

No. 161

AN ACT

HB 504

Amending the act of December 15, 1971 (P.L.596, No.160), entitled "An act providing for the control and regulation of outdoor advertising adjacent to the interstate and primary highway systems within this Commonwealth; providing for administration by the Department of Transportation to comply with Federal requirements as a condition to the receipt of highway funds; fixing penalties and making appropriations," further regulating outdoor advertising, making certain exemptions to permits, increasing fees, and further providing for tags in connection with permits.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4, subsection (a) of section 5 and section 7, act of December 15, 1971 (P.L.596, No.160), known as the "Outdoor Advertising Control Act of 1971," are amended to read:

Section 4. Control of Outdoor Advertising.—To effectively control outdoor advertising, while recognizing it to be a legitimate commercial use of property and an integral part of the business and marketing function, no outdoor advertising device shall be erected or maintained: (1) within six hundred sixty feet of the nearest edge of the right-of-way if any part of the advertising or informative contents is visible from the main-traveled way of an interstate or primary highway, except:

[(1) **Directional and other official**] (i) **Official** signs and notices which are required or authorized by law and which shall conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to section 131 of Title 23, United States Code.

[(2)] (ii) Outdoor advertising devices advertising the sale or lease of the real property upon which they are located.

[(3)] (iii) Outdoor advertising devices advertising activities conducted on the property on which they are located.

[(4)] (iv) Outdoor advertising devices in zoned or unzoned commercial or industrial areas along those portions of the interstate system constructed on right-of-way, any part of the width of which was acquired on or before July 1, 1956.

[(5)] (v) Outdoor advertising devices in areas zoned commercial or industrial along the interstate system and lying within the boundaries of any incorporated municipality as such boundaries existed on September 21, 1959, and devices located in any other area which, as of September 21, 1959, was clearly established by law as industrial or commercial.

[(6)] (vi) Outdoor advertising devices in zoned or unzoned commercial or industrial areas along the primary system.

[(7)] (vii) Outdoor advertising devices in the specific interest of the traveling public which are authorized to be erected or maintained by the secretary and which are designed to give information in the interest of the traveling public.

[(8) Any other outdoor advertising devices permitted or authorized along the interstate system by the official agreement executed June 23, 1961, between the Commonwealth and the Federal Government; provided such outdoor advertising devices do not violate the provisions of Title 23, U.S. Code, "Highways."]

(viii) Directional signs, including but not limited to, signs pertaining to natural wonders, scenic and historical attractions, and other points of interest to the traveling public which shall conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to section 131 of Title 23, United States Code.

(ix) Any other outdoor advertising devices permitted or authorized along the interstate system by the official agreement executed June 23, 1961, between the Commonwealth and the Federal Government; provided such outdoor advertising devices do not violate the provisions of Title 23, United States Code, "Highways"; or

(2) More than six hundred sixty feet from the nearest edge of such a right-of-way and visible aforesaid, if located outside of urban areas and erected with the purpose of its message being read from such a main-traveled way, except:

(i) Official signs and notices which are required or authorized by law and which shall conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to section 131 of Title 23, United States Code.

(ii) Outdoor advertising devices advertising the sale or lease of the real property upon which they are located.

(iii) Outdoor advertising devices advertising activities conducted on the property on which they are located.

(iv) Directional signs, including but not limited to, signs pertaining to natural wonders, scenic and historical attractions, and other points of interest to the traveling public which shall conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to section 131 of Title 23, United States Code.

Section 5. Control Criteria for Size, Spacing and Lighting.—(a) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this act and with customary use in this Commonwealth, the secretary shall strictly adhere to the criteria prescribed by this section in promulgating regulations to effectively control those signs, displays and devices provided for under clause (1) (iv) through (vi) of section 4 of this act and erected subsequent to the effective date of this act: Provided, however, That such regulations shall not apply to outdoor advertising devices

erected within six months after the effective date of this act under a lease dated prior to the effective date of this act and filed with the department and recorded in the recorder's office of the county in which the device would be located within thirty days following the effective date of this act: And, provided further, That should any outdoor advertising device excluded from such regulations fall into such state of disrepair that it becomes necessary to rebuild or repair a major portion of the physical structure of such outdoor advertising device, then, in such event, such outdoor advertising device, if rebuilt or repaired, shall thereafter conform to such regulations at no cost to the Commonwealth. *Exception may be made for signs destroyed due to vandalism or other tortious acts.*

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Section 7. Permits.—An annual permit shall be required for each outdoor advertising device regulated by this act and located outside the limits of those incorporated municipalities that have legally established and operating procedures for issuing permits for such outdoor advertising devices which have been certified by the secretary as conforming to the provisions of subsection (d) of section 5 of this act. The fee for each such permit shall be **[five dollars (\$5)] ten dollars (\$10)** if the sign area does not exceed three hundred square feet; **[ten dollars (\$10)] twenty dollars (\$20)** if the sign area exceeds three hundred square feet but does not exceed six hundred square feet; and **[fifteen dollars (\$15)] thirty dollars (\$30)** if the sign area exceeds six hundred square feet: *Provided, however, That no fee shall be payable by service clubs or religious organizations.* A tag indicating that a permit has been duly issued shall be *provided by the department and* affixed to the device or structure by the **[department] sign owner except in the case of a free permit where the device or structure is not owned by the service club or religious organization, the permit shall be affixed thereto by the service club or religious organization.**

Section 2. This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1975.

MILTON J. SHAPP