

Nonconforming Signs



Nonconforming Signs Survey

- ▶ James L. Brown, Outdoor Advertising Manager
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Nonconforming Signs Survey

23 CFR 750.707.d.(5)...Each state shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.



Nonconforming Signs Survey

State	Definition of customary maintenance or maintenance	If yes, defined in Statute or Regulation	Defined beyond maintaining the sign condition as to the date of NC status	If no, explain.
Alabama	Yes	Regulation	Yes	
Alaska	NA			
Arizona	Yes	Regulation	No	I need clarification, I'm not sure if I'm going to answer this question correctly since I'm unsure of what you're asking.
Arkansas	Yes	Regulation	Yes	Replacement of poles, increasing height or ad copy size, adding lights or relocation all exceed customary maintenance.
California				
Colorado	Yes	Regulation	Yes	
Connecticut				
Delaware	Yes	Regulation	No	Allows replacement of parts worn by age and allows painting of weather exposed parts, but does not allow repair of signs over 50% damages, or those that are 50% (or less) that would increase the size or monetary value of the sign.
District of Columbia				
Florida	Yes	Regulation	No	Regulations state that a sign must remain substantially the same as it was on the date it became nonconforming but does allow for routine maintenance (maintaining no more than 50% of the structure in a 24 month period).
Georgia	Yes	Regulation	Yes	
Hawaii	NA			



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State	Definition of customary maintenance or maintenance	If yes, defined in Statute or Regulation	Defined beyond maintaining the sign condition as to the date of NC status	If no, explain.
Idaho	Yes	Regulation	No	Customary Maintenance: Repainting the structure, trim, or sign face, changing poster paper, replacing existing electrical components after failure and replacing damaged structural parts. It does not include the installation of a new sign face or the initial installation of lighting. Substantial replacement begins when repair and other costs exceed fifty percent (50%) of the sign's reproduction cost.
Illinois	Yes	Statute	Yes	
Indiana				
Iowa	Yes	Statute	Yes	
Kansas				
Kentucky	Yes	Regulation	Yes	
Louisiana				
Maine	NA			
Maryland	No		No	We do not have detailed regulations dealing with nonconforming signs at this time.
Massachusetts	Yes	Regulation	No	Ordinary/Customary Maintenance: any maintenance which does not prolong the useful life of the sign. Ordinary/Customary maintenance includes, but is not limited to, changing the message on the sign, painting fixtures and routine electrical repairs. Safety improvements may be allowed with the prior approval of the Director.
Michigan	Yes	Statute	No	Maintained is defined as: to allow to exist and includes the periodic changing of advertising messages, customary maintenance and repair of signs and sign structures.
Minnesota				
Mississippi	Yes	Regulation	Yes	
Missouri	Yes	Regulation	Yes	
Montana	Yes	Regulation	Yes	
Nebraska	Yes	Regulation	Yes	I'm not sure I understand what you are asking. In the rules and regs, our maintenance definition lists 15 items stating what constitutes a substantial change and not maintenance.
Nevada				
New Hampshire	Yes	Regulation	Yes	



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State	Definition of customary maintenance or maintenance	If yes, defined in Statute or Regulation	Defined beyond maintaining the sign condition as to the date of NC status	If no, explain.
New Jersey	Yes	Regulation	Yes	
New Mexico				
New York	Yes	Statute	Yes	
North Carolina				
North Dakota				
Ohio				
Oklahoma	Yes	Regulation	Yes	
Oregon	Yes	Statute	Yes	Maintain includes painting, changing messages on display surfaces, adding or removing a cutout or display surface of the same dimensions, replacing light or the catwalk, making routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and allowing the sign to exist.
Pennsylvania	Yes	Regulation	Yes	
Rhode Island				
South Carolina	Yes	Statute	Yes	
South Dakota	Yes	Statute	No	Date of nonconforming status is not taken into account.
Tennessee	Yes	Regulation	Yes	(Nonconforming)- replacement of sign face and stringers in like materials, and the replacement in like materials of up to 50% of the device's poles, posts or other support structures; provided that the replacement of any poles, posts or other support structures is limited to one time within a 24 month period.
Texas				



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State	Definition of customary maintenance or maintenance	If yes, defined in Statute or Regulation	Defined beyond maintaining the sign condition as to the date of NC status	If no, explain.
Utah	Yes	Statute	No	If I understand this question correctly Utah's maintenance definition does not expressly specify one way or the other relative to this question. It does, however, share common terminology with the definition for "Remodel" (e.g., refurbish), which places little day light between the two definitions and effectively blurs the line in terms of where one might start and the other ends. 72-7-502(11) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of God. 72-7-502(25) "Remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this part and that is located in a commercial or industrial area. Regardless of subjective interpretation as to how close (or how far apart) these two definitions might be it would be much clearer if overlapping descriptive terminology was intentionally avoided in the statutory language development process. This is especially important if the intent is to develop distinct and differentiated meanings between the two terms. It would also seem to lead down a path of needing to further define "refurbish," but the statute is silent on that. "In a state suitable for use," is also a bit of a poster child for interpretative meaning conflict.
Vermont	NA			
Virginia				
Washington				
West Virginia				
Wisconsin				
Wyoming	Yes	Statute	Yes	



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23CFR 750.707.d. (6) the sign May continue as long as it is not destroyed, abandoned, or discontinued. If permitted by State law and re-erected in kind, exception may be made for signs destroyed due to vandalism and other criminal or tortious acts. (i) Each state shall develop criteria to define destruction, abandonment and discontinuance.....



Nonconforming Signs Survey

State	Definition for destroyed	If yes, is it based on % of cost to repair	If no, explain	Allow signs damaged or down by national disaster to be repaired or re-erected	Definition for abandoned or discontinued	If yes, is it based on established period of time without new sign content	If no explain	Allow signs impacted by hwy project to be re-erected / relocated as non-conforming	If yes, explain
Alabama	Yes	Yes		No	Yes	Yes		No	
Alaska	NA								
Arizona	No		Working on it.	Yes	Yes	No	The rules were written with a definition, but the definition does not establish a time period. We're in the process of updating the rule.	Yes	They can be re-erected or relocated, but we do not consider them non-conforming. Since we are displacing them, we generally buy the sign or we may reach an agreement with them to have the sign moved to another location at our expense (possibly). It depends on the situation.
Arkansas	Yes	No	Ours is based on the number of supporting poles and sign face. If 51% of the structure is destroyed, the sign cannot be rebuilt.	No	Yes	Yes	Abandonment is 1) failure to renew the permit or 2) failure to have an ad for 1 year or more.	No	
California									



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Colorado	No	Yes		No	Yes	Yes		Yes	Only on the same property.
Connecticut									
Delaware	Yes	Yes		Yes	Yes	Yes		No	
District of Columbia									
Florida	Yes	No	% of structure destroyed based on structure supports.	No	Yes	Yes		Yes	
Georgia	Yes	Yes		No	Yes	Yes		Yes	Georgia permits to the location, so a nonconforming sign may be relocated further away from the highway at the same mile point and as is sign conditions.
Hawaii	NA								
Idaho	No			Yes	No			No	



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Illinois	No	No	Our definition is based on percentage of uprights damaged and is defined in our definition of erect: "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish; but does not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure. For the purposes of this definition, the following shall not constitute normal maintenance or repair of a sign or sign structure: replacing more than 60% of the uprights, in whole or in part, of a wooden sign structure; replacing more than 30% of the length above ground of each broken, bent, or twisted support of a metal sign structure; raising the height above ground of a sign or sign structure; making a sign bigger; adding lighting; or similar activities that substantially change a	No	Yes	Yes		No	All signs can be relocated to a valid location but a new permit must be approved for the new location.



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Indiana									
Iowa	No		We define "reconstruction". You cannot reconstruct a sign without a new permit, and the review for the permit is conducted as if it's a new location, so obviously in a nonconforming area, we are accomplishing the same thing as if we had a definition of destroyed. Reconstruction is any repair cost that exceeds 60% of the replacement cost of the sign.	No	Yes	No	We do have a "blank sign" policy that allows copy to be placed within 180 days, before cancellation is triggered.	No	
Kansas									
Kentucky	Yes	No	Means damage to a device in excess of 50%.	No	Yes	Yes		No	
Louisiana									
Maine	NA								
Maryland	No			Yes	No			No	
Massachusetts	No	No		Yes	Yes	Yes		No	Depends as to whether or not they are conforming or nonconforming.
Michigan	No			No	Yes	No	Our statute only has a definition of abandoned, which does not contain any language on the period of time without content.	No	
Minnesota	No	No	Our statutes are silent on this.	No	Yes	Yes		No	
Mississippi	Yes	Yes		Yes	Yes	Yes		No	



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Missouri	Yes	No	Based on % of damage to structure.	No	Yes	Yes		No	
Montana	Yes	Yes		No	Yes	Yes		No	
Nebraska	Yes	Yes		Yes	Yes	Yes		No	
Nevada									
New Hampshire	Yes	No	Complete nonexistence	No	Yes	Yes		No	
New Jersey	Yes	No	Destruction is defined as the structure is destroyed or has failed to the extent that it no longer supports the sign face as intended.	No	Yes	Yes		No	
New Mexico									
New York	Yes	Yes		No	Yes	Yes		No	
North Carolina	Yes	No	It has to be destroyed more than 50% of a combination of the poles and face if the poles are wooden and 80% poles and 20% face for monopoles or steel poles.	Yes	Yes	Yes		No	
North Dakota									
Ohio									
Oklahoma	Yes	No	Based on the percentage of structure.	Yes- only when damage does not exceed 50% of the structure.	Yes	Yes		No	



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Oregon	No		We defer to the Federal CFR.	No	Yes	No	We do not regulate by content and use a period of time. A blank sign is considered an OAS if it meets the definition of an OAS-Not located at some type of business or activity open to the general public or if compensation is exchanged for either the ad copy or the right to place the sign at this location.	Yes	If the sign can be made conforming by the relocation then yes, if not then no. For example the zone cannot be corrected. If the sign was non-conforming due to zone then we would not allow a relocation or reconstruction. But non-conforming due to spacing could be correct by relocation. We would not allow a reconstruction unless the spacing issue was no longer valid.
Pennsylvania	Yes	Yes		Yes	Yes	Yes		No	If they are non-conforming and must be re-located, they must be located such that they are conforming.
Rhode Island									
South Carolina	Yes	Yes		Yes	Yes	Yes		No	
South Dakota	No			No	Yes	Yes		No	



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Tennessee	Yes	No	Destroyed (Nonconforming) - means that more than fifty percent (50%) of the device's poles, posts or other support structures are damaged to the extent that they will no longer support the sign face.	No	Yes	Yes		No	
Texas	Yes	Yes		Yes	Yes	Yes		No	
Utah	Yes	Yes		Yes	Yes	Yes		No	
Vermont	NA								
Virginia									
Washington									
West Virginia									
Wisconsin	Yes	Yes		No	Yes	Yes		No	
Wyoming	No			Yes	Yes	Yes		No	



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► Questions



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