

CHAPTER 70:04:07
TOURIST-ORIENTED DIRECTIONAL SIGNING - ON RIGHT-OF-WAY

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70:04:07:01. Definitions. Words defined in SDCL 31-29-62 have the same meaning when used in this chapter. In addition, words used in this chapter have the following meaning:

- (1) "Tourist-oriented directional signing," signing installed and maintained by the department within the right-of-way of a highway which provides business identification and directional information for tourist-oriented businesses, including those selling seasonal agricultural products;
- (2) "Rural business," a commercial activity engaged in as a means of livelihood or profit, located completely outside a municipality as defined by SDCL 9-1-1(1), which provides goods or services or which engages in commerce, trade, or industry;
- (3) "Tourist-oriented business," a business, service, or activity that receives the major portion of its income or visitors during its business season from motorists not residing in the immediate area of the business or activity;
- (4) "Highway," the state trunk highway system defined by SDCL chapter 31-4, except the national system of interstate highways as defined by SDCL 31-7-1(1).

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

70:04:07:02 General criteria. To be considered for tourist-oriented directional signing, a business must meet the following criteria:

- (1) It must be either a rural business or a tourist-oriented business;
- (2) It must provide for public accommodation without regard to race, religion, color, sex, age, disability, or national origin;
- (3) It must be located within 20 miles of the signed intersection;
- (4) It must be open a minimum of 6 hours a day, 5 days a week, and 12 months a year. A seasonal business may qualify if it is open 6 hours a day and 5 days a week during the seasonal period which such businesses would typically operate;
- (5) It must be conducted in a building or area designed or adapted for the specific business. It may not be conducted in a building principally used as a residence unless there is a separate and well-marked entrance;
- (6) It may not have an on-premise sign located adjacent to or visible from a highway which advertises the business;
- (7) It may not be identified by an off right-of-way directional sign as authorized in chapter 70:04:03 that is within five miles, is on the same route as, and is facing the same direction as the proposed tourist-oriented directional sign; and
- (8) It is not maintaining a sign which is in violation of SDCL chapter 31-29.

All intersections to be signed must be located on a highway in a rural area.

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

70:04:07:03. Restrictions. The following restrictions apply to tourist-oriented directional signing for rural or tourist-oriented businesses.

- (1) Each rural business or tourist-oriented business is limited to signing at one intersection on a highway. Additional signing may be considered when the

rural business or tourist-oriented business is located between, or approximately an equal distance from, two or more highways;

(2) A tourist-oriented directional sign or assembly may not be placed at a location that will interfere with other traffic control devices. If space is unavailable, tourists-oriented directional signs are not allowed;

(3) A tourist-oriented directional sign must be removed if the activity or site no longer qualifies for tourist-oriented business or rural business signing;

(4) The rural business or tourist-oriented business must remove the sign, mask it, or place a "CLOSED" tab furnished by the department on a tourist-oriented directional sign for a seasonal activity when the activity is closed during the off-season period; and

(5) The department may approve no more than four tourist-oriented directional signs for rural businesses or tourist-oriented businesses which lie in one direction from an intersection. The department may not consider additional applications unless space becomes available.

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

70:04:07:04. Trailblazing. If supplemental signing is necessary on roads not operated by the department in order to reach the rural business or tourist-oriented business, signing on these roads is the responsibility of the rural business or tourist-oriented business and must be in place prior to installation of tourist-oriented directional signing. This form of supplemental signing is known as trailblazing.

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

70:04:07:05. Advance signing. Advance signing may be installed at the discretion of the department and is limited to those situations where sight distance,

intersection vehicle maneuvers, or other vehicle operating characteristics require advance notice of the service to reduce vehicle conflicts and improve highway safety.

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

70:04:07:06. Arrangement and size of signs. Signs for right turns and left turns must be arranged vertically on separate sign panels located so that the right turn signs are closer to the intersection. If not more than four signs are to be installed on an approach to an intersection, the signs may be combined on the same panel with the left turn signs above the right turn signs. Not more than four signs may be installed on any sign panel and not more than two sign panels, one for the left and one for right, may be installed on an approach to an intersection.

The sign may not exceed 6 feet in width and 18 inches in height.

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

70:04:07:07. Specific requirements for signs. The design, style and size of lettering, arrangement and size of signs, advance signing, and sign locations shall conform to requirements in the "Manual on Uniform Traffic Control Devices for Streets and Highways," 1988.

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

Reference: "Signs," Part II, Manual on Uniform Traffic Control Devices, Federal Highway Administration, U.S. Department of Transportation, 1988. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Cost \$22.00.

70:04:07:08. Application procedure. The application procedure for a tourist-oriented directional sign permit is as follows:

- (1) Application must be made to the department on forms furnished by the department:

(2) All applications must be accompanied by a one time \$50 fee for each tourist-oriented directional sign requested;

(3) Within 30 days after receipt of an application, the department shall notify an applicant whether or not the application has been approved and, if it has, the date it is anticipated that it will be installed.

(4) The applicant shall pay an annual fee of \$75 for each sign to the department on the date of installation and thereafter on the anniversary date of the installation to cover costs for installing, maintaining, and removing the sign. The department shall bill the applicant for these fees.

General Authority: SDCL 31-29-80.1, 31-29-80.2.

Law Implemented: SDCL 31-29-80.1, 31-29-80.2.

70:04:07:09. Contract for manufacture and administration. The department of transportation may contract with private industry or another agency of the state for the installation or manufacture of tourist-oriented directional signs and the administration of the tourist-oriented directional sign program.

General Authority: SDCL 31-29-80.1.

Law Implemented: SDCL 31-29-80.1.

TOURIST ORIENTED DIRECTIONAL SIGNING APPLICATION

APPLICANT INFORMATION

NAME OF BUSINESS OR ACTIVITY _____

BUSINESS ADDRESS _____ TELEPHONE _____

OPERATION INFORMATION

RURAL BUSINESS - _____ TOURIST ORIENTED BUSINESS - _____ BUSINESS HOURS _____

OPERATE FIVE (5) DAYS A WEEK _____ YES _____ NO _____ OR OTHER _____

IF SEASONAL, MONTHS _____

IS BUSINESS/ACTIVITY IN A BUILDING USED PRINCIPALLY AS A RESIDENCE? _____ YES _____ NO

IF YES, IS ENTRANCE SEPARATE AND WELL MARKED? _____ YES _____ NO

IS AN ON-PREMISE SIGN VISIBLE FROM THE HIGHWAY? _____ YES _____ NO

IS AN OFF RIGHT-OF-WAY DIRECTIONAL SIGN LOCATED ON SAME SIDE OF HIGHWAY WITHIN 5 MILES OF PROPOSED SIGN? _____ YES _____ NO

BUSINESS OR ACTIVITY LOCATION

COUNTY _____ LEGAL DESCRIPTION _____

HIGHWAY NO. _____ DISTANCE FROM HIGHWAY _____ N S E W

SIGNS REQUESTED FOR - _____ RIGHT TURN _____ LEFT TURN _____ BOTH

APPLICANTS CERTIFICATION

I CERTIFY THAT THE ABOVE AND FOREGOING STATEMENTS ARE TRUE AND CORRECT AND I WILL INFORM THE DEPARTMENT OF ANY CHANGES TO THE ABOVE INFORMATION THAT MAY AFFECT THE AVAILABILITY OF THE SERVICE PROVIDED IN ACCORDANCE WITH STATE LAW, RULES AND REGULATIONS. I FURTHER CERTIFY THAT I WILL NOT DISCRIMINATE OR DENY SUCH SERVICES OR PUBLIC ACCOMODATIONS BASED UPON RACE, RELIGION, COLOR, SEX, AGE, DISABILITY OR NATIONAL ORGIN, WHICH IS PROHIBITED BY LAW

APPLICANTS NAME(PRINTED) _____

APPLICANTS SIGNATURE _____ DATE _____

PROPOSED SIGN WORDING

FILL IN THE NAME AND THE DISTANCE FROM THE INTERSECTION TO THE BUSINESS/ SERVICE/ACTIVITY FOR EACH TODS SIGN REQUESTED. LIMIT THE NAME TO ONE CHARACTER OR SPACE PER BOX.

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DEPARTMENT OF TRANSPORTATION USE

REGION	MILEPOST	FEE AMOUNT
HIGHWAY NO.	LT. TURN _____ RT. TURN _____	DATE FEE RECEIVED
REMARKS		

APPLICATION IS: APPROVED _____ DISAPPROVED _____ APPROXIMATE INSTALLATION DATE _____

REGION SIGNATURE _____ DATE _____ CENTRAL OFFICE SIGNATURE _____ DATE _____

INSTRUCTIONS

Use a typewriter or ball point pen to complete the form.
An application is needed for each Tourist Oriented Directional Sign location.

APPLICANT INFORMATION - Name of Business - Give complete name of the business.

Business Address - Give complete mailing address of business.

Telephone - Give area code and number.

OPERATION INFORMATION - Give appropriate answer to all questions.

BUSINESS LOCATION - County - Give name of the county where business is located.

Legal Description - Be specific by giving lot number, tract or portion of the section along with the section, township and range numbers.

Highway No. - Give number of the highway that the sign is to be located.

Distance from Highway - Give the distance in miles from the highway to the business and the direction.

Signs Requested - Check the direction desired.

PERMIT FEE - Attach the Fifty Dollar (\$50) permit fee for each sign requested.

RENTAL FEE - One Hundred Dollar (\$100) Annual Rental Fee per sign.

Upon completion of the above items, date and sign the application. The completed application and the required fee payment are to be submitted to one of the following offices:

Department of Transportation
PO Box 1767
Aberdeen, SD 57401-1767
Phone (605) 622-2244

Department of Transportation
104 S. Garfield
Pierre, SD 57501-5405
Phone (605) 773-3464

Department of Transportation
PO Box 1206
Mitchell, SD 57301-7206
Phone (605) 995-8129

Department of Transportation
PO Box 1970
Rapid City, SD 57709-1970
Phone (605) 394-2244