

FIRST REGULAR SESSION

SENATE BILL NO. 124

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Pre-filed December 18, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0828S.01I

AN ACT

To repeal section 226.540, RSMo, and to enact in lieu thereof one new section relating to billboards.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 226.540, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 226.540, to read as follows:

226.540. Notwithstanding any other provisions of sections 226.500 to
2 226.600, outdoor advertising shall be permitted within six hundred and sixty feet
3 of the nearest edge of the right-of-way of highways located on the interstate,
4 federal-aid primary system as it existed on June 1, 1991, or the national highway
5 system as amended in areas zoned industrial, commercial or the like and in
6 unzoned commercial and industrial areas as defined in this section, subject to the
7 following regulations which are consistent with customary use in this state:

8 (1) Lighting:

9 (a) No revolving or rotating beam or beacon of light that simulates any
10 emergency light or device shall be permitted as part of any sign. No flashing,
11 intermittent, or moving light or lights, **nor tri-vision, projection, digital, or**
12 **other changeable copy technology** will be permitted except scoreboards and
13 other illuminated signs designating public service information, such as time, date,
14 or temperature, or similar information, will be allowed; [tri-vision, projection, and
15 other changeable message signs shall be allowed subject to Missouri highways
16 and transportation commission regulations;]

17 (b) External lighting, such as floodlights, thin line and gooseneck
18 reflectors are permitted, provided the light source is directed upon the face of the
19 sign and is effectively shielded so as to prevent beams or rays of light from being

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 directed into any portion of the main traveled way of the federal-aid primary
21 highways as of June 1, 1991, and all highways designated as part of the National
22 Highway System by the National Highway System Designation Act of 1995 and
23 those highways subsequently designated as part of the National Highway System
24 and the lights are not of such intensity so as to cause glare, impair the vision of
25 the driver of a motor vehicle, or otherwise interfere with a driver's operation of
26 a motor vehicle;

27 (c) No sign shall be so illuminated that it interferes with the effectiveness
28 of, or obscures, an official traffic sign, device, or signal;

29 (2) Size of signs:

30 (a) The maximum area for any one sign shall be eight hundred square feet
31 with a maximum height of thirty feet and a maximum length of seventy-two feet,
32 inclusive of border and trim but excluding the base or apron, supports, and other
33 structural members. The area shall be measured as established herein and in
34 rules promulgated by the commission. In determining the size of a conforming
35 or nonconforming sign structure, temporary cutouts and extensions installed for
36 the length of a specific display contract shall not be considered a substantial
37 increase to the size of the permanent display; provided the actual square footage
38 of such temporary cutouts or extensions may not exceed thirty-three percent of
39 the permanent display area. Signs erected in accordance with the provisions of
40 sections 226.500 to 226.600 prior to August 28, 2002, which fail to meet the
41 requirements of this provision shall be deemed legally nonconforming as defined
42 herein;

43 (b) The maximum size limitations shall apply to each side of a sign
44 structure, and signs may be placed back to back, double faced, or in V-type
45 construction with not more than two displays to each facing, but such sign
46 structure shall be considered as one sign;

47 (c) After August 28, 1999, no new sign structure shall be erected in which
48 two or more displays are stacked one above the other. Stacked structures existing
49 on or before August 28, 1999, in accordance with sections 226.500 to 226.600 shall
50 be deemed legally nonconforming and may be maintained in accordance with the
51 provisions of sections 226.500 to 226.600. Structures displaying more than one
52 display on a horizontal basis shall be allowed, provided that total display areas
53 do not exceed the maximum allowed square footage for a sign structure pursuant
54 to the provisions of paragraph (a) of this subdivision;

55 (3) Spacing of signs:

56 (a) On all interstate highways, freeways, and nonfreeway federal-aid
57 primary highways as of June 1, 1991, and all highways designated as part of the
58 National Highway System by the National Highway System Designation Act of
59 1995 and those highways subsequently designated as part of the National
60 Highway System:

61 a. No sign structure shall be erected within one thousand four hundred
62 feet of an existing sign on the same side of the highway;

63 b. Outside of incorporated municipalities, no structure may be located
64 adjacent to or within five hundred feet of an interchange, intersection at grade,
65 or safety rest area. Such five hundred feet shall be measured from the beginning
66 or ending of the pavement widening at the exit from or entrance to the main
67 traveled way. For purpose of this subparagraph, the term "incorporated
68 municipalities" shall include "urban areas", except that such "urban areas" shall
69 not be considered "incorporated municipalities" if it is finally determined that
70 such would have the effect of making Missouri be in noncompliance with the
71 requirements of Title 23, United States Code, Section 131;

72 (b) The spacing between structure provisions of this subdivision do not
73 apply to signs which are separated by buildings, natural surroundings, or other
74 obstructions in such manner that only one sign facing located within such
75 distance is visible at any one time. Directional or other official signs or those
76 advertising the sale or lease of the property on which they are located, or those
77 which advertise activities on the property on which they are located, including
78 products sold, shall not be counted, nor shall measurements be made from them
79 for the purpose of compliance with spacing provisions;

80 (c) No sign shall be located in such manner as to obstruct or otherwise
81 physically interfere with the effectiveness of an official traffic sign, signal, or
82 device or obstruct or physically interfere with a motor vehicle operator's view of
83 approaching, merging, or intersecting traffic;

84 (d) The measurements in this section shall be the minimum distances
85 between outdoor advertising sign structures measured along the nearest edge of
86 the pavement between points directly opposite the signs along each side of the
87 highway and shall apply only to outdoor advertising sign structures located on
88 the same side of the highway involved;

89 (4) As used in this section, the words "unzoned commercial and industrial
90 land" shall be defined as follows: that area not zoned by state or local law or
91 ordinance and on which there is located one or more permanent structures used

92 for a commercial business or industrial activity or on which a commercial or
93 industrial activity is actually conducted together with the area along the highway
94 extending outwardly seven hundred fifty feet from and beyond the edge of such
95 activity. All measurements shall be from the outer edges of the regularly used
96 improvements, buildings, parking lots, landscaped, storage or processing areas
97 of the commercial or industrial activity and along and parallel to the edge of the
98 pavement of the highway. Unzoned land shall not include:

99 (a) Land on the opposite side of the highway from an unzoned commercial
100 or industrial area as defined in this section and located adjacent to highways
101 located on the interstate, federal-aid primary system as it existed on June 1,
102 1991, or the national highway system as amended, unless the opposite side of the
103 highway qualifies as a separate unzoned commercial or industrial area; or

104 (b) Land zoned by a state or local law, regulation, or ordinance;

105 (5) "Commercial or industrial activities" as used in this section means
106 those which are generally recognized as commercial or industrial by zoning
107 authorities in this state, except that none of the following shall be considered
108 commercial or industrial:

109 (a) Outdoor advertising structures;

110 (b) Agricultural, forestry, ranching, grazing, farming, and related
111 activities, including seasonal roadside fresh produce stands;

112 (c) Transient or temporary activities;

113 (d) Activities more than six hundred sixty feet from the nearest edge of
114 the right-of-way or not visible from the main traveled way;

115 (e) Activities conducted in a building principally used as a residence;

116 (f) Railroad tracks and minor sidings;

117 (6) The words "unzoned commercial or industrial land" shall also include
118 all areas not specified in this section which constitute an "unzoned commercial
119 or industrial area" within the meaning of the present Section 131 of Title 23 of
120 the United States Code, or as such statute may be amended. As used in this
121 section, the words "zoned commercial or industrial area" shall refer to those areas
122 zoned commercial or industrial by the duly constituted zoning authority of a
123 municipality, county, or other lawfully established political subdivision of the
124 state, or by the state and which is within seven hundred fifty feet of one or more
125 permanent commercial or industrial activities. Commercial or industrial
126 activities as used in this section are limited to those activities:

127 (a) In which the primary use of the property is commercial or industrial

128 in nature;

129 (b) Which are clearly visible from the highway and recognizable as a
130 commercial business;

131 (c) Which are permanent as opposed to temporary or transitory and of a
132 nature that would customarily be restricted to commercial or industrial zoning
133 in areas comprehensively zoned; and

134 (d) In determining whether the primary use of the property is commercial
135 or industrial pursuant to paragraph (a) of this subdivision, the state highways
136 and transportation commission shall consider the following factors:

137 a. The presence of a permanent and substantial building;

138 b. The existence of utilities and local business licenses, if any, for the
139 commercial activity;

140 c. On-premise signs or other identification;

141 d. The presence of an owner or employee on the premises for at least
142 twenty hours per week;

143 (7) In zoned commercial and industrial areas, whenever a state, county
144 or municipal zoning authority has adopted laws or ordinances which include
145 regulations with respect to the size, lighting and spacing of signs, which
146 regulations are consistent with the intent of sections 226.500 to 226.600 and with
147 customary use, then from and after the effective date of such regulations, and so
148 long as they shall continue in effect, the provisions of this section shall not apply
149 to the erection of signs in such areas. Notwithstanding any other provisions of
150 this section, after August 28, 1992, with respect to any outdoor advertising which
151 is regulated by the provisions of subdivision (1), (3) or (4) of section 226.520 or
152 subsection 1 of section 226.527:

153 (a) No county or municipality shall issue a permit to allow a regulated
154 sign to be newly erected without a permit issued by the state highways and
155 transportation commission;

156 (b) A county or municipality may charge a reasonable one-time permit or
157 inspection fee to assure compliance with local wind load and electrical
158 requirements when the sign is first erected, but a county or municipality may not
159 charge a permit or inspection fee for such sign after such initial fee. Changing
160 the display face or performing routine maintenance shall not be considered as
161 erecting a new sign;

162 (8) The state highways and transportation commission on behalf of the
163 state of Missouri, may seek agreement with the Secretary of Transportation of the

164 United States under Section 131 of Title 23, United States Code, as amended,
165 that sections 226.500 to 226.600 are in conformance with that Section 131 and
166 provides effective control of outdoor advertising signs as set forth therein. If such
167 agreement cannot be reached and the penalties under subsection (b) of Section
168 131 are invoked, the attorney general of this state shall institute proceedings
169 described in subsection (1) of that Section 131.

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Unofficial

Bill

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