.
 - (15) Nonconforming signs which are in need of substantial repair either to the face or support structure, and are not repaired within a period of 90 days after receipt of written notice from the department, shall be considered an abandoned sign and shall be required to be removed by the owner without compensation.

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

Implementing statute(s): 75-15-111, 75-15-121, MCA

History: NEW, Eff. 12/8/75; AMD, 1996 MAR p. 1855, Eff. 7/4/96; AMD, 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.