

**WAC 468-66-010 Definitions.** The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned" means a sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" means the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code; or, if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence. Residences are buildings used as homes, located in areas where individuals and families typically reside. Residence buildings no longer used as homes may be considered commercial or industrial activities, if used for commercial or industrial purposes and located in areas having either mixed or primarily commercial and industrial development.

If any commercial or industrial activity that has been used in defining or delineating an unzoned commercial or industrial area ceases to operate for a period of six continuous months resulting in fewer than three commercial or industrial activities remaining within that area, the unzoned area is deemed to no longer exist. Any signs located within the former unzoned area are declared nonconforming.

(5) "Department" means the Washington state department of transportation.

(6) "Destroyed" means a nonconforming sign shall be considered destroyed if more than fifty percent of the sign structure components are dislocated or damaged to the extent that the sign face has fallen to the ground.

(7) "Discontinued" means a sign shall be considered discontinued if, after receiving notice from the department of absence of advertising content for ninety days, the permit holder fails to put advertising content on the sign within ninety days of the notice. The department may extend the ninety-day compliance time to a maximum of one year, if the sign owner provides documentation of unique circumstances creating involuntary discontinuance and preventing the sign owner from placing advertising content on the sign.

(8) "Electronic sign" means an on-premise advertising sign having a signboard display that can be changed by an electrical, electronic, or computerized process.

(9) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a limited access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(10) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(11) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a limited access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(12) "Interstate system" means any state highway that is or becomes part of the national system of interstate and defense highways as described in section 103(e) of Title 23, United States Code.

(13) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(14) "Limited access highway" means a state highway, or a portion of a state highway, along which the department has acquired access rights as provided by chapter 47.52 RCW. A state highway, or a portion of a state highway, along which the department has not acquired access rights as provided by chapter 47.52 RCW is termed herein as a "nonlimited access highway."

(15) "Maintain" means to allow to exist.

(16) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(17) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.

(18) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(19) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the national highway system.

(20) "Public service information" means a message on an electronic sign that provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(21) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(22) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway. The term includes the sign face(s), and the sign structure unless the sign is painted on a building, and applies to portable, temporary, and permanent installations. Signs are further defined by the provisions following:

(a) A single-faced sign may display only one advertised business activity or other activity that may be of interest to motorists.

(b) A double-faced (flanking or side-by-side) sign may only be patterned so that not more than two single-faced signs on one sign structure are visible to traffic approaching from one direction of travel.

(c) A V-type and back-to-back sign displays messages to opposing directions of travel from one sign structure. A V-type and back-to-back sign may only be patterned so that not more than one single-faced sign or double-faced (flanking or side-by-side) sign is visible to traffic approaching from each of the opposing directions of travel.

(d) A nonconforming sign means a sign that was lawfully erected but does not comply with provisions of state law or state regulations passed at a later date, or later fail to comply with the state law or state regulations due to changed conditions.

(e) Illegal signs are those erected or maintained in violation of state law or local law or ordinance.

(f) Pursuant to RCW 47.42.020(8) and 47.36.030(3), the term "sign" does not include signs, banners, or decorations that are devoid of commercial advertising and installed over a state highway to promote a local agency sponsored event.

(g) A "rental income" sign is a permitted Type 4/5 sign actively involved in the business of outdoor advertising. Rental income signs offer advertising display space in exchange for rental fees paid to the sign owner or operator. The term includes signs during periods of vacancy. Pursuant to RCW 47.42.120, permits for rental income signs are subject to an annual renewal fee of one hundred fifty dollars per permit.

(23) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(24) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(25) "Tri-vision sign" means a sign having a series of three-sided rotating slats arranged side by side, either horizontally or vertically, which are rotated by an electric-mechanical process, capable

of displaying a total of three separate and distinct messages, one message at a time.

(26) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(27) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(28) "Visible development area" means a five hundred-foot area along a scenic system state highway, that is zoned for predominantly commercial or industrial uses by the governing county, having three or more commercial or industrial activities within the five hundred-foot area that are visible to traffic in both directions. The consideration of commercial or industrial activities, and measurements that establish the area shall conform with RCW 47.42.020(9).

[Statutory Authority: RCW 47.42.120. WSR 14-22-055, § 468-66-010, filed 10/30/14, effective 11/30/14. Statutory Authority: Chapter 47.42 RCW and Title 23 Code of Federal Regulations part 750. WSR 06-03-005, § 468-66-010, filed 1/4/06, effective 2/4/06. Statutory Authority: Chapter 47.42 RCW. WSR 97-17-010 (Order 170), § 468-66-010, filed 8/7/97, effective 9/7/97; WSR 96-13-007, § 468-66-010, filed 6/6/96, effective 7/7/96. Statutory Authority: Chapter 47.42 RCW and RCW 47.01.101(5). WSR 94-12-049 (Order 144), § 468-66-010, filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 47.42 RCW. WSR 92-09-043 (Order 130), § 468-66-010, filed 4/10/92, effective 5/11/92. Statutory Authority: RCW 47.42.060. WSR 88-22-002 (Order 116), § 468-66-010, filed 10/20/88; WSR 86-01-063 (Order 99), § 468-66-010, filed 12/17/85. Statutory Authority: Chapter 47.42 RCW. WSR 85-17-012 (Order 96), § 468-66-010, filed 8/12/85. Statutory Authority: RCW 47.42.060. WSR 85-03-031 (Order 94), § 468-66-010, filed 1/10/85; WSR 80-06-057 (Order 56), § 468-66-010, filed 5/19/80. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution 13), § 468-66-010, filed 12/20/78. Formerly WAC 252-40-010.]