



## Ohio Administrative Code

### Rule 5501:2-2-03 On-premise advertising devices.

Effective: December 27, 2018

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On-premise advertising devices are not required to have a permit under section 5516.10 of the Revised Code or rule 5501:2-2-05 of the Administrative Code. However, if an on-premise advertising device fails to conform to the following rules, it will be considered an off-premise advertising device subject to the statutes and rules governing such advertising devices.

(A) An advertising device will be considered to be an on-premise advertising device if it meets the following requirements:

(1) An advertising device must be located on the same premises as the commercial activity or property advertised.

The following criteria shall be used in determining whether a device is located on the same premises as the commercial activity or property advertised:

(a) An advertising device must be erected by an owner of, or lease holder to, the property; however, the on-premise advertising device may be erected upon contiguous property also owned or leased by the business activity and not used for a separate purpose unrelated to the advertised business activity as long as the advertising device is located within fifteen hundred feet of the business activity which shall be measured from the regularly used buildings, structures, parking, storage, or processing areas essential and customarily used in connection with the business or profession at this location.

(i) As used in this rule, regularly used areas shall not include contiguous pieces of land which cannot be put to any reasonable use directly related to the advertised activity other than for signage.

(ii) If a corridor is used for access to reach the location of the advertised activity, the corridor shall be contiguous to an integral part of, and under the same ownership or leasehold interest as, the property where the advertised business activity is located.



(iii) Any buildings, structures, parking, storage, or processing areas established at remote locations from the principal activity area shall not be used for measurement purposes.

(b) The hours of operation compared to the normal industry practice for a business of that type.

(c) The percentage of business conducted on the site compared to the normal industry practice for a business of that type.

(d) The access road must have an adequate all weather surface suitable for safe operation of a motorized vehicle.

(2) An on-premise advertising device must have as its purpose the identification of the commercial activity or 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. Any advertising device whose copy consists solely of the name of the establishment located on the property will be considered to be an on-premise advertising device.

The following criteria shall be used for determining whether an advertising device has as its purpose the identification of the commercial activity located on the premises or its products or services or the sale or lease of the property on which the advertising device is located, rather than the business of outdoor advertising:

An advertising device which identifies the establishment's principal or accessory product or service is an on-premise advertising device. A principal or accessory product or service is that product or service directly related to the establishment and closely associated with it. An example of an accessory product would be a brand of tires offered for sale at a service station.

(B) The sign owner bears the burden of proving, by a preponderance of the evidence, that the advertised commercial activity is conducted on the premises and that any products or services advertised are available at the premises.

(C) On-premise advertising devices must comply with the lighting requirements set forth in paragraphs (A)(4) and (A)(4)(b) of rule 5501:2-2-02 of the Administrative Code.



(D) On-premise advertising devices must comply with the variable or multiple message requirements set forth in paragraph (B) of rule 5501:2-2-02 of the Administrative Code.