

RS 48:461**PART XIX. CONTROL OF OUTDOOR ADVERTISING AND JUNKYARDS****§461. DECLARATION OF POLICY**

The Legislature finds and declares that outdoor advertising and maintenance of junkyards are legitimate commercial uses of private property and, for the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the erection and maintenance of outdoor advertising and the establishment, operation and maintenance of junkyards in areas adjacent to the Interstate and Primary Highway Systems within this State.

Added by Acts 1966, No. 474, § 1.

§461.1. TERMS DEFINED

(a) "Interstate System" means that portion of the national system of interstate and defense highways located within this State, as officially designated, or as may hereafter be so designated, by the department and approved by the Secretary of Commerce pursuant to the provisions of Title 23, United States Code.

(b) "Primary System" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the department and approved by the Secretary of Commerce pursuant to the provisions of Title 23, United States Code.

(c) "Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of which advertising or information content is visible from any place on the main-traveled way of the interstate or primary systems.

(d) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(e) "Automobile graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(f) "Junkyard" means any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

(g) "Safety rest area" means an area or site established and maintained within or adjacent to the right of way by the department for the convenience of the traveling public.

(h) "Information center" means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the department may consider desirable.

(i) The term "urban area" means an urbanized area or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the United States Secretary of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

Added by Acts 1966, No. 474, § 1. Amended by Acts 1975, No. 617, § 1.
123 U.S.C.A. § 101 et seq.

§461.2. LIMITATIONS OF OUTDOOR ADVERTISING DEVICES

A. No outdoor advertising shall be erected or maintained within six hundred sixty feet of the nearest edge of the right of way and visible from the main traveled way of the interstate or primary highways in this state except the following, provided all exceptions listed below shall be in conformity with applicable federal rules and standards.

(1) Directional and other official signs and notices, which shall include but not be limited to signs and notices pertaining to natural wonders, or scenic and historic attractions, as authorized or required by law.

(2) Signs, displays and devices advertising activities conducted on the property upon which they are located.

(3) Signs, displays and devices advertising the sale or lease of property upon which they are located.

(4) Signs, displays and devices located in areas which are zoned industrial or commercial under authority of law.

(5) Signs, displays and devices in unzoned commercial or industrial areas which areas shall be determined from actual land uses and defined by regulations to be promulgated by the department.

(6) Signs which are erected and maintained by churches and schools, which do not in any way obstruct vision or endanger traffic.

(7) Signs which are erected and maintained by individuals which advertise the sale of seasonal agricultural products. Such signs shall be for the sale of agricultural products grown by the individual who erects and maintains the signs and the products shall be offered for sale at the location where they are grown. Such signs shall be exempt from the prohibition contained in this Subsection only for the period of time during which the agricultural product is "in season" and shall be removed each year after the season. The department shall promulgate regulations to set standards for such signs to ensure that they are temporary and pose no danger to passing traffic.

(b.) External lighting, such as flood lights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or federal-aid primary highway.

(c.) No sign shall be permitted to project into the direct line of vision of any official traffic control signal, from any point in a moving traffic lane of an interstate or federal-aid primary highway within six hundred sixty feet of and approaching such signal.

(2.) Size of signs.

(a.) For signs which are located within six hundred sixty feet of the nearest edge of the right of way on Interstate and Primary systems the maximum area of a sign face shall be twelve hundred square feet.

(b.) All dimensions include border and trim, but exclude supports.

(c.) Double-faced or V-type signs shall be considered one sign structure. Maximum size of signs shall apply to each face. Two signs shall be permitted in any facing provided that the total area of such facing shall not exceed twelve hundred square feet.

(d.) The highest point of any sign, except a roof sign and as otherwise provided in this Paragraph, shall not extend more than sixty feet measured from either the ground level at its supports or the nearest edge of the main traveled way of the controlled highway, whichever is higher in elevation. However, the highest point of a sign may extend to a height of no more than one hundred feet only if the sign is placed and erected within three hundred feet of a sound barrier wall.

(3.) Spacing of signs

(a.) Signs shall conform to all applicable building codes and ordinances.

(b.)(i.) No two sign structures facing in the same direction subject to regulations under this Part shall be spaced less than one hundred fifty feet apart unless separated by a building, structure, or roadway, except that no outdoor advertising sign shall be permitted within one thousand feet of any other permitted outdoor advertising sign along, and on the same side of, an interstate highway, excluding official and "on premise" signs as defined in Section 131(c) of Title 23, United States Code.

(ii.) Repealed July 1, 2004 ACT 837

(c.) All signs are required to maintain the same set-back as other principal buildings and structures or the establishing building lines, whichever is less.

(d.) No sign may be located in such a manner as to prevent the driver of a vehicle from having a clear, unobstructed view of official signs and approaching merging or intersecting traffic and driveways.

(4.) "Commercial and industrial areas" consistent with zoning principles and standards applicable in this state, include: all land so zoned, all unzoned land within one thousand feet of any

commercial or industrial activity other than outdoor advertising; all land lying within one thousand feet of any two such unzoned areas; and all other unzoned lands appropriate for outdoor advertising which are determined to be unzoned commercial or industrial areas by any court of this state.

(5.) The following signs shall not be permitted:

- a. Signs which are obsolete.
- b. Signs which are illegal under state laws or regulations.
- c. Signs that are not clean and in good repair.
- d. Signs that are not securely affixed to a substantial structure.
- e. Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal, or device.
- f. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- g. Signs which are not consistent with the standards in this Part.

B. The department, however, is authorized to modify, vary or supplement the above restrictions if necessary to comply with the standards approved by the Congress of the United States and to insure that the department will receive the maximum amount of federal-aid funds as provided in the Federal Highway Beautification Act of 1965.1

Acts 1966, No. 474, §1; Acts 1989, No. 382, § 1, eff. June 30, 1989; Acts 1990, No. 6, §1, eff. June 4, 1990; Acts 1992, No. 101, §1, eff. June 5, 1992; Acts 1999, No. 651, §1; Acts 1999, No. 1091, §1, Acts 2004, No. 837, § 1, 2, eff. July 1, 2004.
23 U.S.C.A. §§131, 135, 136, 319.

{{NOTE: See Acts 1992, No. 101, § 2 for (B)(4) change.}}

§461.5. REMOVAL OF NONCONFORMING ADVERTISING

Any sign, display or device lawfully in existence along the interstate or primary systems on July 27, 1966 and which is not in conformity with the provisions contained herein shall not be required to be removed until July 1, 1970. Any other sign, display or device lawfully erected which does not conform to the provisions hereof shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

Added by Acts 1966, No. 474, § 1.

§461.6. COMPENSATION FOR REMOVAL OF ADVERTISING AND PRIORITIES FOR REMOVAL OF ADVERTISING

A.(1) The department shall acquire by donation, purchase, lease, exchange, or expropriation and, when required by state or federal law, shall pay just compensation upon the removal of the following outdoor advertising signs, displays, and devices:

LAST REVISED JULY 1, 2004

- (a) Those lawfully in existence on July 27, 1966.
 - (b) Those lawfully on any highway made a part of the interstate or primary systems on or after the effective date of this Part and before January 1, 1968, and
 - (c) Those lawfully erected on or after January 1, 1968.
- (2) Such just compensation is authorized to be paid only for the taking from the owner of such sign, display, or device of all right, title, lease and interest in such sign, display, or device; and the taking from the owner of the land on which the sign, display, and device is located of the right to erect and maintain such signs, displays, and devices thereon.
 - (3) However, notwithstanding the above provisions, such payment shall be made by the department upon the removal of any sign, display, or device erected along the interstate or primary systems prior to January 31, 1972 if seventy-five percent of the cost thereof is made available from federal sources.
 - (4) For the purposes of this Section, just compensation shall mean payment in cash. The cost of relocation may be considered a factor for purposes of determining just compensation. The use of amortization for whatever period shall not constitute just compensation.
 - (5) Notwithstanding any provision of the law to the contrary, should the state or any of its political subdivisions remove or alter or cause to be removed or altered, any lawfully erected off-premise advertising signs just compensation as defined herein shall be paid.

B. The department shall schedule and program the acquisition and removal of outdoor advertising signs, displays, and devices, required or to be acquired under this Section, in accordance with the following order of priority:

- (1) Hardship acquisitions, the voluntary sales where owners desire an expeditious removal of their legal nonconforming signs, and other situations which suggest expeditious action to avoid hardships and conflicts; provided, however, that any owner desiring to make such sale so advise the department within one hundred eighty days of the effective date of Paragraph B of this Section.
- (2) All other except for tourist oriented directional advertising as hereafter defined.
- (3) Tourist oriented directional advertising is defined to be those signs providing directional information about facilities in the state of Louisiana providing services or goods of particular interest to the motorist while traveling such as, but not limited to food, lodging, gasoline, oil, automotive services, camp grounds, trailer parks, truck stops, resorts, tourist attractions, churches and religious services.

Acts 1966, No. 474, § 1; Acts 1972, No. 546, § 1; Acts 1978, No. 187, § 1, eff. Aug. 11, 1978; Acts 1989, No. 382, § 1, eff. June 30, 1989; Acts 1990, No. 6, § 1, eff. June 4, 1990.

§461.7. UNLAWFUL ADVERTISING

Unlawful advertising shall be any sign, display or device which violates the provisions of this Part. The department shall give thirty days notice, by certified mail, to the owner of such device

LAST REVISED JULY 1, 2004

to remove same if it is a prohibited device or cause it to conform to regulations if it is an authorized device. If the owner of such device fails to act within thirty days, as required in the notice, the department shall remove the advertising device at the expense of the owner thereof.

Added by Acts 1966, No. 474, § 1.

§461.8. ADVERTISING IN SAFETY REST AREAS

In order to provide information in the specific interest of the traveling public, the department may maintain maps and permit informational directories and advertising pamphlets to be made available at safety rest areas, and to establish information centers at those areas for the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable.

The department may allow other public bodies of this State to operate and participate in the operation of such informational centers.

Added by Acts 1966, No. 474, § 1.

§461.9. LIMITATIONS OF JUNKYARDS

No person shall establish, operate or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or primary highway, except the following:

(a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of such highway, or otherwise removed from sight.

(b) Those located within areas which are zoned for industrial use under authority of law.

(c) Those located within unzoned areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the department.

(d) Those which are not visible from the main-traveled way of such highway.

Added by Acts 1966, No. 474, § 1.

§461.10. JUNKYARDS LAWFULLY IN EXISTENCE

Any junkyard lawfully in existence on July 27, 1966 which is within one thousand feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the interstate or primary systems shall be screened, if the department determines that it is feasible to do so, by the department at locations on the highway right of way or in areas acquired for such purposes outside the right of way so as not to be visible from the main-traveled way of such highways.

Added by Acts 1966, No. 474, § 1.

§461.11. REQUIREMENT AS TO SCREENING

The department is authorized to establish and promulgate rules and regulations governing the location, planting, construction and maintenance of screening or fencing required by this Part, including the materials to be used.

Added by Acts 1966, No. 474, § 1.

§461.12. ACQUISITION OF SITES FOR REMOVAL AND SCREENING OF JUNKYARDS

The department may acquire by donation, purchase, lease, exchange or expropriation such interest in lands as it may deem necessary to secure the relocation, removal or disposal of the following junkyards when it determines that the topography of the land adjoining the highway will not permit adequate screening of such junkyards or the screening of such junkyards would not be practical:

- (a) Those lawfully in existence on July 27, 1966;
- (b) Those lawfully along any highway made a part of the interstate or primary systems on or after July 27, 1966 and before January 1, 1968; and
- (c) Those lawfully established on or after January 1, 1968.

Where required by state or federal law just compensation shall be paid the owner for the relocation, removal, or disposal of the junkyards listed in this Section.

Added by Acts 1966, No. 474, § 1.

§461.13. UNLAWFUL JUNKYARDS; INJUNCTION

Any junkyard which violates the provisions of this Part is hereby declared to be illegal and the department may apply to the court in the parish in which such junkyard is located for an injunction to require compliance with the provisions of this Part.

Added by Acts 1966, No. 474, § 1.

§461.14. INTERPRETATION

Nothing in this Part shall be construed to abrogate or affect the provisions of any statute, ordinance or regulation which is more restrictive than the provisions of this Part.

Added by Acts 1966, No. 474, § 1.

§461.15. AGREEMENTS WITH FEDERAL GOVERNMENT

The department may enter into agreements with the Secretary of Commerce, as provided by Title 23, United States Code¹, relating to the control of outdoor advertising and of junkyards in areas adjacent to the Interstate and Primary systems, including the establishment and operation of information centers at safety rest areas, and may take action in the name of the State to comply with the terms of such agreement.

**§461.16. OUTDOOR ADVERTISING DEVICES ON INTERSTATE 10 BETWEEN
LAPLACE AND JEFFERSON PARISH PROHIBITED**

Notwithstanding the provisions of R.S. 48:461.2, no outdoor advertising shall be erected or maintained within visual observation of the main traveled way of Interstate Highway 10 from a point one thousand feet east of the LaPlace interchange to the Jefferson Parish line.

Added by Acts 1972, No. 217, § 1.

**§461.17. OUTDOOR ADVERTISING DEVICES ON INTERSTATE 10 IN THE
ATCHAFALAYA RIVER BASIN AREA; PROHIBITED**

Notwithstanding the provisions of R.S. 48:461.2, no outdoor advertising shall be erected or maintained within visual observation of the main traveled way of Interstate Highway 10 between the West Atchafalaya Basin Protection Levee and the East Atchafalaya Basin Protection Levee.

Added by Acts 1973, No. 129, § 1.

**§461.18. OUTDOOR ADVERTISING CONTROL EXTENDED BEYOND SIX
HUNDRED SIXTY FEET**

A. Control of outdoor advertising signs, displays and devices is extended to signs, displays and devices located beyond six hundred sixty feet of the edge of the right of way of the Federal Aid Interstate or Primary Systems outside of urban areas erected with the purpose of their message being read from the main traveled ways of such systems. Such signs, displays or devices are prohibited, whether or not in commercial or industrial areas, unless they are of a class or type allowed under Sections 461.1 through 461.8 within six hundred sixty feet of the edge of the right of way of such system outside of commercial or industrial areas.

B. The term "erected with the purpose of its message being read from the main traveled way of such system" shall not include a sign lawfully in existence adjacent to a highway not controlled under this section, which sign at a later date becomes visible from the main traveled way of an interstate or federal aid primary highway for which the right of way was acquired subsequent to the erection of the sign provided that such sign is not intended to be read primarily from the controlled highway. The circumstances of the sign's erection, the revenues generated by the sign, or changes in the sign's structure, purpose, or size may be considered in determining from which highway the sign is intended to be primarily read.

Added by Acts 1975, No. 617, § 1.

**§461.19. JUST COMPENSATION PAYABLE FOR SIGNS BEYOND SIX HUNDRED
SIXTY FEET**

Legal outdoor advertising signs, displays or devices prohibited by Section 461.18 shall be removed upon the payment of just compensation in the same manner and subject to the same limitations as signs lawfully erected within six hundred sixty feet of the edge of the right of way of the Federal Aid Interstate and Primary Systems outside of commercial and industrial areas.

Added by Acts 1975, No. 617, § 1.

Signs lawfully in existence on October 22, 1965, determined by the state, subject to the concurrence of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this Section, are not required to be removed.

Added by Acts 1975, No. 617, § 1.

§461.21. LIMITATION OF OUTDOOR ADVERTISING DEVICES

In the event that the owner of an unlawful advertising sign fails or refuses to remove the sign after the thirty day notice from the department, as specified in Section 461.7, the department is authorized to give notice to the property owner and to enter upon the property whereon the sign is located and to dismantle and remove the unlawful sign from the premises, at the risk of the sign owner, to store the sign and to collect from the sign owner the cost of dismantling, removing, transporting, and storing the sign.

Added by Acts 1975, No. 617, § 1. Amended by Acts 1977, No. 291, § 1; Acts 1978, No. 187, § 2, eff. Aug. 11, 1978.

§461.22. ADVERTISING AND JUNKYARDS BETWEEN MISSISSIPPI RIVER AND ITS LEVEES

Any other provision of law to the contrary notwithstanding, no outdoor advertising as described in R.S. 48:461.2(d) and (e) and no junkyards as defined in this Part shall be erected or maintained within visual observation of the main traveled way of the interstate and primary highways in this state between the waters of the Mississippi River and the publicly maintained flood protection levees thereon, unless authorized in writing by the Secretary of the Department of Transportation and Development.

Added by Acts 1977, No. 703, § 1, eff. July 25, 1977.

§461.23. ECONOMIC HARDSHIP EXEMPTIONS

A. Outdoor advertising signs, displays and devices which provide directional information about goods and services in the interest of the traveling public, and are such that removal would work a substantial economic hardship in a defined area, and which were in existence on May 5, 1976, are exempt from the provisions of this Part and may be retained in the defined area, if approved by the Federal Highway Administration, pursuant to 23 C.F.R. § 750.501 et seq.

B. A defined area, as used herein, is an area within clearly established geographical boundaries, ascertainable with reasonable certainty, which can be evaluated as an economic entity.

C. Signs exempted under this Section must meet with following requirements:

(1) Have been lawfully erected prior to May 5, 1976, and must continue to be lawfully maintained.

(2) Continue to provide the directional information to goods and services offered at the same enterprise in the defined area in the interest of the traveling public that was provided on May 5, 1976.

D. The department is authorized and directed to adopt and promulgate rules and regulations, within ninety days from the effective date hereof, for the administration and implementation of this Section, establishing and defining:

- (1) Requirements for the directional content of signs to qualify the signs as directional signs to goods and services in defined areas.
- (2) A method of economic analysis showing that the removal of signs would work a substantial economic hardship throughout the defined area.

E. Upon receipt of a petition, declaration or resolution from any state, parish or municipal agency, or subdivision, or from any industry association or trade association containing more than fifteen members, asserting or claiming that the removal of such signs providing directional information about goods and services in the interest of the traveling public, are such that removal would work a substantial economic hardship in a defined area, the department shall make appropriate application to the Federal Highway Administration for the exemption of such signs under the provision of 23 USC 131(o), and in accordance with Part 750, Title 23 of the Code of Federal Regulations, or in accordance with the appropriate federal statutes and regulations required to apply for exemption of such signs from federal control of outdoor advertising.

Added by Acts 1978, No. 187, § 3, eff. Aug. 11, 1978.

§461.24. REMOVAL OR ALTERATION OF OUTDOOR ADVERTISING DEVICES

A. Except any such ordinance which was enacted by a governing authority prior to May 1, 1989, no municipal or parish governing authority shall require by ordinance, or by amendment to any ordinance, the removal, alteration, or adjustment of any on-premises outdoor advertising sign, display, or device lawfully erected prior to December 31, 1989.

B. Nothing in this Section shall be construed to limit the power of a municipal or parish governing authority to:

- (1) Offer and pay the owner of on-premises outdoor advertising signs, displays, or devices just compensation for the removal or alteration of such advertising devices, upon mutual agreement by the governing authority and said owner.
- (2) Require by ordinance the removal or alteration of an outdoor advertising sign, display, or device for which the entire normal and useful life of the device has expired.
- (3) Require by ordinance the removal or alteration of an on-premises outdoor advertising sign, display, or device which is obsolete, unlawful, or illegal on the date of its installation, or in a condition of severe disrepair.
- (4) Require by ordinance the removal or alteration of an on-premises outdoor advertising sign, display, or device which is located in such a manner as to obscure, obstruct, or otherwise interfere with the view of an official traffic sign, signal, or device, or obstruct or interfere with a motorist's view of approaching, merging, or intersecting traffic.

Acts 1989, No. 431, § 1, eff. June 30, 1989; Acts 1990, No. 878, § 1, eff. July 25, 1990.

§461.25. OUTDOOR ADVERTISING ON INTERSTATE HIGHWAY 310, IN ST. CHARLES PARISH, BETWEEN INTERSTATE HIGHWAY 10 AND THE MISSISSIPPI RIVER; PROHIBITED

Notwithstanding the provisions of R.S. 48:461.2, no outdoor advertising shall be erected or maintained within visual observation of the main traveled way of Interstate Highway 310, in St. Charles Parish, between Interstate Highway 10 and the Mississippi River.
Acts 1992, No. 191, § 1.

§461.26. DESIGNATION OF STATE PARKWAYS; OUTDOOR ADVERTISING PROHIBITED; SCREENING REQUIRED; EXCEPTIONS

A.(1) Interstate Highway 49 is hereby designated as a parkway.

(2) U.S. Highway 90 from the St. Mary - Assumption Parish line to the junction of U.S. Highway 90 and State Highway 1 near Raceland is hereby designated as a parkway.

B. Notwithstanding the provisions of R.S. 48:461.2 or any other law to the contrary, no off-premise outdoor advertising shall be erected or maintained within visual observation of the main-traveled way of any parkway designated in Subsection A of this Section except as authorized herein. Off-premise outdoor advertising may be erected within five thousand feet of the intersection of the parkway and a local, state or federal designated highway, measured along the parkway from the nearest edge of the intersecting highway, if the appropriate local governing authority of the area allows such advertising by ordinance, and the site of the outdoor advertising is zoned commercial or industrial under comprehensive zoning of the local governing authority or is within eight hundred feet of an actual commercial or industrial activity as defined by the department. The measurement for placement of the off-premise outdoor advertising sign shall be made separately for each side of the parkway. The provisions of this Subsection shall be inapplicable with respect to any off-premise outdoor advertising sign built or lawfully permitted prior to July 1, 2004.

C.(1) No person shall establish, operate, or maintain any nonagricultural, commercial, or industrial activity within five hundred feet of the parkway right-of-way without approved screening by natural objects, plantings, fences, or other appropriate means approved by the Department of Transportation and Development so that such activity is not visible from the main-traveled way. However, the requirements of this Subsection shall not apply to properties

located within the boundaries of a municipality or within five thousand feet of the intersection of the parkway and a state or federal designated highway, measured along the parkway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way on the same side of the parkway.

(2) "Approved screening" for purposes of this Section means screening as provided for in Paragraph C(1) of this Section which is established, constructed, and maintained by an individual, business, or other entity according to a plan submitted to and approved by the Department of Transportation and Development. The procedure for submission of the plan and the standards by which the department will decide whether a screening plan meets the requirements of Paragraph C(1) of this Section shall be set forth in rules and regulations promulgated by the department pursuant to the Administrative Procedure Act. An appeal from a decision of the department shall be in accordance with the provisions of that Act.

D. None of the requirements of Subsection B of this Section, either in whole or in part, shall be interpreted as a waiver of any other local, state, or federal ordinance, statute, or regulation pertaining to outdoor advertising on interstate highways in Louisiana.

E.(1) The provisions of this Section relative to Paragraph (A)(1) shall be inapplicable with respect to any advertising or commercial or industrial activity which has been lawfully established prior to July 13, 1992.

(2) The provisions of this Section relative to Paragraph (A)(2) shall be inapplicable with respect to any advertising or commercial or industrial activity which has been lawfully established prior to December 7, 1999. If any advertising or commercial or industrial activity which has been lawfully established prior to December 7, 1999, is interrupted by act of god, or negligent or intentional act of a third party, such activity may be restored and continued under the terms of the prior existing permit without the need of applying for a new permit with respect to such restoration and continuance.

Acts 1992, No. 1054, § 1, eff. July 13, 1992; Acts 2000, 1st Ex. Sess., No. 61, § 1; Acts 2004, No. 837, § 1, eff. July 1, 2004

§461.27. OUTDOOR ADVERTISING DEVICES IN FORESTRY MANAGEMENT AREAS;

- A. The department may issue permits for outdoor advertising devices along highway rights-of-ways in areas designated in a department forestry management plan. Applications for permit devices in such areas may be denied if the department plans to reforest the area with trees or other vegetation which would eventually cause the location to be unfavorable for such use.
- B. The term "forestry management plan" as used in this Section means that plan for use of areas within the highway rights-of-way of the interstate system for the harvesting and replanting of timber as determined by the Department of Agriculture and Forestry and Transportation and Development.

Acts 2004, No. 163, § 1, eff. July 1, 2004