

5501:2-2-01

**Definitions.**

For the purpose of this rule, the following terms shall have the meanings given them in section 5516.01 of the Revised Code: "advertising device", "visible", "interstate system", "erect", "maintain", "national policy", "primary system", "zoned commercial or industrial areas", "unzoned commercial or industrial area", "commercial or industrial activities", "directional and official signs and notices", "nonconforming advertising device", "scenic byway", "director", and "commercial or industrial zone".

- (A) "Abandoned or discontinued advertising device" means any permitted advertising device which has ceased to display advertising copy displays obsolete advertising copy or needs substantial repairs of more than seventy per cent of its replacement value for more than one year. An advertising device shall be considered to be abandoned or discontinued if neither the sign owner nor the landowner claim any responsibility for the advertising device.
- (B) "Advertising copy" means any words, symbols, pictures, display or trade name which is intended to invite or draw the attention of the public to any goods, merchandise, property, business, services, entertainment, amusement or other commercial activity.
- (C) "Advertising device" shall have the same meaning given in section 5516.01 of the Revised Code. All advertising devices shall be affixed to a structure. Such structures may include, but are not limited to, one of the following forms:
- (1) "Single face" means one sign face, facing one direction of travel at a single location.
  - (2) "Back to back" means two sign faces, attached on each side of the structure and facing opposite directions of travel at a single location.
  - (3) "V-type" means sign faces, facing opposite directions of travel at a single location oriented at an angle to each other, the nearest points of which are not more than four and six tenth meters or fifteen feet apart.
  - (4) "Tri-face" means three sign faces at one location with no more than two sign faces facing one direction of travel, and one sign face facing the opposite direction of travel.
  - (5) "Double face, one way" means two sign faces stacked on the same supporting structure, facing one direction of travel, or two sign faces on two structures immediately adjacent to one another facing one direction of travel at a single location.

- (6) "Double face, back to back" means four sign faces at one location with no more than two faces either stacked on the same supporting structure or on two structures, facing opposite directions of travel.
- (D) "Bonafide comprehensive zoning plan" means a general plan to control and direct the use and development of property in a municipality or in a large part thereof by dividing it into districts according to the present and potential use of the properties.
- (E) "Business activity" means the essential and customary facilities such as buildings, parking lots, storage or processing areas regularly used to conduct the business, and does not include driveways, fences, or structures placed for the purpose of qualifying a site for signage.
- (F) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway or the centerline of the main-traveled way of a non-divided highway.
- (G) "Contiguous property" means any configuration of adjoining land that is owned or leased by the identical business owner and/or lessee, and is required to support the business activity.
- (H) "Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned non-profit natural wonders accredited by the Ohio department of natural resources or non-profit historic attractions accredited by the Ohio historical society.
- (I) "Entrance roadway" means any public road or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of the interstate system as defined by division (C) of section 5516.01 of the Revised Code or system as defined by division (G) of section 5516.01 of the Revised Code from the general road system within a state. This definition applies whether or not traffic may also enter the main-traveled way by such road or turning roadway.
- (J) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of the interstate system as defined by division (C) of section 5516.01 of the Revised Code or primary system as defined by division (G) of section 5516.01 of the Revised Code to reach the general road system within a state. This definition applies whether or not traffic may also enter the main-traveled way by such road or turning roadway.
- (K) "Freeway" means a divided multi-lane highway for through traffic with all crossroads

separated in grade and with full control of access.

- (L) "Illegal sign" means an advertising device which was erected or is maintained in violation of federal, state, or local law or ordinance.
- (M) "Immediately adjacent" means bordering one another no farther apart at their nearest point than four and six tenth meters or fifteen feet.
- (N) "Interchange" means both 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.
- (O) "Last permit holder" includes, but is not limited to, the most recent holder of the advertising device permit; a business, cooperative, corporation, enterprise, joint venture, limited liability company, partnership, sole proprietorship or subsidiary, the viability of which is dependent on its relationship with the most recent holder of the advertising device permit; or any person or entity which is closely related to, or closely connected with, the most recent holder of the advertising device permit.
- (P) "Lease" means an agreement, oral or in writing, by which possession or use of land or interests therein is given for a specified purpose, which is a valid contract under the laws of the state, and which grants an interest in the real estate for a specific time period.
- (Q) "Main-traveled way" means the traveled way of a highway on which through traffic is carried.
- (R) "Multiple message advertising device" means an advertising device whose whole sign face changes by rotating vertical slats or other electronic process or remote control.
- (S) "Normal maintenance (nonconforming devices)" means that which is customary to keep a sign in ordinary repair, upkeep or refurbishing. Repairs will be allowed for acts of God, vandalism, or other criminal or tortious acts.
- (T) "Obsolete advertising device" means a device which displays advertising copy pertaining to activities which are no longer in use for over one year.
- (U) "Off-premise advertising device" means an outdoor advertising device which advertises an activity, service or product located on property other than property at

which such activity or service occurs or which product is sold or manufactured, or an advertising device erected by a company or individual for the purpose of selling advertising messages for profit.

- (V) "Official sign" means an outdoor advertising device 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 purpose of carrying out an official duty or responsibility.
- (W) "On-premise advertising device" means an advertising device located at the same site as the activity or property advertised, and has as its purpose the identification of the activity, its products or services, or the sale or lease of the property on which the sign is located, rather than the purpose of general advertising. It must meet the requirements of divisions (B) and (C) of section 5516.02, divisions (B) and (C) of section 5516.06, and divisions (B) and (C) of section 5516.061 of the Revised Code and must be located upon property either owned or leased and used by the advertised business or profession for the purpose of conducting the business activity.
- (X) "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge, or historic site.
- (Y) "Proposed interchange" means an interchange or access point contained in the department's final alignment.
- (Z) "Public service signs" includes, but is not limited to, time and temperature signs and signs located on school bus stop shelters.
- (AA) "Public utility signs" means warning signs, informational signs, notices, or markers which are erected and maintained by publicly or privately owned public utilities, as essential to their operations.
- (BB) "Re-erect" means the placing of any device in a vertical position subsequent to its initial erection.
- (CC) "Remove" means the complete disassembly of the device including all component parts, except if removal would result in substantial structural damage to a building. All electrical service shall be disconnected, if any, and there shall be a complete removal of wires, conduit and supporting structures including the removal from the property of all disassembled elements of the advertising device and its supporting structure.

- (DD) "Safety rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.
- (EE) "Scenic area" means any public park or area of particular scenic beauty or historical significance designated by the director of transportation or constituted local authority.
- (FF) "Service club and religious notice" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs, charitable associations, or religious services.
- (GG) "Trade name" means any brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.
- (HH) "Traveled way" means the portion of a roadway for the movement of vehicles including ramps and turning roadways but exclusive of shoulders.
- (II) "Turning roadway" means a connecting roadway for traffic turning between two intersecting legs of an interchange.
- (JJ) "Variable message advertising device" means one whose message is partially changed by electronic process or remote control, including, but not limited to, rotating cubes, rotating vertical triangular slats, messages changed by turning lights on and off, remote numeric displays, scrolling messages, glow cubes, light emitting diodes, cathode ray tubes and florescent discharge or other similar technology approved by the director. Furthermore, digit(s) changed infrequently is/are not to be considered moving, flashing, or intermittent lights or moving parts and will be deemed a change of copy only.

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CERTIFIED ELECTRONICALLY

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Certification

03/19/2010

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Date

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|------------------------|----------------------|
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