**Section 541.40 Business Signs**

a) Specific types of businesses shall meet the following criteria to qualify for signing:

1) GAS: Should be open five days a week, including a Saturday or a Sunday, for a minimum of 12 hours a day for at least six months of the year. If open less than five days a week for six months, or if not open on either a Saturday or a Sunday, the days of the week and months open, as applicable, must be shown on the business sign. It shall have normal service station goods and services, including telephone, gas, oil, water and restroom. An attendant must be present at the business at all times the business is open.

2) FOOD: Should be open five days a week, including a Saturday or a Sunday, for at least six months of the year. If open less than five days a week for six months, or if not open on either a Saturday or a Sunday, the days of the week and months open, as applicable, must be shown on the business sign. It shall be certified by the Illinois Department of Public Health or local health department and have a public restroom and telephone.

3) LODGING: Should be open seven days a week for at least six months of the year. If open less than seven days a week for six months, the days of the week and months open, as applicable, must be shown on the business sign. It shall have a telephone, restroom and sleeping accommodations. The majority of the accommodations shall be available to the general public and not restricted to members only nor rented or leased on a time-share basis.

4) CAMPING: Should be open seven days a week for at least six months of the year. If open less than seven days a week for six months, the days of the week and months open, as applicable, must be shown on the business sign. It shall have camping and parking accommodations, restroom, telephone, and drinking water. The majority of the camp sites shall be available to the general public and not restricted to members only nor rented or leased on a time-share basis.

5) AGRICULTURAL BUSINESSES: Should be open five days a week, including a Saturday or a Sunday, during the applicable growing and harvesting season for the crop(s) involved and shall offer for sale primarily products grown, harvested, or produced within 50 miles of the business. If open less than five days a week for six months, or if not open on either a Saturday or a Sunday, the days of the week and months open, as applicable, must be shown on the business sign. Such businesses shall include but are not limited to fruit orchards, vegetable stands, tree farms, vineyards and wineries.

6) GENERAL TOURIST ATTRACTIONS: Should be open five days a week, including a Saturday or a Sunday, for at least six months of the year. If open less than five days a week for six months, or if not open on either a Saturday or a Sunday, the days of the week and months open, as applicable, must be shown on the business sign. General tourist attractions shall include but are not limited to marinas, sport fishing/bait facilities, stage theaters, amusement parks, riding stables, antique stores, craft stores, museums, golf courses, ski areas, facilities offering aircraft, boat, or train rides, and historic villages. The attraction shall be available to the general public and not restricted to members only.

7) INELIGIBLE BUSINESSES: Businesses not normally associated with tourism are not eligible even when the majority of their visitors or income is derived from motorists not residing within a 25 air mile radius of the business. Such businesses include, but are not limited to, shopping malls, discount malls, furniture/clothing stores, automobile/truck dealerships, malls or garages, drug stores, movie theaters, community business districts, appliance stores, department stores, schools, houses of worship, real estate offices, auction houses, livestock sales facilities, sand and gravel facilities, and grocery stores.

b) A maximum of four business signs for four individual qualifying businesses may be placed under each tourist oriented directional sign.

c) No individual business shall be allowed more than one business sign under an individual tourist oriented directional sign.

d) No more than one business sign for any individual qualifying business may be erected in any given direction at more than one intersection on any given State highway.

e) Where there are qualifying businesses in each direction on the intersecting road, the business signs directing motorists to the left shall be placed above the business signs for those businesses to the right.

f) Signing for a qualifying business shall only be allowed at a given marked State highway intersection where the business can be reached without crossing another marked State highway.

g) Business Signing Priorities

1) A maximum of four business signs may be installed at any one intersection with a State marked highway. Where there are more businesses eligible for and desiring signing than the number of signs permitted, those businesses nearest the intersection will be given first priority for signing.

2) Business signs which have been installed will not be removed because of a nearer business desiring signing as long as the business having the signing continues to meet the established criteria and continues to pay the annual fees.

3) When a space becomes available under an individual tourist oriented directional sign, the eligible business desiring signing submitting an application first along with the required application fee will be given first priority for signing. If that business does not remit the required yearly fee to the Department within 30 calendar days after being notified in writing that its application is approved, the space will be offered to the next eligible business submitting a valid application. In the event the Department receives applications, including the required application fees, from more than one business on any given business day, the business closest to the intersection will be given first priority for any available space. The Department will not install signs for any business until the required yearly fee is paid.

4) When a business closes due to remodeling, or due to an Act of God including, but not limited to, fire or flood, the business signs will be removed and stored by the Department for up to a maximum of six months. If the business remains closed after six months, the space will be declared available. In any event, if the allowable closure period extends to the subsequent calendar year, the annual fee for the business shall be paid for that year or the space will be declared available. Any portion of such closure time which may occur during the normal seasonal closure of the business as noted on the business signs will not count in determining the six month period.

5) When the type of business changes, such as an antique shop changing to a food establishment, the business will lose its signing priority. The business signs will be removed by the Department, and the space will be declared available. The business will also lose its signing priority if it closes for any length of time even during its normal seasonal closure as shown on the business signs and is openly up for sale. When a space is declared available a business which has lost its signing priority shall submit a new application, including the application fee, for inclusion in the program and its priority will be evaluated among all the other eligible businesses desiring signing at that intersection as set forth in subsection (g)(3) above.

6) Where it is necessary to measure distance in order to determine signing priority, the distance to each business establishment will be measured as the travel distance between the center of the intersection of the marked State highway with the intersecting road and the primary entrance to the business. Where an entrance serves more than one business, the driving distance using the proper marked driving aisles from the entrance to the parking space available for patrons nearest the business shall be added to the distance measured along the intersecting road.

h) Location of Business

1) A business must be located within a rural area.

2) A business on the road intersecting with a marked State highway will not be signed on the State marked highway if the business is located with its property abutting the marked State highway, and the business or a sign at the site of the business is visible to the motorists advising motorists of the appropriate entrance to the establishment.

3) A business not on the road intersecting with a marked State highway will be signed on the State marked highway if trailblazing or other signs are in place on the intersecting road and on such other roads as may be necessary to clearly advise motorists where to turn to reach the business. Where the intersecting road or other roads leading from the intersection with the State marked highway are unmarked State highways, the Department will place such trailblazer signs on the State highways for the fee established in Section 541.60(b)(2). Where roads are under local agency jurisdiction, signing will not be provided on State highways until legible trailblazer or other signs are placed by, or by permission of, such local agencies with directional information advising motorists where to turn. The business shall have the responsibility for arranging with the appropriate local agency for the placement of all signs on roads under the jurisdiction of that local agency.