

DEPARTMENT OF TRANSPORTATION REGULATIONS

REMOVAL OF UNAUTHORIZED OUTDOOR ADVERTISING:

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672-7-.01 Definitions

The following terms, as used in the Rules of this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

- (a) "Department": The Department of Transportation of the State of Georgia.
- (b) "Engineer": The Chief Engineer, acting directly or through a duly authorized representative, such representative acting within the scope of the particular duties assigned to him and within the authority given him.
- (c) "General Office": Georgia Department of Transportation, ~~No. 2 Capitol Square, Atlanta, Georgia, 30334.~~ [600 West Peachtree Street, N.W., Atlanta, GA 30308.](#)
- (d) "Outdoor Advertising" or "Sign": The "Outdoor Advertising" or "Sign" as defined in ~~Georgia Code of Public Transportation, Code Section~~ [O.C.G.A. § 32-6-71 \(14\)](#), ~~O.C.G.A.~~
- (e) "Unauthorized Sign": Any sign for the erection or maintenance of which a permit is required but has not been obtained.

Authority O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4. **History.** Original Rule entitled "Definitions" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976. **Repealed:** New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980. **Amended:** F. June 24, 1988; eff. July 14, 1988. **Repealed:** New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.

672-7-.02 Determination of Signs Erected or Maintained Without Authorization; Notification by Certified Mail

When the Department believes that a sign has been erected or is being maintained without authorization, the Department shall notify the sign owner by certified mail and the landowner by copy, of ~~a time, date and place of a hearing which will be held~~ the right to request an Administrative Hearing in accordance with ~~Code Section 32-6-70, et seq., O.C.G.A., O.C.G.A. § 32-6-70, et seq.~~ (Ga. Laws 1973, pp. 947, 1071) as amended, and the Georgia Administrative Procedure Act (Ga. Laws 1964, p. 338), as amended.

Authority O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4. **History.** Original Rule entitled “Determination of Signs Erected or Maintained Without Authorization; Notification by Certified Mail” adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976. **Repealed:** New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980. **Amended:** F. June 24, 1988; eff. July 14, 1988. **Repealed:** New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.

672-7-.03 Initial Hearing

The Department shall request an administrative hearing through the Office of State Administrative Hearings. The Administrative Law Judge (ALJ) shall under the provisions of the Georgia Administrative Procedure Act (Ga. L. 1964, p. 338, as amended), determine the applicability of the Department Rules and Georgia Law to the facts and issues presented at the administrative hearing. The ALJ shall issue an order which will become a final decision either at the end of thirty days if no appeal is sought, or after the final decision on agency review. If either party does not appear within fifteen minutes of the scheduled time or request a postponement in advance, the right to an administrative determination shall be forfeited. A judgment will be entered by default in accordance with ~~Code Section~~ [O.C.G.A. § 50-13-13](#) (a) (4), ~~O.C.G.A.~~ Said default may, within fifteen (15) days from the date of the order, be opened for providential cause preventing the appearance of the party at the hearing at the assigned date and time, or for excusable neglect or when the ALJ in his discretion from all the facts shall determine that a proper case has been made for the default to be opened. If it is determined by the ALJ that justification does not exist for opening the default, the initial judgment shall stand as the final agency decision.

Authority O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4. **History.** Original Rule entitled “Subsequent Inspection; Legal Action” adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976. **Repealed:** New Rule entitled “Initial Hearing” adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980. **Amended:** F. June 24, 1988; eff. July 14, 1988. **Repealed:** New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.

672-7-.04 Legal Action.

The Department is authorized by ~~Georgia Code of Public Transportation Code Sections~~ [O.C.G.A. §§ 32-6-91 through 32-6-94](#), ~~O.C.G.A.~~, to seek prosecution and injunctions prescribed therein and may proceed under same in addition to or in lieu of the remedies set forth under the Georgia Administrative Procedure Act (Ga. L. 1964, p. 338), as amended.

Authority O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4. **History.** Original Rule entitled “Legal Action” adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980. **Amended:** F. June 24, 1988; eff. July 14, 1988. **Repealed:** New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.