

ARTICLE 37-11 TOURIST-ORIENTED DIRECTIONAL SIGNS

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CHAPTER 37-11-01 GENERAL POLICY

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37-11-01-01. Definitions.

As used in this article:

1. "Advance signs" means supplemental tourist-oriented directional signs that are placed in advance of regular tourist-oriented directional signs in instances where the tourist-oriented directional signs are difficult to see due to topographic or geometric roadway features.
2. "Department" means the department of transportation.
3. "Director" means the director of the department of transportation or an authorized agent of the director.
4. "Permittee" means the party to whom a tourist-oriented directional sign permit is issued.
5. "Person" includes every natural person, firm, copartnership, association, corporation, limited liability company, or limited partnership.
6. "Sight distance" means the distance provided to allow a driver to safely stop a car at the posted highway speed.
7. "Trail blazing signs" means signs placed along an entrance road when the motorist requires additional instruction after having left the state highway.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-01-02. Application.

Every person requesting a tourist-oriented directional sign shall make application on a form prescribed by the director.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-01-03. Applicant requirements.

A person applying for a tourist-oriented directional sign must:

1. Be engaged in a business, service, or activity as defined in North Dakota Century Code section 39-13-09.
2. Derive a major portion of income, or visitors, from tourists who do not reside in the immediate area of the business, service, or activity.
3. Provide trail blazing signs if needed.
4. Obtain local authorization when the sign is located within city limits.
5. Provide such other information as the director may require.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-01-04. Priority of applicants.

If the applications for tourist-oriented directional signs exceed the number of sign face spaces available, the department will give priority to applications by the time they are received in the department central office in Bismarck, North Dakota, 608 east boulevard avenue. Those applications that cannot be honored will be returned to the applicant who may reapply when space is available. The department will not hold applications pending available space nor provide notice of available space.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-01-05. Exclusions.

1. A person advertising on an illegal advertising device, as defined under North Dakota Century Code chapter 24-17 or 23 U.S.C. 131, which advertises the same business, service, or activity as the proposed tourist-oriented directional sign is not eligible for a permit.
2. A person conducting any illegal operations is not eligible for a permit.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-01-06. Time of operation.

To be eligible for a permit a business, service, or activity must be open during normal hours of operation for a similar business, service, or activity in the locality or provide the hours of operation as a part of the tourist-oriented directional sign message.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09

37-11-01-07. Seasonal closure.

A business, service, or activity operating on a seasonal basis, or closed for more than fourteen consecutive days, shall remove the sign face or display a "CLOSED" message plate. The "CLOSED" message plate must be fabricated and installed in accordance with the specifications in this article. Removal or installation of sign faces or plates must be done by a qualified contractor or by a qualified contractor's authorized representative. Intermittent operation is not allowed unless the dates of operation are shown on the tourist-oriented directional sign.

History: Effective August 1, 1994.

General Authority: NDCC 39-13-09

Law Implemented: NDCC 39-13-09