**Section 522.20 Definitions**

"Act" means the Highway Advertising Control Act of 1971 [225 ILCS 440].

"Affiliate" means a company that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, another company.

"Air mile" means a distance of one mile as measured horizontally along a straight line between the sign and activity advertised.

*"Business Area" means any part of an area adjacent to and within* *660* *feet of the right-of-way which is at any time zoned for business, commercial or industrial activities under the authority of any law of this State; or not so zoned, but which constitutes an unzoned commercial or industrial area. However, as to signs along Interstate highways, the term "business area" includes only areas which are within incorporated limits of any city, village, or incorporated town, as such limits existed on September 21, 1959, and which are zoned for* business, *industrial or commercial use, or to portions of Interstate highways which traverse other areas where the land use, as of September 21, 1959, was* clearly *established by State law as* business, *industrial or commercial*. (Section 3.12 of the Act [225 ILCS 440/3.12]) Areas which were zoned as of September 21, 1959 and were not specifically zoned for business, commercial or industrial use as of September 21, 1959 and were outside corporate limits on that date will not be considered business areas along Interstate highways. However, *an area zoned for business, commercial or industrial activities that is adjacent to and within 660 feet of an Interstate highway and that is in Township 41 North, Range 10 East of the Third Principal Meridian shall be deemed a business area* along Interstate highways. [225 ILCS 440/3.12] (See PA 95-0340, effective January 1, 2008.) Areas which were unzoned on September 21, 1959 may qualify as business areas along Interstate highways if the applicant can show, based on contemporaneous historical records of State actions (e.g., State sales tax records, required State license fees, etc.) that the land on September 21, 1959 was and has continuously been used as business, commercial or industrial. Land unzoned on September 21, 1959, used for agricultural and/or farming activities, including but not limited to forestry, ranging, mining and mineral extraction activities, grazing, wayside produce stands and grain storage bins, will not be considered as business, commercial or industrial land uses for purposes of this Part. Additionally, unzoned land used for railroad tracks and minor sidings; transient or temporary activities not involving permanent buildings or structures; outdoor advertising structures; activities not visible from the main-traveled way; activities conducted in a building principally used as a residence (if the ground floor of the building is more than 50% residence); and activities located in buildings that are not integral to the business operation or that are used to store trade equipment and where business transactions do not take place will not be considered as business, commercial or industrial land uses.

"Code" means the Illinois Highway Code [605 ILCS 5].

"*Commercial or industrial activities,*" as used in the definition of "business area" and "unzoned commercial or industrial area," *means those activities located within* *660* *feet of the nearest edge of the* highway *right-of-way generally recognized as commercial or industrial by zoning authorities in this State*, such as land use devoted to commerce, industry, trade, manufacturing, highway service, highway business, warehouses, offices or similar uses, *but* for the purpose of determining unzoned commercial and industrial areas *does not include the following:*

*Agricultural, forestry, ranging,* mining and mineral extraction activities, *grazing and farming activities, including wayside fresh produce stands and grain storage bins;*

*Railroad tracks and minor sidings;*

*Transient or temporary activities not involving permanent buildings or structures;*

Activities that are conducted in a building that is used to store trade equipment or that is not integral to the business operation where actual business transactions take place;

*Outdoor advertising structures;*

*Activities not visible from a main-traveled way;* and

*Activities conducted in a building principally used as a residence* (if the ground floor of the building is more than 50% residence). (Section 3.10 of the Act)

"Damaged signs" means signs that require repair beyond normal maintenance.

"Department" means the Illinois Department of Transportation.

"Directional signs" means signs containing directional information about public places owned or operated by Federal, State or local governments or their agencies; publicly or privately owned natural phenomena; historic, educational, cultural, scientific and religious sites; areas of natural or scenic beauty; or areas naturally suited for outdoor recreation which are deemed to be in the interest of the traveling public.

"Director" means the Director of the Division of Highways or the Director's designee.

"District" means any one of the District offices of the Department's Division of Highways. (See Illustration M.)

*"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish; but does not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure.* *For the purposes of this definition, the following shall not constitute normal maintenance or repair of a sign or sign structure: replacing more than 60% of the uprights, in whole or in part, of a wooden sign structure; replacing more than 30% of the length above ground of each broken, bent, or twisted support of a metal sign structure; raising the height above ground of a sign or sign structure; making a sign bigger; adding lighting; or similar activities that substantially change a sign or make a sign more valuable.* (Section 3.08 of the Act)

*"Expressway" means a primary highway constructed* either *as a freeway* or tollway *which has complete control of access*. (See Illustration A.) (Section 3.04 of the Act)

"Federal, State or local law" means a Federal or State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to Federal or State constitution or statute.

"Illegal Signs" means signs not in compliance with this Part.

"Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations, providing for the movement of traffic between two or more roadways on different levels.

*"Interstate highway" means any highway*, including a tollway, *designated by the Department and approved by the United States Department of Transportation as a part of the National System of Interstate and Defense Highways. A highway* becomes *a part of the National System of Interstate and Defense highways upon the date of approval of the Route Location Decision and the approval of the addition of the highway to the National System of Interstate and Defense Highways by the Governor and the United States Department of Transportation*. (Section 3.02 of the Act)

*"Main-traveled way" means the traveled way* (i.e., pavement) *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, or parking areas*. (Section 3.05 of the Act)

*"Maintain" means to allow to exist and includes the periodic changing of advertising messages as well as the normal maintenance or repair of signs and sign structures.* (Section 3.06 of the Act)

"Multiple Message Sign" means an outdoor advertising sign that displays a series of message changes, regardless of the technology used. A multiple message sign provides for a fixed message of at least ten seconds in length with a transition time between message changes of three seconds or less. Multiple message signs contain a default design that will freeze the message in one position if a malfunction occurs.

*"Municipality" means a city, village, or incorporated town in the State of Illinois, but, "municipal" or "municipality" does not include a township, town when used as the equivalent of a township, incorporated town which has superseded a civil township, county, school district, park district, sanitary district or any other similar governmental district*. (Section 3.09 of the Act)

*"National Highway System"* means the *designation provided to certain highways by the Department, which designation must be approved by the United States Department of Transportation and the United States Congress for the purpose of providing an interconnected system of principal arterial routes that serve major population centers, international border crossings, ports, airports, public transportation facilities, other major travel destinations, and interstate and inter-regional travel and meet national defense requirements.* (Section 3.15 of the Act)

"Non-conforming sign and/or sign structure" means a registered sign and/or sign structure lawfully in existence as of the effective date of the Highway Advertising Control Act (July 1, 1972), but which thereafter does not conform with the provisions of the Act. The term also includes a lawful sign and/or sign structure rendered non-conforming by its subsequently becoming subject to the terms of the Act, including but not limited to its being adjacent to a highway, and not in a business area, that subsequently comes under control of the Act or a sign and/or sign structure that is rendered non-conforming by subsequent amendment to the Act (except that sign and/or sign structures subject to the amendments of Section 6.01 (Size) and 6.03 (Spacing) of the Act by Public Act 87-1205 shall not be rendered non-conforming, the text of this definition notwithstanding). A non-conforming sign and/or sign structure may be maintained, but neither a lawfully erected conforming sign and/or sign structure nor a lawfully erected non-conforming sign and/or sign structure may be compelled to be altered or removed under this Act until just compensation is paid to the sign and/or sign structure owner and the owner or owners of the property on which the sign and/or sign structure is erected.

"Official notices" means service club and religious notices and public service signs.

"Official signs" means signs erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or non-profit historical societies are considered official signs.

"On premise signs" means those signs which advertise activities conducted on the property on which they are located. Variety seed signs, fertilizer signs, and other agricultural product signs are not on premise signs unless at least 50 percent of the sign face is devoted to identification of the farm owner or operator. A sale or lease sign which also advertises any product or service not located upon and unrelated to the business of selling or leasing the land on which the sign is located is not an on premise sign.

"Parkland" means any publicly owned land which is designed or used as a public park, recreation area, conservation area, wildlife or waterfowl refuge or historic site.

*"Primary highway" means any highway, other than an Interstate highway*, *designated by the Department and approved by the United States Department of Transportation as a part of the Federal-Aid Primary System* *in existence on June 1, 1991 or any highway other than an Interstate highway that is not on such system that is on the National Highway System*. (Section 3.03 of the Act)

"Public utility signs" means warning signs, informational signs, notices or markers which are erected and maintained by publicly or privately owned public utilities as essential to their operations.

"Responsible Local Officials" means in urbanized areas, principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor; or in urban areas not within any urbanized area, principal elected officials of general purpose local governments.

"Rest area" means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

"Right-of-way" includes all property, whether it is presently being used for highway purposes or not, either under the jurisdiction of the Department or owned in fee by the State of Illinois or dedicated to the People of the State of Illinois for highway purposes, for which the jurisdiction, maintenance, administration, engineering or improvement of any highway situated thereon has been contracted by the Department to any other highway authority pursuant to Section 4-409 of the Highway Code.

"Scenic area" means any area of particular scenic beauty or historical significance as determined by Federal, State or local officials having jurisdiction over said areas, and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty.

*"Scenic byway" means that portion of a highway that has been nominated by the Department to the United States Department of Transportation for designation as a National Scenic Byway or All-American Road, and that has received national designation. "Scenic byway" does not include a section of primary or Interstate highway that traverses a business area at the time of nomination, except in accordance with Section 14.02(a)(5) of the Act.* (Section 3.16 of the Act)

"Secretary" means the Secretary of the Department.

"Service club and religious notices" means signs and notices relating to meetings of not for profit service clubs and charitable associations, or religious services.

*"Sign" means any outdoor sign, display, device, notice, figure painting, drawing, message, placard, poster, billboard, or other thing, which is designated, intended or used to advertise or inform, and of which any part of the existing or intended advertising or informative contents is or will be visible from any place on the main-traveled way of any portion of an Interstate or primary highway and which is within* *660* *feet of the nearest edge of the right-of-way of such highway*. (Section 3.07 of the Act)

*"Sign" also means any sign described* above *which is more than* *660* *feet from the nearest edge of such highway* right-of-way, *outside of an urban area, visible from any place on the main-traveled way of any portion of such highway and erected with purpose of its message being read from such main-traveled* *way*. (Section 3.07 of the Act)

"Sign Structure" means the assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, display area and trim.

*"Unzoned commercial or industrial area" means any area adjacent to the right-of-way of a primary highway* or an Interstate highway for purposes of Section 522.210, *not zoned by any county or municipality and which lies within* *600* *feet of any commercial or industrial activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway. On primary highways other than expressways,* but not along Interstate highways for purposes of Section 522.210, *where there is an unzoned commercial or industrial area on one side of the road in accordance with the preceding, the unzoned commercial or industrial area shall also include those lands directly opposite on the other side of the highway to the extent of the same dimensions except where such lands are publicly owned or controlled for scenic or recreational purposes*. (See Illustration B.) (Section 3.11 of the Act)

*"Urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each such state, or an urban place as designated by the Bureau of the Census of the United States having a population of 5,000 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 Secretary of the United States Department of Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census*. (Section 3.14 of the Act)

*"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity*. (Section 3.13 of the Act)

(Source: Amended at 35 Ill. Reg. 8523, effective May 17, 2011)