



## Ohio Administrative Code

### Rule 5501:2-2-06 Nonconforming advertising devices.

Effective: December 27, 2018

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(A) A sign owner of a nonconforming advertising device must apply for and receive a permit for each nonconforming sign face pursuant to section 5516.10 of the Revised Code and rule 5501:2-2-05 of the Administrative Code. A nonconforming advertising device may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. Any transfer of a permit for a sign face on a nonconforming advertising device shall follow the procedures for transfer of a permit under rule 5501:2-2-05 of the Administrative Code.

(B) A nonconforming advertising device, including its structure, may receive normal maintenance and repair. The following is considered normal maintenance and repair:

- (1) The in kind replacement of a wood or metal component with a like component.
- (2) The painting of supports and frames.
- (3) The replacement of torn or destroyed sign face panels with in kind replacements.
- (4) The changing of advertising copy.

(C) A nonconforming advertising device, including its structure, must remain substantially the same as it was on the effective date of state law. A nonconforming device may continue to exist with normal maintenance and repair as long as it is not discontinued or abandoned. The following are considered to be substantial changes in a nonconforming advertising device and are not permitted:

- (1) Extension or enlargement of the advertising device or sign face.
- (2) Replacement, rebuilding, or re-erection of the nonconforming advertising device. An exception may be made for in kind rebuilding or of nonconforming advertising devices which have been damaged by acts of God, vandalism, or other criminal or torturous acts, upon satisfactory evidence



submitted to ODOT.

(3) A change in the structural support which would result in increased economic life such as replacement of wood posts with steel posts or the replacement of a wood frame with a steel frame.

(4) The addition of lights to help illuminate an advertising device structure or sign face which previously had no lighting for illumination.

(5) Changing the nonconforming advertising device or sign face to a variable or multiple message sign face.

(D) Abandoned, discontinued or damaged nonconforming advertising devices

(1) When a nonconforming advertising device is damaged by more than seventy per cent of its replacement value immediately prior to the damaging incident, the device will be considered destroyed. This does not apply to advertising devices damaged by vandalism, other criminal or torturous acts or weather-related causes, upon satisfactory evidence submitted to ODOT.

(2) An advertising device which has depreciation of more than seventy per cent of its replacement value due to lack of maintenance is considered to be abandoned or discontinued.

(3) An advertising device which ceases to display advertising copy or displays obsolete advertising copy longer than one year is considered to be abandoned or discontinued.

(4) An "available for lease" or similar message that concerns the availability of the sign itself shall be treated as abandoned or discontinued after expiration of one year.

(5) A sign face whose message had been partially obliterated by the owner so as not to identify a particular commercial product, service or facility is considered to be abandoned or discontinued after expiration of one year.

(6) Nonconforming advertising devices, which have ceased to display or have never displayed advertising copy are subject to control and removal when advertising copy is added or affixed and



becomes visible from the main-traveled way.

(7) The re-erection of any abandoned, discontinued or appropriated nonconforming advertising device and its sign face requires the submission and approval of a new application pursuant to rule 5501:2-2-05 of the Administrative Code and must be erected in a conforming location.