

Title 27. Transportation

Chapter V. Arkansas Department of Transportation, State Highway

Commission

Subchapter D. Beautification

Part 130. Rules for Control of Outdoor Advertising on Arkansas Highways

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Est. 1/10/2007"

Subpart 1. Generally

27 CAR § 130-101. Definitions.

As used in this part:

(1) "Agreement" means the agreement between the State Highway Commission and the United States Secretary of Transportation executed on January 24, 1972, pursuant to Article I of the Arkansas Highway Beautification Act, Acts 1967, No. 640, of the General Assembly, which agreement established standards and criteria for size, lighting, and spacing of signs permitted in zoned or unzoned commercial and industrial areas within six hundred sixty feet (660') of interstate or primary highways in Arkansas*, and which defined unzoned and commercial and industrial areas;

(2)(A) "Comprehensive zoning" means a zoning plan established by state or local law, rule, or ordinance, which includes rules consistent with customary use and the provisions of the agreement controlling the erection and maintenance of signs in the zoned areas.

(B) Except that, any area determined by the Arkansas Department of Transportation to be included in the area of such a zoning plan solely for the purpose of allowing outdoor advertising does not come within this definition;

(3) "Conforming outdoor advertising device" means a device which is in

conformity with the requirements of the Arkansas Highway Beautification Act, Acts 1967, No. 640;

(4) "Customary maintenance or repair". The following activities are considered to fall within the meaning of customary maintenance or repair and copy change:

(A)(i) The routine replacing of border and trim as well as repair of structural members and replacing of structural members destroyed by an outside force other than normal deterioration.

(ii) Re-erection of a device rendered unfunctional within the definition of "device" herein is specifically prohibited as customary maintenance except as provided in 27 CAR § 130-103(c).

(iii) The raising or lowering of the height of a sign structure as a result of any repair is specifically prohibited;

(B) Slight temporary alterations of some of the outside dimensions of painted bulletin boards incidental to copy change, which do not substantially increase the overall dimensions of the advertising copy portion of the device;

(C)(i) Any net decrease in the outside dimensions of the advertising copy portion of the device will be permitted.

(ii) Any subsequent change in the outside dimensions of the panel will be permitted so long as it does not exceed the actual dimensions the state and owner's records indicate existed when the device was permitted.

(iii) In no case, however, will legal size limitations be exceeded; and

(D) The placing of nighttime illumination on existing sign structures is specifically prohibited as customary maintenance, except in such cases where the sign owner will sign a waiver of any future compensation as applies to illumination, however, such illumination may be permanently removed from such sign structure;

(5) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a device or sign or sign structure as defined by the agreement but excluding customary maintenance or repair and the activities incidental to the change of advertising messages on established devices or sign structures;

(6) "Illegal outdoor advertising device" means a device erected and/or maintained in violation of the law;

(7) "Manual" means the pamphlet published by the State Highway Commission setting out and exemplifying the requirements of the agreement entitled Regulations for Control of Outdoor Advertising, authorized by Commission Minute Order 72-6, dated January 26, 1972;

(8) "National standards" means those standards promulgated by the United States Secretary of Transportation and published in 23 C.F.R. 21 setting standards for regulation of state of directional and other official signs adjacent to the National System of Interstate and Defense Highways;

(9) "Nonconforming outdoor advertising device" means a device which does not conform to the requirements of the Arkansas Highway Beautification Act, Acts 1967, No. 640;

(10) "Outdoor advertising device" means any outdoor sign, display, figures, painting, drawing, message, plaque, poster, billboard, or other thing, hereinafter referred to as "device", which is designated, intended, or used to advertise, any part of the advertising of which is visible from any place on the main traveled way of the interstate or primary highways;

(11) "Sign" means an outdoor display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designated, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the interstate or federal-aid primary highway; and

(12)(A) "Tri-Vision sign" means a single-faced sign having a series of three-sided, vertical slats arranged side by side which are rotated in the same direction, simultaneously, by an electric-mechanical process displaying a total of three (3) separate and distinct messages, one (1) message at a time.

(B) Tri-Vision signs are approved by permit prior to installation and are subject to the following:

(i) The slat twirl time shall be two (2) seconds or less;

- (ii) The slat dwell time shall be eight (8) seconds or more;
- (iii) Tri-Vision signs shall contain a default design that will freeze the sign in one (1) position if a malfunction occurs; and
- (iv) Tri-Vision signs shall comply with all other requirements of federal and state highway beautification laws, rules, and regulations.

Authority. Arkansas Code § 27-74-203.

27 CAR § 130-102. Devices near right-of-way.

(a) On or after October 1, 1972, any existing device within six hundred sixty feet (660)* of the nearest right-of-way limit of any interstate or primary highway must have a permit issued by the Arkansas Department of Transportation evidenced by a permit marker affixed to a post or member supporting the device.

(b) Permits shall not be required for signs exempt under 27 CAR § 130-106.

Authority. Arkansas Code § 27-74-203.

27 CAR § 130-103. Permits.

(a) Permits shall be issued in two (2) classes, as follows:

(1)(A) Class A permits are issued for conforming devices and for any alteration thereof which is not customary maintenance.

(B) Class A permits are granted upon condition that the permitted device will be removed at the owner's expense should its location either now or at any future date violate any provisions of the Arkansas Highway Beautification Act, Acts 1967, No. 640, of the General Assembly, or rules promulgated pursuant thereto.

(C) Nothing in this part is intended to require the removal of signs at the owner's expense for which the Arkansas Highway Beautification Act, provides that just compensation be paid; and

(2)(A) Class B permits are issued for the maintenance of existing nonconforming devices until they are required to be removed under the provisions of

the Arkansas Highway Beautification Act, Acts 1967, No. 640, § 7.

(B) Issuance of a permit for an existing nonconforming device shall not be considered to be a determination of the eligibility and entitlement or noneligibility of the device for compensation if the device is later required by law to be removed.

(b) Devices for which a permit has been issued are subject to customary maintenance or repair as defined herein, but re-erection of a device rendered unfunctional is specifically prohibited on any nonconforming device erected after the effective date of the Arkansas Highway Beautification Act.

(c) New permits will be issued to re-erect conforming devices rendered unfunctional and to re-erect those nonconforming devices rendered unfunctional which were erected prior to the effective date of the Arkansas Highway Beautification Act, or those in existence along secondary highways added to the primary system.

Authority. Arkansas Code § 27-74-203.

27 CAR § 130-104. Permit applications.

(a) Permit applications may be obtained from the:

Right-of-Way Division, Beautification Section
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, Arkansas 72203

(b) Completed applications for signs in legal zones should be submitted to the:

Right-of-Way Division, Beautification Section
Arkansas Department of Transportation
P.O. Box 2261
Little Rock, Arkansas 72203

(c)(1) Applications must include a forty-dollar fee for each sign.

(2) Check or money order, no cash.

(d)(1) Separate checks shall be sent for each application.

(2) Upon application for a permit, the sign owner must arrange with the State Inspector to show the exact location for the proposed device.

(3) This must be accomplished by either an on-site visit by the sign owner's representative or by an easily visible stake or marker.

(4) Information will be reviewed and a permit will be issued for signs that comply with all rules.

(e)(1) If signs do not comply, fees will be returned with a brief explanation concerning the reason for permit refusal.

(2) At the time of application for a permit for a device to be erected, the erector shall arrange with the State Inspector for an inspection of the actual site of the device in accordance with the provisions of the manual.

(3) If the inspector determines that the location and the device proposed to be erected are conforming, a Class A permit will be issued for the erection of the device.

(4) After issuance of the permit and notification by the erector, the inspector will reinspect the erected device, and if it complies with all rules as set out in the manual, a permit marker will be affixed to the device.

(f) If the application for a permit is for an existing device, the inspector will in like manner inspect the device and site, and if the location is determined to be conforming and if the device complies with all rules as set out in the manual, a Class A permit will be issued and a permit marker will be affixed to the device.

(g) If the location of the existing device is determined to be nonconforming or if it does not comply with all rules set out in the manual, a Class B permit will be issued and a permit marker will be affixed to the device permitting its existence until it is required by law to be removed.

(h)(1) After one hundred twenty (120) days from issuance of permit, the State Inspector will review the device, and if it complies with all rules, affix a permit decal to the structure.

(2) If a device has not been erected within one hundred twenty (120) days from the issuance of the permit, the permit will no longer be valid.

(i)(1) Signs without a permit decal are not valid.

(2) Permit markers for Class A permits and Class B permits will be of different colors.

(j)(1) Class A permits will expire on December 31 of odd number years (2007, 2009, 2011, etc.).

(2) Class B permits will expire on December 31 of even numbered years (2006, 2008, 2010, etc.).

(3) Renewal applications must be received by the Arkansas Department of Transportation, Beautification Section, by December 31 of such years.

(4) The renewal fee for a Class A outdoor advertising permit shall be twenty dollars (\$20.00).

(5) The renewal fee for a Class B permit shall be thirty dollars (\$30.00).

(k) By December 1 of such year, a notice of renewal will be sent to the permit owner.

(l) Commencing December, 2006, and each year thereafter, if the renewal application and fee are not received from the permit owner by December 31, a second renewal notice will be sent to the permit owner granting until January 31 to renew the permit.

(m)(1) If the renewal application and fee are not received from the permit owner by January 31, a third renewal notice will be sent by certified mail stating that the permit has expired and a renewal application and fee must be received by the department by the thirtieth day after January 31.

(2) Weekends and holidays shall be included when calculating the thirty-day period.

(n) If the renewal application and fee are not received from the permit owner by the thirtieth day after January 31, then the sign must be removed.

(o) It shall be the responsibility of the permit owner, and not the department, to provide the appropriate mailing address for renewal notification.

Authority. Arkansas Code §§ 27-65-107, 27-74-203.

27 CAR § 130-105. Revocation.

(a) The following actions and conditions shall be cause for revocation of a permit:

(1) Violation of the laws of the State of Arkansas or this part in the erection or maintenance of a device in the event the sign cannot be maintained in conformity with the law;

(2) Failure to maintain the device in a state of good repair after reasonable notice to the owner that the device is in a state of disrepair;

(3) Fraud or misrepresentation in the application for a permit.

(b) The owner of the device will be notified of the pending revocation and given a reasonable time to correct the deficiency.

(c) If said deficiency is not then corrected, the device will be removed as an illegal sign.

Authority. Arkansas Code § 27-74-203.

27 CAR § 130-106. Exemptions.

Permits shall not be required for the following signs and devices which are erected in conformance with this part hereinafter set out:

(1) Signs or devices in areas with comprehensive zoning;

(2)(A) On-premise devices.

(B) Devices advertising the sale or lease of property on which they are located.

(C) Devices advertising activities conducted on the property on which they are located.

(D) Property on which advertising activities are conducted means the land occupied by the regularly used building, parking lot, and storage or processing area of a commercial, business, or industrial activity; and

(3)(A) Directional and other official signs.

(B) Signs erected by or for public officials in the discharge of their duties, such as zoning changes, historical markers, public utility signs, etc.

(C)(i) Service club signs providing information about meetings of Rotary, Kiwanis, or other service clubs, and church signs.

(ii) These signs must not exceed eight square feet (8 ft²) in size.

(D) Public service signs on school bus shelters shall not exceed thirty-two square feet (32 ft²) in area and the message shall conform to national standards for message content.

(E)(i) Directional signs.

(ii) Signs containing directional information about:

(a) Public places owned or operated by federal, state, or local governments or their agencies;

(b) Public or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and

(c) Areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(iii) National standard categories for directional signs:

(a) **General.** The following are prohibited:

(1) Signs advertising illegal activities;

(2) Signs which are traffic hazards;

(3) Signs erected on trees or painted on rocks or other natural features;

(4) Obsolete signs or signs in disrepair; and

(5) Signs which move;

(b) **Size.** Shall not exceed one hundred fifty square feet (150 ft²) in area, twenty feet (20') maximum length, including border and trim but excluding supports;

(c) **Lighting.** Signs with flashing or moving lights, overly bright or intense lights, and lights which would interfere with safe traffic movement are

prohibited;

(d)(1) **Spacing.** Signs shall not be placed within:

(A) Two thousand feet (2,000') of an:

(i) Interchange;

(ii) Rest area;

(iii) Park lane; or

(iv) Scenic area; or

(B) One (1) mile of another directional sign facing the same travel direction.

(2) Only three (3) signs pertaining to the same activity may be erected facing the same direction of travel on a single route approaching the activity, and signs must be within seventy-five (75) air miles of the activity if the sign is adjacent to an interstate highway, or fifty (50) air miles if on a primary highway;

(e) **Message content.** Must be limited to identification of activity without descriptive words or phrases or pictorial representations; and

(f)(1) **Selection criteria.** Privately owned attractions or activities must be nationally or regionally known and listed with the Arkansas Historical Association or the Department of Parks, Heritage, and Tourism shall be accepted as evidence of such recognition.

(2) The fact that an attraction or activity is not listed will be conclusive evidence that it is not nationally or regionally known.

Authority. Arkansas Code § 27-74-203.

Codification Notes. This section as promulgated prior to codification into the Code of Arkansas Rules provided the following at the end of the section: “*Superceded by Act 999 of 1975, See page 27.”

27 CAR § 130-107. Electronic message devices.

(a) Definitions. As used in this section:

(1) "Blinking" means any form of flashing where a pattern of sudden illumination changes occurs, excluding the transition of electronic messages;

(2) "Dissolve" means a mode of message transition on an electronic message device accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message;

(3) "Electronic message device (EMD)" means a sign with the capability of displaying words, symbols, figures, or images controlled by electronic communications;

(4) "Fade" means a mode of message transition on an electronic message device accomplished by varying the light intensity or pattern, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility;

(5) "Flashing" means any pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully nonilluminated, excluding the transition of electronic messages;

(6) "Intermittent" means any pattern of changing light intensity, other than that achieved with fade, dissolve, or instantaneous transitions, or the temporary suspension of illumination;

(7) "Malfunction" means any interruption in the normal display on the electronic message device that results in blinking, flashing, intermittent, or moving light display of lighting, and any other abnormal function of the sign that would cause distraction to motorists; and

(8) "Moving light" means the physical change in position of any visible illumination source while lighted or the simulation of movement achieved with a pattern of sequentially illuminating visible illumination sources within close proximity of each other.

(b) All structures that display electronic messages shall be subject to the provisions found in this section and must be approved by permit prior to installation.

(c) For permitted structures containing an EMD, only one (1) EMD shall be allowed per facing, and the EMD shall be the only sign allowed on that facing.

(d) Electronic message changes must be accomplished within an interval of two (2) seconds or less.

(e) The message or image on an EMD must remain static for a minimum of eight (8) seconds or more.

(f)(1) EMDs shall contain a default design that will freeze the sign in one (1) position if a malfunction occurs.

(2) The Arkansas Department of Transportation shall be provided with an on-call contact person and telephone number for every permitted EMD.

(3) In the event of malfunction, the contact person must have the ability and authority to make modifications to the displays and lighting levels should the need arise.

(4) If modifications cannot be made to correct the malfunction within a timely manner, then the EMD should be disabled until the modifications are made.

(5) It shall be the responsibility of the permittee to maintain accurate and current contact information.

(g) Signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, including animated parts or scrolling messages or images, are prohibited, with the exception of those giving public service information such as time, date, temperature, and weather, and/or similar information as approved by the department.

(h) There shall be no appearance of a visual dissolve or fading in which any part of one (1) electronic message/display appears simultaneously with any part of a following electronic message/display.

(i)(1) Should the department, in its discretion, find the EMD sign, or any display or effect thereon, to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interferes with the operation of a motor vehicle, the owner of the sign shall, within twenty-four (24) hours after notification by the department, reduce the intensity of the sign to an acceptable level.

(2) Failure to reduce lighting intensity on request may be cause for revocation of the permit.

(j) A sign owner may modify existing, legal, conforming structures to an EMD only after filing an application and receiving approval by the department.

(k) Signs containing EMDs shall not be located closer than one thousand five hundred (1,500) linear feet along interstate highways and one thousand (1,000) linear feet along noninterstate state highways of another EMD when viewed from the same direction of the traveled way.

(l) EMDs shall comply with all other requirements of federal and state outdoor advertising rules and regulations.

(m) Failure to adhere to any of these provisions may result in the revocation of the EMD portion of the permit following due process including notice to comply.

Authority. Arkansas Code § 27-74-203.

Appendix A. Regulations for Control of Outdoor Advertising on Arkansas Highways

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/227/27CARpt.130Appendix.pdf>