

1 topographical features of the roadside, their presence would be impractical or
2 unfeasible, or result in an unsafe or hazardous condition.

3 (d) Duplication. – If a business is currently shown on another official highway
4 guide sign, such as a logo sign or supplemental guide sign, on the same approach to an
5 intersection where a TODS panel for that business would be located, the business may
6 elect to keep the existing highway guide sign or have it removed and replaced with
7 TODS. If the business elects to retain the existing highway guide sign, the business is
8 ineligible for TODS at that intersection.

9 **"§ 136-140.16. Business eligibility criteria.**

10 Any tourist-oriented business is eligible to participate in the TODS program if it
11 meets all of the following conditions:

12 (1) It is open to the general public and is not restricted to 'members only'.

13 (2) It does not restrict access to its facilities by the general public.

14 (3) It complies with all applicable laws, ordinances, rules, and regulations
15 concerning the provision of public accommodations without regard to
16 race, religion, color, age, sex, national origin, disability, and any other
17 category protected by federal or State constitutional or statutory law
18 concerning the granting of licenses and approvals for public facilities.

19 (4) It meets the following standards:

20 a. It is in continuous operation at least eight hours a day, five days
21 a week during its normal season or the normal operating season
22 for the type of business.

23 b. It is licensed and approved by the appropriate State and local
24 agencies regulating the particular type of business or activity.

25 **"§ 136-140.17. Terminating participation in program.**

26 A business may terminate its participation in the TODS program at any time. The
27 business is not entitled to a refund of any part of any fees paid because of voluntary
28 termination of participation by the business, for any reason, before the end of its current
29 contract period.

30 **"§ 136-140.18. Temporary modification of TODS panels.**

31 (a) The Department shall allow a participating business to close for remodeling
32 or to repair damage from fire or other natural disaster if its TODS panels are covered or
33 removed while the business is closed. No refund of fees or extension of the time
34 remaining in the contract for participation will be provided for the period of closure.

35 (b) The Department may, at its discretion, remove or cover TODS panels for
36 roadway construction or maintenance, for routine maintenance of the TODS assembly,
37 for traffic research study, or for any other reason it considers appropriate. Businesses
38 are not entitled to any refunds of fee amounts for the period that the TODS panels are
39 covered or removed under this subsection unless the period exceeds seven days.

40 (c) The TODS panels for seasonal businesses shall have an appropriate message
41 added during the period in which the businesses are open to the public as part of their
42 normal seasonal operation.

43 **"§ 136-140.19. Department to adopt rules to implement the TODS program.**

1 The Department shall adopt rules to implement the TODS program created by this
2 Article. The rules shall include all of the following:

- 3 (1) The Department shall set a fee to cover the initial costs of signs, sign
4 maintenance, and administering the program.
5 (2) The Department shall establish a standard for the size, color, and letter
6 height of the TODS as specified in the National Manual of Uniform
7 Traffic Control Devices for Streets and Highways.
8 (3) TODS shall not be placed more than five miles from the business.
9 (4) TODS shall not be placed where prohibited by local ordinance.
10 (5) The number of TODS panels shall not exceed six per intersection with
11 only one tourist-related facility on each panel.
12 (6) If a business is not directly on a State highway, it is eligible for TODS
13 panels only if both of the following requirements are met:
14 a. It is located on a street that directly connects with a State road.
15 b. It is located so that only one directional sign, placed on a State
16 road, will lead the tourist to the place of business.
17 (7) A TODS shall not be placed immediately in advance of the business if
18 the facility and its on-premise advertising signs are readily visible
19 from the roadway.
20 (8) The Department shall limit the placement of TODS to highways other
21 than fully controlled access highways and to rural areas in and around
22 towns or cities with a population of less than 40,000."

23 **SECTION 2.** This act becomes effective July 1, 2001.