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Document No. 4314  
**DEPARTMENT OF TRANSPORTATION**  
CHAPTER 63  
Statutory Authority: 1976 Code Sections 57-25-800 through 57-25-830

63-339. Agritourism and Tourism-Oriented Directional Signing

**Synopsis:**

The Department of Transportation proposes to add Regulation 63-339 to implement and administer the statewide Agritourism and Tourism-Oriented Signage Program.

A Notice of Drafting was published in the *State Register* on October 26, 2012.

**Instructions:**

Print the regulation in accordance with the directions given below to reflect new regulation.

63-339. Print as shown below.

**Text:**

63-339. Agritourism and Tourism-Oriented Directional Signing.

A. Introduction. The South Carolina Department of Transportation has developed this program for the installation of directional signs on the state highway system for agritourism and tourism-oriented facilities or activities located on rural, conventional highways.

B. Purpose. The purpose of this program is:

(1) To provide motorist with business identification and directional information for agritourism and tourism-oriented facilities or activities for eligible participants;

(2) To eliminate illegal outdoor advertising signs as required by the South Carolina Highway Advertising Control Act. 57-25-110, et seq.

C. Definitions

(1) 'Department' means the South Carolina Department of Transportation or its authorized agents.

(2) 'Highway' means a highway on the state highway system as defined under 57-5-10, constructed to at-grade intersections standards and without control-of-access.

(3) 'Agritourism activity' means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to participate in rural activities.

(4) 'Rural activity' means wildlife management, farming and ranching, or associated historic, scientific research, cultural, harvest-your-own and natural activities and attractions.

(5) 'Rural area' means an area outside the limits of an incorporated municipality having a population of 5,000 or more according to the most recent decennial census of the United States Bureau of Census.

(6) 'Agritourism-oriented facility' means a location where an agritourism activity is carried out by an agritourism professional or other agricultural facility meeting the criteria established in these regulations.

(7) 'Agritourism professional' means any person who it engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(8) 'Tourism-oriented facility' means a location where the facility derives greater than 50% of its income or total visitors during a normal business season from road users not residing in the area of the facility and other criteria established in these regulations.

(9) 'Rest room facilities' mean separate facilities for men and women, to include sink and toilet, and available to all motorists at no charge.

(10) 'Drinking water' means a water fountain and/or cups of water provide to all motorists at no charge.

(11) 'Public telephone' means a coin operated telephone available to all motorists. Private or business phones may be allowed if the business is unable to obtain a coin operated telephone so long as its use is provided to motorists.

(12) 'Driveway access' means a vehicle entrance, built in compliance with state and local standards and regulations, for use by the public that provides access to an agritourism or tourism-oriented activity.

(13) 'MUTCD' means the Federal Highway Administration's Manual on Uniform Traffic Control Devices as adopted under 56-5-920.

#### D. Agritourism and Tourism Oriented Directional Sign Design

(1) A sign assembly shall be comprised of one or more individual business panels and the required sign supports. Each business panel shall be limited to information for one eligible business, service, activity or facility.

(2) Business panels shall be rectangular in shape and shall have a white legend and border on a blue background.

(3) Legend on business panels shall be limited to the identification and directional information for an eligible participant. Advertising shall not be allowed as part of the legend. An official program logo developed by the Department of Agriculture may be included and located adjacent to the identification information of agritourism-oriented facilities. An official program logo developed by the Department of Parks, Recreation and Tourism may be included and located adjacent to the identification information for tourism-oriented facilities.

(4) Each business sign panel shall be limited to two lines of legend, the official program logo, the distance, in miles rounded to the nearest mile, to the business from an intersection and a directional arrow.

(5) Directional arrows pointing to the left or straight up should be located at the extreme left of the business panel. Directional arrows pointing to the right should be located to the extreme right of the business panel. The official program logo, if used, shall be to the immediate left of the business name. The mileage to the business shall be located between the directional arrow and the official program logo or business name.

(6) All sign panels shall be fabricated from materials which conform to the Department's latest specifications for sign blanks and sign sheeting.

(7) Business panels shall not contain a corporate trademark, logo, symbol, or slogan.

(8) Sign assemblies shall not be illuminated internally or externally.

#### E. Size and Style of Sign Legend and Elements

(1) All letters and numbers shall be upper case and shall have a height of six (6) inches with the exception of the letters on the official program logo. Letters on the official program logo shall be proportional to the size of the logo.

(2) All letters and numbers shall be standard highway series D or C font.

(3) All letter spacing shall be in accordance with the Federal Highway Administration's Standard Highway Signs and Markings book, latest edition.

(4) The official program logo shall have a maximum size of twelve (12) inches by twelve (12) inches for a square design or twelve (12) inch diameter for a circular design.

(5) The width of the border shall be three quarters (3/4) of an inch.

(6) The radius of the border shall be one and one half (1½) inches.

(7) The size of the arrow shall be nine (9) inches wide by six (6) inches tall where the arrow is measured along the arrow's axis (shaft) in a horizontal orientation.

#### F. Arrangement and Size of Sign Assemblies

(1) Each individual business panel will have a maximum height of eighteen (18) inches. The number of business sign panels comprising a sign assembly shall not exceed four (4), for a maximum sign assembly height of seventy-two (72) inches.

(2) The number of sign assemblies approaching an intersection should not exceed three, one for destinations straight ahead, one for destinations to the right and one for destinations to the left.

(3) At intersections where four or fewer businesses are displayed, the straight ahead, left-turn and right turn business panels may be combined on the same sign assembly. Otherwise, the sign panels for straight ahead, left-turn and right turn destinations should be installed on separate sign assemblies.

(4) The left-turn sign assembly should be located farthest from the intersection, then the right-turn destination sign, with the straight-through destination sign located closest to the intersection.

(5) When straight-through, left-turn and right-turn panels are combined to form a single sign assembly, the order of the panels from top to bottom shall be straight-through, left-turn, right-turn.

(6) When multiple business panels in the same direction comprise a sign assembly, the order of panels from top to bottom shall be based on distance from the intersection, with the closest destination occupying the top position.

(7) Where the number of businesses wishing to participate in the program exceeds the number of spaces available, the closest businesses will qualify to participate with the following exception: if the closest twelve (12) businesses are from one category (agritourism or tourism), the oversight committee will have the discretion to place up to four (4) businesses from the other category in the sequence of sign assemblies to promote program diversity.

(8) The distances used in this determination will be measured from the driveway entrance of the business to the initial intersection where the first directional signs are to be installed.

(9) Pre-notification intersection signs will not be permitted under this program.

#### G. Sign Assembly Locations and Placement at Intersections

(1) Businesses shall be signed from the last point of turn from the nearest rural primary highway on the state highway system.

(2) Sign assemblies shall be installed in a manner so as not to conflict or obscure the view of existing regulatory, warning, or guide signing in place at an intersection.

(3) Sign assemblies shall be located at least 200 feet prior to an intersection. If more than one assembly is to be installed, the assemblies shall be spaced at least 200 feet apart and at least 200 feet from any other traffic control device.

(4) The signs shall be installed in compliance with the requirements of the MUTCD. For rural roadways where no sidewalk is present, the signs should be erected within the public right-of-way, but no less than six (6) feet horizontally from the edge of pavement. The vertical distance from the edge of pavement to the bottom of the sign assembly (mounting height) should be a minimum of five (5) feet

(5) For roadways having curb and gutter and sidewalk, the signs should be erected no less than two (2) feet horizontally from the face of curb. In this situation, the mounting height should be no less than seven (7) feet.

(6) Sign assemblies shall be installed with a lateral offset from the edge of pavement equal to or greater than existing signs.

#### H. Criteria for Selection of Agritourism-oriented Facility

(1) To be eligible for a business panel, an agritourism-oriented facility shall:

(a) be located in a rural area;

(b) be located on or accessible from a paved rural highway on the state highway system;

(c) offer agricultural activities related to production, harvest, processing, preservation, management, cultural, historical, recreational, educational, entertainment, and commercial activities, services and/or products to the general public;

(d) be unique and local in nature and not part of a chain of businesses having a common name under common ownership and management or under a franchise arrangement;

(e) have a permanent location and the agritourism-oriented activity shall be associated with a permanent building:

1. constructed principally of brick, concrete block, stone, concrete, metal, or wood, or some combination of these materials; or

2. from a mobile home or trailer which the applicant can prove is considered part of the real estate and taxed accordingly;

(f) be open to the public on a regular schedule and have at least one employee attendant at the activity site, performing work and available to the public for at least five (5) days per week, for at least six (6) hours per day (holidays excepted), for at least forty-eight (48) weeks per year; provided, however, that an agricultural operation open on a seasonal basis may be eligible for participation in the program provided it is open for business on a regular schedule with at least one employee attendant at the activity site for at least five (5) days per week, for at least six (6) hours per day (holidays excepted), for at least three (3) months out of the year;

(g) post its hours and days of operation at or near the main entrance so that they are visible to the public during closed as well as open hours;

(h) have electricity, public telephone or telephone with published phone number and answered at the activity, excluding call forwarding systems, running water, restrooms, drinking water, and adequate heating and cooling; provided, however, that this requirement may not apply to seasonal agricultural activities, services or products where it is not practical;

(i) if any general admission is charged, the costs of admission shall be clearly displayed to the prospective visitors at the entrance to the business;

(j) be located within five (5) miles of the intersecting route with a rural state primary highway where the program sign is to be erected;

(k) be an agritourism business qualified to participate in the SC Department of Agriculture promotional programs;

(l) have on-site signage that is visible from the fronting, paved rural highway;

(m) have driveway access from a paved public highway;

(n) provide off street parking accommodations with an exit having sufficient sight distance for motorists to safely enter the fronting roadway;

(o) be open to the general public and not by appointment or reservation only;

(p) to qualify a business shall list its location, operating season and hours, contact information with the Department of Agriculture and have one of the following:

1. a reception structure;
2. a controlled gate;
3. a staffed reception and orientation point; or
4. permanent interpretation panels or displays.

(2) To be eligible for the program, if an agritourism-oriented facility is located on a local paved road and more than one intersection from the nearest state route, the facility shall provide written documentation to ensure that the local government will provide similar directional signs on the right of way of the local system sufficient to guide motorist to the business.

#### I. Criteria for Selection of Qualified Tourism-oriented Facilities

(1) To be eligible for a business panel, a tourism-oriented facility shall:

(a) be located in a rural area;

(b) be limited to the following services: gas, food, lodging, camping, educational, cultural, recreational, and entertainment activities, or a unique or unusual commercial or non-profit activity;

(c) be a business or facility that derives greater than 50% of its income or total visitors during a normal business season from road users not residing in the area of the business or facility;

(d) meet current compliance with all applicable laws concerning the provision of public accommodation without regard to race, religion, color, age, sex, national origin or lifestyle or laws concerning the licensing and approval of public facilities;

(e) adhere to the safety standards and procedures that apply to the industry to which the operation belongs;

(f) be local in nature, and represent the unique cultural, historical, natural or recreational resources of the area and not be part of a chain of businesses having a common name under common ownership and management or under a franchise arrangement;

- (g) be located within five (5) miles of an intersection with a rural primary route on the state highway system where the program sign is to be erected;
  - (h) have on-site signage that is visible from the fronting, paved rural highway ;
  - (i) be ADA compliant;
  - (j) have available the following public services: electricity, public restrooms, drinking water, public telephones or telephone with published phone number and answered at the activity, excluding call forwarding systems, permanent flooring other than dirt, gravel, sand, etc., and adequate heating and cooling;
  - (k) post hours and days of operation at or near the main entrance so that they are visible to the public during closed as well as open hours;
  - (l) be open to the general public and not by appointment or reservation only;
  - (m) unless otherwise stated, be open to the public and have at least one employee attendant at the activity site, performing work and available to the public for at least eight (8) hours a day, for at least six (6) days a week, for a minimum of six (6) months a year;
  - (n) to qualify a business shall market its location, operating season and hours, contact information and have one of the following:
    1. a reception structure;
    2. a controlled gate;
    3. a staffed reception and orientation point; or
    4. permanent interpretation panels or displays.
  - (o) be willing to provide visitor information for surrounding area and region;
  - (p) have a driveway access from a paved public highway;
  - (q) provide off street parking accommodations with an exit having sufficient sight distance for motorists to safely enter the fronting roadway; and
  - (r) for bed and breakfast lodging, provide a minimum of four (4) sleeping units complete with private bath facilities for each sleeping unit and offer one or more meals to guest in a dining area separate from the sleeping rooms and provide lodging services for at least five (5) nights per week.
- (2) To be eligible for the program, if a tourism-oriented facility is located on a local paved road and more than one intersection from the nearest state route, the facility shall provide written documentation to ensure that the local government will provide similar directional signs on the right of way of the local system sufficient to guide motorist to the business.

#### J. Fees, Installation and Maintenance

- (1) The cost to the business for participation in the agritourism and tourism-oriented directional sign program shall be determined by the Department. Fees will include a nonrefundable initial participation fee, manufacture fee, installation fee and annual participation fee for each business panel installed. Additional fees shall be assessed to cover/uncover or remove/reinstall signs based on seasonal availability of the business or facility, to maintain signs, or to replace damaged, deteriorated or missing signs.
- (2) The Department shall be responsible for all fabrication, installation, routine maintenance, removal and covering of business panels.
- (3) The Department shall not be responsible for any damage, deterioration or loss of any business panel.
- (4) The Department reserves the right to cover or remove any or all business signs during maintenance or construction operations or for research studies, or whenever deemed by the Department to be in the best interest of the Department or the traveling public without advance notice.

#### K. Application Procedures

- (1) The qualifying business shall submit an application to the Department. By submitting an application, the applicant is certifying that all requirements outlined in these regulations have been met. Applications must be submitted on the form available on the Department's website. The Department will prescribe the format and content of standard application and agreement forms to be used in the administration of this program.

(2) The application shall include the following documents:

(a) Written affidavit by the business of its conformity with all applicable laws concerning the provision of public accommodations without regard to race, religion, color or national origin;

(b) Written certification from the Department of Parks, Recreation and Tourism for tourism-oriented facilities and/or from the Department of Agriculture for agritourism-oriented facilities, that the facilities meet the qualifying criteria set forth above; and

(c) If a business is located on a local paved road and more than one intersection from the nearest state route, the business shall include with its application written documentation from the local government that similar additional signs will be provided on the right of way of the local system sufficient to guide motorist to the business.

If the above information is not included with the application, the application will be returned to the applicant.

(3) The Department will retain the applications until they are reviewed and approved by the oversight committee at its semiannual meetings. The oversight committee shall meet on the second Tuesdays in January and July to review applications received by the Department, or as soon thereafter as possible. The Chairman of the committee will arrange the meeting time and location. The approval for each application will be recorded by a majority vote of the members present at the meeting. The Chairman will cast a vote only in the case to break a tie.

(4) Applicants will be notified in writing of being approved or disapproved from program participation. If disapproved, reasons for disapproval will be clearly stated. In the event the application is disapproved, the applicant may request a contested case hearing pursuant to S.C. Code Section 1-23-600 and the rules of procedure for the Administration Law Court.

(5) Once noted deficiencies have been corrected, disapproved applications may resubmitted for consideration at the next oversight committee meeting.

(6) After a business has received approval of its application for participation in the program, a participation agreement, in accordance with these regulations, will be entered into between the Department and the business. Once the participation agreement has been signed by all parties and required fees paid, the Department will have the signs installed within sixty (60) days of receipt of site plan approval by Department. Failure of any check submitted to the Department to be honored upon presentation shall make the agreement void. The applicant may be required to resubmit the agreement and may thereafter be required to submit cash or a certified check for any participation fee or other fee payment.

(7) The Department reserves the right to terminate the program or any portion thereof by furnishing the business written notice of such intent not less than thirty (30) calendar days prior to such action.

(8) If a business, at any time, fails to comply with applicable laws or these rules and regulations, the Department will take the necessary actions to disqualify that business from further participation in the program, except when a business closing is due to damages sustained by fire, accident or similar causes and when the Department is notified in writing within ten (10) days of such closing. In such cases the business sign shall be removed or covered until the business is re-opened.

(9) A sign for a business may be covered by the Department if it is temporarily closed for a period not exceeding thirty (30) days.

(10) The Department shall remove the business panel if the business:

(a) ceases to exist;

(b) fails to pay the annual fee or other specified fees within thirty (30) calendar days of the due date as specified in the participation agreement with the Department;

(c) is temporarily closed for more than thirty (30) days (seasonal closure);

(d) does not meet the requirements stated in these regulations and corrections are not made within thirty (30) days of notification; and

(e) is sold and the new business does not continue as an eligible business.

(11) If the business panel is removed due to the default of the business to perform within the terms of these regulations, the participation agreement between the business and the Department will be terminated. All funds paid to the Department will be forfeited.

(12) Any business that maintains any form of illegal outdoor advertising as determined by the South Carolina Highway Advertising Control Act shall be ineligible to participate in this program until such illegal advertising devices are removed.

(13) Sixty (60) days prior to the annual renewal date for each participating business sign, the Department shall send notification to the Department of Parks, Recreation and Tourism and Department of Agriculture requesting verification of continued eligibility of each business participating in the program. The Department of Parks, Recreation and Tourism and Department of Agriculture shall have twenty (20) days to submit a response to the Department verifying eligibility. Upon Department's receipt of the verification, the Department will send fee renewal notices to those businesses remaining eligible to participate in the program.

**Fiscal Impact Statement:**

There will be no increase costs incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

The purpose of Regulation 63-339 is to create a regulation to implement and administer the statewide Agritourism and Tourism-Oriented Signage Program Purpose. Regulation 63-339 complies with the requirement in Act 224, ratified June 12, 2012, effective June 20, 2012, that the South Carolina Department of Transportation promulgate regulations to operate such program.