



ADMINISTRATIVE RULES OF MONTANA



18.6.202 DEFINITIONS

- (1) "Abandoned sign" means a sign that is not maintained as required by these rules or meets any of the following:
 - (a) the sign remains in the absence of a valid lease or written permission from the landowner;
 - (b) the sign face is blank;
 - (c) the sign is obsolete;
 - (d) the sign is significantly damaged or dilapidated;
 - (e) the sign has not been erected;
 - (f) the sign or sign face has been removed; or
 - (g) the sign owner fails to pay the appropriate sign fees.
- (2) "Agricultural Activity" means any activity on improved or unimproved land directly related to the production of crops, dairy products, poultry, or livestock; any activity directly related to the cultivation or harvesting of trees; or any activity directly related to fish farms.
- (3) "Apron" or "base" means the area beneath the bottom molding of the front of a billboard.
- (4) "Back to back" means billboard faces erected on one structure facing in opposite directions.
- (5) "Blank sign" means a sign structure that has no face or has faces without 100 percent advertising cover.
- (6) "Bus bench" or "bench" means a structure built for the dedicated purpose of providing seating for transit riders while waiting for a public transit vehicle. The term does not include benches erected as trail or street furniture unrelated to transit operations.
- (7) "Clear zone" means the total roadside border area, starting at the edge of the traveled way, that is available for an errant driver to stop or regain control of a vehicle. The area might consist of a shoulder, a recoverable slope, or a nonrecoverable, traversable slope with a clear run-out area at its toe.
- (8) "Commercial advertising" means advertising of commercial interests which promotes merchandisers' goods and services and creates a potential financial benefit as a result of the exposure of the business name rather than advocating a social or political cause.
- (9) "Commercial variable message signs (CVMS)" means signs other than electronic billboards which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights,

producing the illusion of movement by means of electrical or electro-mechanical input and/or the characteristics of one or more of the following classifications:

- (a) flashing signs are animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as, more than, or less than the period of no illumination;
 - (b) patterned illusionary movement signs are animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion;
 - (c) environmentally activated signs are animated signs or devices motivated by wind, thermal changes or other natural environmental input, including spinners, pinwheels, pennant strings, reflective disks, rotating slats, glow cubes and/or other devices or displays that respond to naturally occurring external motivation to include light-sensitive devices;
 - (d) mechanically activated signs are animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- (10) "Commercial or industrial zone" is defined at 75-15-103, MCA, and has the additional meaning of those areas established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labeled. The zones are commonly categorized as commercial, industrial, business, manufacturing, highway service or highway business (when these latter are intended for highway-oriented business), retail, trade, warehouse, and similar classifications.
- (11) "Conforming sign" means a sign legally erected and maintained in accordance with federal, state, and local laws.
- (12) "Controlled route" means any route on federal-aid interstate, National Highway System (NHS), or primary system in existence on June 1, 1991.
- (13) "Customary maintenance" means the action necessary to keep a sign in good condition by replacement of parts damaged or worn by age, or painting of areas exposed to the weather.
- (14) "Destroyed sign" means a sign that is no longer in existence due to factors other than vandalism or other criminal or tortious acts.
- (15) "Dilapidated sign" means a sign which is neglected or in disrepair, or which fails to be in the same form as originally constructed, or which fails to perform its intended function of conveying a message. Characteristics of a dilapidated sign include, but are not limited to structural support failure, a sign not supported as originally constructed, panels or borders missing or falling off, or intended messages that cannot be interpreted by the motoring public.
- (16) "Directional sign" means a sign erected for the purpose of identifying publicly or privately owned places that feature natural phenomena or ranch locations; historical, cultural, scientific, religious, or educational opportunities; areas of scenic beauty or outdoor recreation areas; or ranch activities.
- (17) "Discontinued sign" means a sign no longer in existence. A discontinued sign includes a sign of which any part of a sign face is missing for more than 60 days. In some cases, a sign may be both discontinued and dilapidated.

- (18) "Electronic billboard (EBB)" means electronic signs on which messages may be changed on-site or remotely through hard wire or wireless communications and which have the capability to present any amount of text or symbolic imagery. The term includes, but is not limited to, "digital" signs, and "light emitting diode (LED)" signs. The term does not include commercial variable message signs.
- (19) "Facing" means the direction that a panel is exposed to display advertising copy.
- (20) "Height above ground level (HAGL)" means the distance in feet from the ground level to the lowest edge of the bottom molding of the sign display face (panel).
- (21) "Illegal sign" means those signs which are erected or maintained in violation of laws.
- (22) "Illuminated" means outdoor advertising structures with electrical equipment installed for illumination of the message at night.
- (23) "Interchange" is defined at 75-15-103, MCA, and has the additional meaning of a junction of two or more highways by a system of separate levels that permit traffic to pass from one to another without the crossing of traffic streams, and a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.
- (24) "Intersection" is defined at 75-15-103, MCA, and has the additional meaning of a system of two or more interconnecting roadways without a grade separation providing for the exchange of traffic. Only a road, street, or highway which enters directly into the controlled route is regarded as intersecting.
- (25) "Main-traveled way" means the interstate, national highway system, and federal-aid primary highway system on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. The term does not include such facilities as frontage roads, turning roadways, or parking areas.
- (26) "Mobile advertising device" or "car wrap" or "taxi display" means devices displayed on vehicles that may independently become part of traffic flow, or may be parked at specific locations, and which are capable of being transported over public roads and streets whether or not it is so transported. The term includes devices displayed on other portable or movable objects or animals.
- (27) "Multi-face sign" means a sign having more than one face (e.g., doubles, v-type, back-to-back, side-by-side and stacked).
- (28) "Noncommercial sign" means a sign that does not display commercial advertising. The department shall make the determination of a noncommercial sign designation on a case-by-case basis. The term does not include official signs.
- (29) "Nonconforming sign" is defined in 75-15-111, MCA, and also has the meaning of an outdoor advertising sign which was lawfully erected but which does not comply with the provisions of state law or state administrative rules passed at a later date, or which fails to comply with state law or state administrative rules due to changed conditions. The term does not include illegally erected or maintained signs.
- (30) "Obsolete sign" means a sign that identifies or advertises a business or other entity that has relocated or no longer exists, or products or services that are no longer available, or events or activities that occurred in the past.

- (31) "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 and public utility signs authorized by state law and erected by state or local government agencies may be considered official signs.
- (32) "Off-premise sign" means a sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.
- (33) "On-premise sign" means a sign which consists solely of the name of the establishment or which identifies the establishment's principal or accessory products or services offered on the property or advertises the sale or lease of the property on which the sign is located. The sign must be located on the same premises as the establishment, activity, or property advertised.
- (34) "Panel" means a portion of a billboard face.
- (35) "Permit" means a license granted by state or local government that authorizes a sign structure to be erected and maintained at a specific site.
- (36) "Pictograph" means a pictorial representation used to identify a governmental jurisdiction or an area of jurisdiction.
- (37) "Political sign" means a sign which announces, promotes, or advertises the name, program, or political party of any candidate for public office, or an opinion regarding a political issue associated with a candidate or election.
- (38) "Right-of-way" means the area along a highway or arterial street that is under the control of a city, county, or state.
- (39) "Rural area" means any area not defined as an urban area.
- (40) "Shelter" means a structure built for the dedicated purpose of protecting transit riders from the elements while waiting for a public transit vehicle. The term includes structures known as transit shelters or passenger shelters, intended for human occupancy, but does not include a structure erected for housing of buses or other vehicles.
- (41) "Sign face" means the surface of the sign that carries the advertising message and is the portion of the sign visible from a single direction of travel and available for advertising. It includes border and trim, but excludes the base or apron, supports, sign posts, and other structural members. The total area of all sign faces may also be referred to as the "sign area." One sign structure may have more than one face.
- (42) "Sign structure" means the portion of the sign that supports the sign face(s) including the sign posts, base or apron, supports, and other structural members.
- (43) "Spot-zoning" means the labeling of tracts near highway interchanges as "commercial" or "industrial" solely to permit advertising devices.
- (44) "Strip-zoning" means the labeling of any stretch of land adjacent to controlled highways as "commercial" or "industrial" solely to permit advertising devices.
- (45) "Temporary sign" means a sign intended to be displayed for a limited period of time only in conformity with ARM 18.6.240.

- (46) "Transit outdoor advertising permit" or "transit advertising permit" means a special use permit issued by the department for commercial advertising on a transit/passenger shelter or bus bench located within government-owned right-of-way, which qualifies under ARM 18.6.236. A transit outdoor advertising permit is exempt from certain administrative rule requirements in this chapter on qualification, application process, inspection fee, location, size, spacing, intersection distances, and certain sign characteristics, but must meet all requirements on those elements found in ARM 18.6.236.
- (47) "Trim" means the moldings surrounding the face of a sign structure.
- (48) "Unzoned commercial or industrial area" is defined in 75-15-103, MCA, and also has the meaning of an area with no comprehensive zoning, or where a local municipality cannot zone.
- (49) "Urban area" is defined in 75-15-103, MCA, and also has the meaning of areas within the boundaries shown on the department's official urban maps.
- (50) "V-type sign" means a sign structure that consists of multiple sign faces placed at angles to each other, oriented in different directions and not exceeding ten feet apart at their nearest point.

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

Implementing statute(s): 75-15-103, 75-15-111, 75-15-112, 75-15-113, 75-15-121, MCA

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