

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 10: Conservation And Development

Chapter 21: Tourist Information Services

§ 481. Definitions

As used in this chapter, the following terms are defined as follows:

(1) "Limited access facility" shall have the same meaning as defined in 19 V.S.A. § 1702.

(2) "Official business directional sign" means a sign erected and maintained by the state to indicate to the travelling public the route and the distance to public accommodations, commercial services for the travelling public, and points of scenic, historic, cultural, educational and religious interest.

(3) "On-premises sign" means an accessory sign which directs attention to a business, profession, commodity, service, or entertainment carried on, sold, or offered on the same premises.

(4) "Outdoor advertising" means a sign which advertises, calls attention or directs a person to a business, association, profession, commodity, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and is visible from a highway or other public right-of-way.

(5) "Residential directional sign" means an off-premise sign erected and maintained by an individual to indicate the location of his residence.

(6) A "sign" is any structure, display, device or representation, either temporary or permanent, portable or ground-mounted, which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any highway or other right-of-way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified they shall include panels and frames.

(7) "Sign plaza" means any area established and maintained by the agency of transportation adjacent to a highway, where official information plaza plaques are grouped in tiers or on panels.

(8) "Traffic control sign or device" means an official route marker, guide sign, warning sign, or sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the highway.

(9) "Official information plaza plaque" means a plaque erected and maintained by the state to indicate to the travelling public: public accommodations, commercial services for the travelling public, and points of scenic, historic, cultural, educational and religious interest, installed at an information plaza.

(10) "Full-sized official business directional sign" means a sign not exceeding 1,200

square inches. "Half-sized official business directional sign" means a sign not exceeding 300 square inches.

(11) "Owner" means the person or persons who own a sign. Wherever it is required under this chapter to provide notice to the actual owner or owners of a sign but is impractical to do so, it shall be conclusively presumed that the person, firm or corporation advertised on the sign is the agent of the actual owner or owners. Notice served on any such agent shall have the same effect as notice provided the actual owner or owners.

(12) "Travel information means" shall include the various communication media and methods available to collect and distribute information to the traveling public. (1967, No. 333 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1969, No. 92, § 1, eff. April 19, 1969; 1983, No. 167 (Adj. Sess.), §§ 1, 2; 1993, No. 121 (Adj. Sess.), §§ 1, 2.)

§ 482. Legislative findings

The general assembly of the state of Vermont makes the following findings of fact:

(1) A large and increasing number of tourists has been coming to Vermont, and as a result the tourist industry is one of the largest sources of income for Vermonters, with an increasing number of persons directly or indirectly dependent upon the tourist industry for their livelihood.

(2) Very few convenient facilities and coordinated means exist in the state to provide information on available public accommodations, commercial services for the traveling public and other lawful businesses and points of scenic, historic, cultural, educational and religious interest. Provision of those facilities can be a major factor in encouraging the development of the tourist industry in Vermont.

(3) Scenic resources of great value are distributed throughout the state, and have contributed greatly to its economic development, by attracting tourists, permanent and part-time residents, and new industries and cultural facilities.

(4) The scattering of outdoor advertising throughout the state is detrimental to the preservation of those scenic resources, and so to the economic base of the state, and is also not an effective method of providing information to tourists about available facilities.

(5) The proliferation of outdoor advertising is hazardous to highway users. (1967, No. 333 (Adj. Sess.), § 2; amended 1993, No. 121 (Adj. Sess.), § 3.)

§ 483. Purposes and policy

In order to promote the public health, safety and other aspects of the general welfare, it is in the public interest to provide information about and help guide travellers to public accommodations and services, other businesses and points of scenic, historic, cultural, educational and religious interest. To provide that information, it is the policy of the state and the purpose of this chapter:

(1) To establish means by which the traveling public may receive general and specific travel information in a timely manner utilizing current marketing and technological systems.

(2) To provide for the effective collection and distribution of travel information.

(3) To prohibit the indiscriminate use of other outdoor advertising. (1967, No. 333 (Adj. Sess.), § 3; amended 1993, No. 121 (Adj. Sess.), § 4.)

§ 484. Travel information council; creation, membership, terms

(a) The travel information council is created to administer the provisions of this chapter. The agency of transportation shall be responsible for the administration and maintenance of the official business directional sign program, information plazas and other tourist information facilities deemed appropriate by the council. The agency of commerce and community development shall be responsible for the collection and distribution of travel information, as deemed appropriate by the council.

(b) The travel information council may make rules, consistent with this chapter relating to the determination of locations for official business directional signs and to all other matters necessary and appropriate to the administration of this chapter. In making those rules it shall give consideration to the adequacy of information provided by highway directional signs and the preservation of scenic and aesthetic values and shall consult with the agency of transportation as to matters of highway safety. It shall determine whether official business directional signs at a particular location shall be displayed in tiers or upon panels. It shall advise the agency of commerce and community development on policies and matters pertaining to collection and distribution of tourist information.

(c) The travel information council shall have seven members, one the secretary of commerce and community development or his or her designee, who shall chair the council and six appointed members as follows: one representing the lodging industry, one the restaurant industry, one the recreation industry, one the agency of transportation, one the general public and one agriculture. The six appointed members shall be appointed by the governor with the consent of the senate with the six initially appointed members appointed as of the effective date of this chapter, with three initial members appointed for one year terms, and three for two year terms. Three appointed members shall be appointed biennially thereafter. The members are eligible for reappointment.

(d) The travel information council shall designate, in each state transportation district, a person to represent business, a person to represent the public, and a person to represent the district planning or development agencies as a committee to act for it in those districts in considering applications for signs and the location thereof. The members of the committee shall serve at the pleasure of the council, and a majority of a committee shall constitute a quorum for the conduct of any business. A person aggrieved by a decision of a committee may ask for and shall be granted a hearing before the travel information council and may appeal on questions of law to the superior court under Rule 74 of the Vermont Rules of Civil Procedure from a decision of the council. (1967, No. 333 (Adj. Sess.), § 4, eff. March 23, 1968; amended 1969, No. 92, § 2, eff. April 19, 1969; 1971, No. 115, § 1, eff. April 26, 1971; 1983, No.

167 (Adj. Sess.), § 3; 1993, No. 121 (Adj. Sess.), § 5; 1995, No. 190 (Adj. Sess.), § 1(a), (b).)

§ 485. Official tourist information centers

The agency of commerce and community development shall establish official tourist information centers, near the principal entrance points into the state, as determined by the agency, and at such other locations as the agency deems appropriate, in order to provide information about public accommodations, commercial services for the travelling public, other businesses, and points of scenic, historic, cultural, educational and religious interest. (1967, No. 333 (Adj. Sess.), § 5, eff. March 23, 1968; amended 1969, No. 92, § 3, eff. April 19, 1969; 1983, No. 167 (Adj. Sess.), § 4; 1995, No. 190 (Adj. Sess.), § 1(a).)

§ 485a. Connecticut River valley tourism district

There is created the Connecticut River valley tourism district consisting of all towns bordering on the Connecticut River. (Added 1999, No. 152 (Adj. Sess.), § 215a, eff. May 29, 2000.)

§ 486. Official directional signs

(a) The agency of transportation, under the direction of the travel information council, shall furnish, erect and maintain official business directional signs licensed under this chapter at locations specified in the license. The agency of transportation may contract for the satisfaction of all or any portion of its duties under this subsection. That furnishing, erection and maintenance are declared to be for highway purposes under Title 19 and any amendments thereto.

(b) The agency of transportation shall furnish, erect and maintain certain official directional signs at interstate highway exits wherever the exit is five miles or less from the nearest state police office or barracks. These exit signs shall bear the words "state police," with an indication of the distance to the state police office or barracks.

(c) The travel information council may enter into such contractual or other arrangements as it may consider appropriate under all the circumstances with any town or city of this state, providing for the erection and maintenance of official business directional signs and the fees charged therefor, within that town or city, which may be distinctive to that town or city, or providing for the administration of such official business directional signs, or for any other matter arising under this chapter which the council considers appropriate to be administered by that town or city; provided, however, that any such arrangement or agreement, and all actions taken thereto, shall comply with this chapter and with the regulations adopted hereto. (1967, No. 333 (Adj. Sess.), § 6, eff. March 23, 1968; amended 1969, No. 92, § 4, eff. April 19, 1969; 1975, No. 60; 1983, No. 167 (Adj. Sess.), § 5.)

§ 487. Other information

The agency of commerce and community development shall provide travel information regarding the location of available public accommodations, commercial services for the traveling public and other businesses and points of scenic, historic and cultural interest. It may include in guidebooks and other published materials, paid advertising, identified as such. This information shall be made available to the general public at places the agency may find desirable, such as interstate rest areas, information plazas, information centers and booths, service stations and garages, hotels, motels, and restaurants, historical attractions and education facilities, using the most appropriate methods and means, such as publications, audio/visual, computer and telephone. (1967, No. 333 (Adj. Sess.), § 7, eff. March 23, 1968; amended 1969, No. 92, § 5, eff. April 19, 1969; 1983, No. 167 (Adj. Sess.), § 6; 1993, No. 121 (Adj. Sess.), § 6; 1995, No. 190 (Adj. Sess.), § 1(a).)

§ 488. Prohibition of other outdoor advertising

No person may erect or maintain outdoor advertising visible to the travelling public except as provided in this chapter. (1967, No. 333 (Adj. Sess.), § 8, eff. March 23, 1968.)

§ 489. Eligibility for official business directional signs

(a) Lawful businesses and points of interest and cultural, educational, and religious facilities are eligible for official business directional signs, subject to the provisions of this chapter and to rules and regulations promulgated by the travel information council, and subject further to any federal law, rule, or regulation affecting the allocation of federal highway funds or other funds to or for the benefit of this state or any agency or subdivision thereof of the state.

(b) Notwithstanding any provision of this chapter, brown-and-white official business directional signs as requested by the local byways organization may be allowed for the purpose of directing travelers to interpretive information sites along officially designated state and federal byways only. An official business directional sign authorized under this subsection shall be located on the same state designated byway as the interpretive information site to which the sign directs attention. (1967, No. 333 (Adj. Sess.), § 9, eff. March 23, 1968; amended 1969, No. 92, § 6, eff. April 19, 1969; 2007, No. 75, § 25.)

§ 490. Types and arrangement of signs

(a) The Travel Information Council shall regulate the size, shape, color, lighting, manner of display and lettering of official business directional signs. Distinctive symbols shall be established to the extent considered practicable by the Council for each type of service or facility, different from those for other types; and appropriate signs shall be provided for each eligible applicant within a given category. When appropriate because of the number of signs at one location, the signs shall be replaced or substituted with an information plaza on which applicants may purchase advertising plaques.

(b) Subject to traffic safety regulations specifically adopted by the Agency of

Transportation for the purposes of this chapter, locations of official business directional signs shall conform to the following:

(1) Official business directional signs shall be located in the same town as the applicant business unless one or more of the following conditions are present:

(A) The location of the sign must be in a town other than that of the applicant business in order to satisfy the traffic safety regulations. In such case, the sign shall be located as close to the turnoff for the business as possible;

(B) The business is located on an unnumbered highway, the turnoff from the numbered highway is in another town and this turnoff is the only access point for the business from the nearest numbered highway;

(C) The absence of highway destination signs directing travelers to the town in which the business is located; and

(D) The absence of an official business directional sign creates a safety hazard for the traveling public.

(2) Official business directional signs shall be located in those vicinities where the traveler must change direction from one highway to another highway to reach the business or point of interest, provided the sign is not on the same highway as the business or its on-premise sign unless the sign is needed to alleviate a safety hazard or to eliminate an unsafe situation as described in this section; and provided a travel information directional sign is not located at that point and travel to that information source will cause neither undue inconvenience to the traveler nor traffic congestion. Signs may be approved on the same highway as the business, or its legal on-premise signing only when, in the opinion of the Travel Information Council or its district committees, the traveling public is placed in an unsafe situation without one or more official business directional signs. For the purposes of this chapter, an unsafe situation shall exist when there is insufficient visibility of a business' on-premise signing which cannot be improved by the applicant business. Adequate visibility shall be determined by the Travel Information Council in consultation with the Agency of Transportation.

(c) When the signs at one location are too numerous, or when highway safety requires for other reasons, as determined by the Travel Information Council, the signs may be removed and the applicant business given the option to purchase advertising plaques on information plazas, located and designed so that drivers of motor vehicles may leave the main traffic lanes and inspect them. Information plazas may contain maps and other information, depending on space availability, and may have telephone and other information facilities attached to them. Sign plazas shall include the international symbol to indicate that gasoline service is available to people with disabilities. The Agency of Commerce and Community Development shall be responsible for the costs of installing new information plazas and for the installation of advertising plaques on State-owned information plazas, provided that the Secretary of Commerce and Community Development or his or her designee gives prior approval for such costs and installation. If it is not practical to install information plazas or individual official business directional signs at any given location, because of the number of

signs or because of traffic conditions, the Travel Information Council may in its discretion adopt some alternative method for providing information conveniently for travelers, including directions to zones or other geographic areas, and locally operated information booths and offices or multi-facility official business directional signs, or both.

(d) If an official business directional sign cannot be sited in conformity with the traffic safety rules adopted by the Agency of Transportation, a person who believes that he or she is eligible under section 489 of this title for such a sign may request the Secretary of Transportation to grant a variance from the rules, setting forth in the request the physical circumstances or conditions that make it impossible to locate an official business directional sign in strict conformity with the traffic safety rules. The request shall show that variance, if authorized, will not be detrimental to the public welfare or safety and will represent the minimum variance that will afford relief and will represent the least deviation possible from the traffic safety rules. The Secretary's denial of a variance request under this subsection may be appealed to the Transportation Board within 30 days of the denial. The Board's determination of such an appeal shall be final. (Added 1995, No. 46, § 41; amended 1995, No. 190 (Adj. Sess.), § 1(a), (b); 2013, No. 96 (Adj. Sess.), § 33.)

§ 490a. Redesignated.

§ 491. Number of signs

Notwithstanding the provisions of section 499 of this title, the council shall not issue more than four licenses for official business directional signs for any one place of business eligible therefor under section 490 of this title, not more than one of which is visible to traffic moving in any one direction on any one highway leading to the place, unless the travel information council finds that enforcement of this subsection will be unreasonable and will result in unnecessary hardship to the applicant. (1967, No. 333 (Adj. Sess.), § 11, eff. March 23, 1968; amended 1969, No. 92, § 8, eff. April 19, 1969.)

§ 492. Permitted locations

In adopting rules relating to locations for official business directional signs, the council shall take into consideration such factors as the effect upon highway safety, the convenience of the travelling public, and the preservation of scenic beauty. (1967, No. 333 (Adj. Sess.), § 12, eff. March 23, 1968; amended 1969, No. 92, § 9, eff. April 19, 1969.)

§ 493. On-premise signs

Owners or occupants of real property may erect and maintain on the property, on-premise signs advertising the sale or lease of the property or activities being conducted on the property. Those signs shall be subject to the regulations set forth below.

(1) On-premise signs may be erected or maintained, with a total area of not more than

150 square feet, advertising activities being conducted on the same premises. However, this limitation does not apply to signs existing on May 1, 1971, or attached to or part of the building in which the activities are being carried on. An on-premise sign shall not be located more than 1,500 feet from a main entrance from the highway to the activity or premises advertised. The 1,500 foot distance shall be measured along the centerline of the highway or highways between the sign and a main entrance. A main entrance shall be a principal, private roadway or driveway which leads from a public highway to the advertised activity. For the purposes of this subdivision, premises shall not include land which is separated from the activity by a public highway, or other intervening land use not related to the advertised activity. Undeveloped land or farmland shall not be considered as an intervening land use.

(2) A sign advertising the sale or lease of real estate by the owner or an agent shall not have an area of more than six square feet, including the panel and the frame. Signs attached to "for sale" or "for lease" signs which state "sold," "sale pending," "sale under contract" or similar messages shall not be permitted.

(3) A permitted on-premise sign shall not extend more than 25 feet above the ground level or, if the sign is attached to or is part of a building, ten feet above the roof of the building. However, this limitation does not apply to signs existing on November 1, 1967. (1967, No. 333 (Adj. Sess.), § 13, eff. March 23, 1968; amended 1969, No. 92, § 10, eff. April 19, 1969; 1971, No. 115, § 2, eff. April 26, 1971; 1983, No. 167 (Adj. Sess.), § 8; 1993, No. 121 (Adj. Sess.), § 8.)

§ 494. Exempt signs

The following signs are exempt from the requirements of this chapter except as indicated in section 495 of this title:

(1) Signs located on or in the rolling stock of common carriers.

(2) Signs on registered and inspected motor vehicles except those which are determined by the Travel Information Council to be circumventing the intent of this chapter.

(3) Signs, with an area of not more than 260 square inches, identifying stops or fare zone limits of common carriers by motor bus.

(4) Signs erected and maintained by a town outside the highway right-of-way, each of which does not exceed 64 square feet in area, excluding panel and frame, which may show the place and time of services or meetings of churches and civic organizations in the town, and which may include a panel which identifies the name of the town, the charter date, the date the town was founded, or any other significant date in the history of the town, and which the town wishes to identify. The panel may bear the wording "welcome to" the particular town. Not more than two such signs may be erected and maintained readable by traffic proceeding in any one direction on any one highway. The signs shall meet the criteria of the Agency of Transportation and the Travel Information Council.

(5) Residential directional signs, each of which does not exceed four square feet in area, along highways other than limited-access facilities (but not within the highway right-

of-way), except that a license is required if the person maintains a professional, commercial, or business activity at this residence and wishes to indicate its existence.

(6) Official traffic control signs, including signs on limited access highways consistent with the manual on uniform traffic control devices, adopted under 23 V.S.A. § 1025, directing people to other towns, international airports, postsecondary educational institutions; cultural and recreational destination areas; nonprofit diploma granting educational institutions for people with disabilities; and official traffic control signs, including signs on limited access highways, consistent with the manual on uniform traffic control devices, adopted under 23 V.S.A. § 1025, directing people to official State visitor information centers. After having considered the six priority categories in this subdivision, the Travel Information Council may approve installation of a sign for any of the following:

- (A) Nonprofit museums;
- (B) Cultural and recreational attractions owned by the State or federal government;
- (C) Officially designated scenic byways;
- (D) Park and ride or multimodal centers; and
- (E) Fairgrounds or exposition sites;

provided the designations in subdivisions (A) through (E) of this subdivision (6) are open a minimum of 120 days each year and are located within 15 miles of an interstate highway exit. Signs erected under this subdivision (6) of this section shall not exceed a maximum allowable size of 80 square feet.

(7) Signs of a duly constituted governmental body, including traffic and similar regulatory devices, legal notices, or warnings at railroad crossings.

(8) Small signs displayed for the direction, instruction, or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas or the like, with a total surface area not exceeding four square feet.

(9) Signs to be maintained for not more than two weeks announcing an auction, or a campaign, drive, or event of a civic, philanthropic, or religious organization.

(10) Memorial signs or tablets.

(11) Signs erected by county fairs and expositions for a period not to exceed six weeks.

(12) Directional signs, subject to regulations adopted by the Federal Highway Administration, with a total surface area not to exceed six square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place, or to farmers' markets that are members of the Vermont Farmers' Market Association selling Vermont agricultural products.

(13) Murals that relate exclusively to a downtown designated under 24 V.S.A. chapter 76A, whether located within or outside the designated downtown itself, provided that all of the following apply: the mural is hand-painted; it is painted directly on the outside surface of a structure that has been in existence on the site for at least the preceding 25 years; it is

located no more than three miles from the designated downtown; its placement has been authorized by the legislative body of the municipality in which it is located; and any words used pertain only to the direction or distance to, and the name of, the designated downtown. A mural exempted under this subdivision that is visible from the off-ramp of a limited access facility and not otherwise visible from such a facility shall also be exempt from compliance with subsection 495(b) of this title.

(14) Up to two directional signs with a surface area not to exceed one square foot per sign, erected by a town on any existing highway signpost on highways over which the town has jurisdiction, except class 1 town highways. The colors of the directional signs shall be in contrast to the colors used on highway signs. Directional signs on the same highway signpost shall be for different purposes. The erection of signs shall be under guidelines adopted by the town. Towns may charge a reasonable fee for the installation of approved signs.

(15) Municipal informational and guidance signs. A municipality may provide alternative signs of a guidance or informational nature and creative design to assist persons in reaching destinations that are transportation centers, geographic districts, historic monuments, and significant or unique educational, recreational, or cultural landmarks, including farmers markets that are members of the Vermont Farmers' Market Association selling Vermont agricultural products, provided that such destinations are not private, for-profit enterprises. A proposal to provide alternative signs shall contain color, shape, and sign placement requirements that shall be of a uniform nature within the municipality. The surface area of alternative signs shall not exceed 12 square feet, and the height of such signs shall not exceed 12 feet in height. The proposal shall be approved by the municipal planning commission for submission to and adoption by the local legislative body. Alternative signs shall be responsive to the particular needs of the municipality and to the values expressed in this chapter. These proposals shall be subject to and consistent with any plan duly adopted pursuant to 24 V.S.A. chapter 117, shall be enforced under the provisions of 24 V.S.A. §§ 4444 and 4445 and may emphasize each municipality's special characteristics. No fees shall be assessed against a municipality that provides signs under this section and, upon issuance of permits under 19 V.S.A. § 1111, such signs may be placed in any public right-of-way other than interstates. This section shall take effect upon the Travel Information Council securing permission for alternative municipal signs in accordance with 23 V.S.A. § 1029.

(16) Signs displaying a message of congratulations, condolences, birthday wishes, or displaying a message commemorating a personal milestone or event; provided, however, any such message is maintained for not more than two weeks.

(17) Within a downtown district designated under the provisions of 24 V.S.A. chapter 76A, municipal information and guidance signs. A municipality may erect alternative signs to provide guidance or information to assist persons in reaching destinations that are transportation centers, geographic districts, and significant or unique educational, recreational, historic, or cultural landmarks, including farmers' markets that are members of the Vermont Farmers' Market Association selling Vermont agricultural products. A proposal to provide alternative signs shall contain color, shape, and sign placement requirements that

shall be uniform within the municipality. The surface area of alternative signs shall not exceed 12 square feet, and the highest point of such signs shall not exceed 12 feet above the ground, road surface, or sidewalk. The proposal shall be approved by the municipal planning commission for submission to and adoption by the local legislative body. The sign proposal then shall be submitted to the Travel Information Council for final approval. Denial may be based only on safety considerations. Reasons for denial shall be stated in writing. Alternative signs shall be responsive to the particular needs of the municipality and to the values expressed in this chapter. These proposals shall be subject to and consistent with any municipal plan duly adopted pursuant to 24 V.S.A. chapter 117, shall be enforced under the provisions of 24 V.S.A. §§ 4444 and 4445, and may emphasize each municipality's special characteristics. No fees shall be assessed against a municipality that provides signs under this section and upon issuance of permits under 19 V.S.A. § 1111, such signs may be placed in any public right-of-way other than an interstate highway. Notwithstanding subdivision 495(a)(7) or any other provision of this title or of 23 V.S.A. § 1029, alternative signs permitted under this subsection shall not be required to comply with any nationally recognized standard. (Added 1967, No. 333 (Adj. Sess.), § 14, eff. March 23, 1968; amended 1971, No. 115, § 3, eff. April 26, 1971; 1979, No. 135 (Adj. Sess.), § 2; 1983, No. 167 (Adj. Sess.), § 9; 1991, No. 197 (Adj. Sess.), § 1; 1991, No. 207 (Adj. Sess.), §§ 1, 2; 1991, No. 220 (Adj. Sess.), § 1; 1993, No. 121 (Adj. Sess.), § 8a; 1995, No. 190 (Adj. Sess.), § 12b; 1997, No. 120 (Adj. Sess.), § 8; 1997, No. 150 (Adj. Sess.), § 6; 1999, No. 18, §§ 41e, 41g(c), eff. May 13, 1999; 1999, No. 156 (Adj. Sess.), § 33, eff. May 29, 2000; 2003, No. 160 (Adj. Sess.), § 59, eff. June 9, 2004; 2007, No. 164 (Adj. Sess.), § 55; 2009, No. 51, § 4; 2011, No. 62, § 29, eff. June 1, 2011.)

§ 495. Other regulations applying to permitted signs

(a) No official business directional sign, on-premise sign, residential directional sign, or exempt sign may be erected or maintained, along a highway and visible from the highway, which:

(1) Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.

(2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.

(3) Contains, includes or is illuminated by any flashing intermittent or moving lights, or moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign, barber poles, theatre marquees which are determined by the travel information council to contribute to the historic significance of a building listed, or eligible for listing, in the national register of historic places and which are operated in accordance with any conditions prescribed by the travel information council, or signs of a public service nature as determined by the travel information council.

(4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main travelled way of a highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver

of any motor vehicle or otherwise to interfere with the operation thereof.

(5) Is located upon a tree, or painted or drawn upon a rock or other natural feature, except that this restriction shall not apply to residential directional signs.

(6) Advertises or calls attention to a business or other activity, or a profession, commodity, product, service or entertainment not carried on, produced, sold, or offered in this state, or to an activity of any kind which has already occurred or has otherwise terminated.

(7) Is in violation of or at variance with any federal law or regulation, including one containing or providing for conditions to or affecting the allocation of federal highway or other funds to or for the benefit of this state or any subdivision thereof.

(b) No on-premise or exempt sign may be erected if it is so located as to be readable primarily from a limited access facility.

(c) No on-premise sign, residential directional or exempt sign may be erected or maintained which:

(1) Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities.

(2) Is not clean or in good repair.

(3) Is not securely affixed to a substantial structure.

(4) Is not consistent with the standards in this chapter or regulations of the travel information council.

(d) Notwithstanding any other provisions of this title, a person, firm or corporation shall not erect or maintain any outdoor advertising structure, device or display within the limits of the highway right-of-way; however, this limitation shall not apply to the signs and devices referred to in subdivisions 494(1), (2), (3), (6), (7), (10), (14) and (17) of this title.

(e) Except on those highways maintained exclusively by the agency of transportation and on limited access facilities, the limitation established by subsection (d) of this section shall not apply to the signs and devices referred to in subdivisions 494(9) and (11) of this title. (1967, No. 333 (Adj. Sess.), § 15, eff. March 23, 1968; amended 1969, No. 92, § 17, eff. April 19, 1969; 1977, No. 13; 1983, No. 167 (Adj. Sess.), §§ 10, 11; 1985, No. 97, eff. May 30, 1985; 1991, No. 220 (Adj. Sess.), § 2; 1993, No. 121 (Adj. Sess.), § 9; 1997, No. 120 (Adj. Sess.), § 9; 1999, No. 18, § 41h, eff. May 13, 1999.)

§ 496. Repealed. 1993, No. 121 (Adj. Sess.), § 10.

§ 497. Removal of signs

The owner of a sign which is not licensed under this chapter and which is not a legal on-premise or exempt sign meeting the requirements set forth in this chapter, other than a

sign which was lawfully erected and maintained prior to March 23, 1968, shall be in violation of this chapter until it is removed. The travel information council, or the secretary of transportation or designee pursuant to authority delegated by the council, may, upon failure of the owner to remove such sign, order its removal by the agency of transportation, and the agency of transportation shall thereupon remove the sign without notice or further proceeding, at the expense of the owner. The expense may be recovered by the state in an action on this statute, which shall be instituted in the superior court in the unit for the area in which the sign is located. A copy of the notice of removal shall be sent by certified mail to the owner at the last known address. If an illegal sign is re-erected after the initial removal notice is executed, the agency of transportation shall have the authority to remove that illegal sign without additional prior notice to the owner. The agency of transportation or the legislative body of a municipality shall have the authority to remove or relocate, or both, without prior notice, any sign, device, or display which is temporary in nature and not affixed to a substantive structure which is erected within 24.75 feet of the actual centerline of any highway under its jurisdiction and within the public highway right-of-way. (Added 1967, No. 333 (Adj. Sess.), § 17, eff. March 23, 1968; amended 1969, No. 92, § 12, eff. April 19, 1969; 1983, No. 167 (Adj. Sess.), § 13; 1993, No. 121 (Adj. Sess.), § 11; 2009, No. 154 (Adj. Sess.), § 61.)

§ 498. Repealed. 1993, No. 121 (Adj. Sess.), § 12.

§ 499. Applications and licensing of official business directional signs

(a) Any person who believes that he or she is eligible under section 489 of this title for an official business directional sign may submit a written application on a form prescribed by the travel information council. The application shall set forth the name and address of the applicant; the name, nature and location of the business; the location where an official business directional sign is desired; and such other information as the council may require. The applicant shall tender with the application the standard license fee stated in section 501 of this title for each sign requested.

(b) Upon receipt of an application for an official business directional sign, the travel information council shall refer the application to the appropriate district committee of the travel information council with a report and the facts relative to the location. The committee shall approve or disapprove the application. The committee shall not approve an application unless the requested location conforms to the rules of the agency of transportation under section 490 of this title and of the council and, in the case of town highways, of the town's selectboard, and the applicant is complying with all statutes and rules of the departments of health and labor and industry regarding places of public accommodation. If the application is approved, the council shall issue the license and forward a copy to the division of the agency of transportation responsible for erection and maintenance of official highway signs. If it is not approved, the travel information council shall return the application and fee, stating the reasons for refusal and giving the applicant opportunity to correct any defects or to be heard within 30 days by the travel information council, and to present evidence, with or without counsel in his or her discretion. Upon written request, the council shall hear the

matter and notify the applicant of its findings and decision. The applicant may then appeal on questions of law to the supreme court.

(c) The travel information council shall establish a procedure and schedule for periodic on-site evaluation of licenses which have been granted, to determine whether such licenses have been issued in conformance with the rules of the agency of transportation and the travel information council under section 490 of this title.

(d) The travel information council shall have the authority to deny renewal of those licenses which are found to violate the rules of the agency of transportation and the travel information council. A licensee who is denied renewal shall have the right to appeal under subsection (b) of this section. (1967, No. 333 (Adj. Sess.), § 19, eff. March 23, 1968; amended 1969, No. 92, § 13, eff. April 19, 1969; 1983, No. 167 (Adj. Sess.), §§ 14, 15; 1993, No. 172 (Adj. Sess.), § 12.)

§ 500. Repealed. 1969, No. 92, § 18, eff. April 19, 1969.

§ 501. Fees

Subject to the provisions of subsection 486(c) of this title, an applicant for an official business directional sign or an information plaza plaque shall pay to the travel information council an initial license fee and an annual renewal fee as established by this section.

(1) Initial license fees shall be as follows:

(A) for full-sized or half-sized business directional signs, \$175.00 per sign;

(B) for information plaza plaques, \$25.00 per plaque; however, if more than one plaque is requested by a business at the same time, a ten percent discount shall be given on the second and subsequent plaques.

(2) Annual renewal fees shall be as follows:

(A) for full and half-sized official business directional signs, \$100.00 per sign;

(B) information plaza plaques, \$25.00 per plaque. (Added 1967, No. 333 (Adj. Sess.), § 21, eff. March 23, 1968; amended 1969, No. 92, § 14, eff. April 19, 1969; 1983, No. 168 (Adj. Sess.); 2009, No. 50, § 61; 2009, No. 123 (Adj. Sess.), § 54.)

§ 502. Repealed. 1993, No. 121 (Adj. Sess.), § 12.

§ 503. Penalty

A person who violates this chapter shall be fined not more than \$100.00 or imprisoned not more than 30 days, or both. Each day the violation continues shall be a separate offense. (1967, No. 333 (Adj. Sess.), § 23, eff. March 23, 1968; amended 1969, No. 92, § 16, eff. April 19, 1969.)

§ 504. Repealed. 1993, No. 121 (Adj. Sess.), § 12.

§ 505. Relation to other laws; local ordinances

(a) This chapter shall not supersede the provisions of any local ordinances whose requirements are more strict than those of this chapter, and not inconsistent therewith, whether those ordinances were enacted before or after the effective date of this chapter.

(b) The provisions of this chapter with respect to sign control are not exclusive of any rights or remedies provided the agency of transportation and the legislative bodies of municipalities, in their respective jurisdictions, by Title 19, any other statute, municipal charter or ordinance, the doctrines of equity or the common law. (1967, No. 333 (Adj. Sess.), § 25; amended 1993, No. 121 (Adj. Sess.), § 13.)

§ 506. Newspaper or other vending machines; delivery tubes

(a) Newspaper or other vending machines may be allowed within the highway right-of-way subject to the requirements of 19 V.S.A. § 1111.

(b) The copy permitted on newspaper delivery tubes shall be limited to identification markings that do not occupy a space of more than six square inches. (Added 1993, No. 121 (Adj. Sess.), § 14.)

