



ADMINISTRATIVE RULES OF MONTANA

18.6.264 DETERMINATION OF ILLEGAL OUTDOOR ADVERTISING--NOTICES--CORRECTIVE ACTION--ILLEGAL OUTDOOR ADVERTISING REMOVAL

- (1) The department may determine outdoor advertising is unlawful or illegal under 75-15-112, MCA, when a sign or sign structure is unsafe or a danger to the public, or has been constructed or is being maintained in violation of the provisions of the Outdoor Advertising Act or this chapter.
- (2) If the department determines a permitted or nonpermitted sign is in violation of statute or rule, it shall give written notice to the owner or occupant of the land on which the sign is located, and to the owner of the sign, if known. If the sign owner is not known, or has failed to respond to department notices, the department may post notice of the statute or rule violation determination in a conspicuous place on the structure.
- (3) The notice shall state the following:
 - (a) the location and description of the sign, sufficient for identification of the sign;
 - (b) a statement the department has found the sign to be in violation of statutes or rules on outdoor advertising, along with a general description of the conditions which cause the sign to be in violation;
 - (c) a determination by the department whether corrective action is possible and required to be taken;
 - (d) a requirement the corrective action shall be completed within 45 days from the date the notice was posted or received;
 - (e) notice the sign owner may request a hearing within 45 days to dispute the department's determination of statute or rule violation;
 - (f) notice the department will issue a default, revoke the permit (on permitted signs), and promptly remove the unlawful sign after 45 days if the corrective action is not completed (if appropriate), or a hearing requested.
- (4) The department shall undertake permit revocation action under the Montana Administrative Procedure Act for permitted signs on which unlawful conditions cannot be remedied by corrective action, and shall issue a notice in compliance with (3).
- (5) If the condition of a nonpermitted sign cannot be remedied so as to come into compliance with the Outdoor Advertising Act and this chapter, the department shall issue a notice in compliance with (3), and promptly remove the unlawful sign after 45 days if a hearing is not requested.
- (6) When the department removes a sign, the sign owner, landowner or other person responsible for erecting the sign shall pay the cost of removal to the department. The department will store the

sign for 30 days immediately following removal, during which time the sign may be claimed upon payment of the cost of removal and any costs associated with the removal and storage of the sign and collection of the cost of removal.

- (7) A sign that is not claimed within 30 days after removal shall be deemed the property of the department, and may be disposed of by the department. Any money received from the disposal will be credited first towards the costs of removal and storage of the sign. Money in excess of such costs will be deposited with the state treasurer for credit to the state highway fund to offset the cost of issuing permits for signs. If the income generated from disposal of the sign does not meet or exceed the costs of removal and storage of the sign and the cost of collecting the cost of removal, the owner of the sign, landowner or other person responsible for erecting the sign shall pay the remaining costs.

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

Implementing statute(s): 75-15-131, 75-15-132, MCA

History: NEW, 2005 MAR p. 89, Eff. 1/14/05; AMD, 2008 MAR p. 2476, Eff. 11/27/08; AMD, 2016 MAR p. 1440, Eff. 8/20/16.