

FIRST REGULAR SESSION

SENATE BILL NO. 379

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

1600S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 226.540 and 226.550, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

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

Section A. Sections 226.540 and 226.550, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 226.540 and 226.550, to read as follows:

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

11 (1) Lighting:

12 (a) No revolving or rotating beam or beacon of light
13 that simulates any emergency light or device shall be
14 permitted as part of any sign. No flashing, intermittent,
15 or moving light or lights will be permitted except
16 scoreboards and other illuminated signs designating public
17 service information, such as time, date, or temperature, or
18 similar information, will be allowed; tri-vision,

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

19 projection, and other changeable message signs shall be
20 allowed subject to Missouri highways and transportation
21 commission regulations;

22 (b) External lighting, such as floodlights, thin line
23 and gooseneck reflectors are permitted, provided the light
24 source is directed upon the face of the sign and is
25 effectively shielded so as to prevent beams or rays of light
26 from being directed into any portion of the main traveled
27 way of the federal-aid primary highways as of June 1, 1991,
28 and all highways designated as part of the National Highway
29 System by the National Highway System Designation Act of
30 1995 and those highways subsequently designated as part of
31 the National Highway System and the lights are not of such
32 intensity so as to cause glare, impair the vision of the
33 driver of a motor vehicle, or otherwise interfere with a
34 driver's operation of a motor vehicle;

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

38 (2) Size of signs:

39 (a) The maximum area for any one sign shall be eight
40 hundred square feet with a maximum height of thirty feet and
41 a maximum length of seventy-two feet, inclusive of border
42 and trim but excluding the base or apron, supports, and
43 other structural members. The area shall be measured as
44 established herein and in rules promulgated by the
45 commission. In determining the size of a conforming or
46 nonconforming sign structure, temporary cutouts and
47 extensions installed for the length of a specific display
48 contract shall not be considered a substantial increase to
49 the size of the permanent display; provided the actual
50 square footage of such temporary cutouts or extensions may

51 not exceed thirty-three percent of the permanent display
52 area. Signs erected in accordance with the provisions of
53 sections 226.500 to 226.600 prior to August 28, 2002, which
54 fail to meet the requirements of this provision shall be
55 deemed legally nonconforming as defined herein;

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

61 (c) After August 28, 1999, no new sign structure shall
62 be erected in which two or more displays are stacked one
63 above the other. Stacked structures existing on or before
64 August 28, 1999, in accordance with sections 226.500 to
65 226.600 shall be deemed legally nonconforming and may be
66 maintained in accordance with the provisions of sections
67 226.500 to 226.600. Structures displaying more than one
68 display on a horizontal basis shall be allowed, provided
69 that total display areas do not exceed the maximum allowed
70 square footage for a sign structure pursuant to the
71 provisions of paragraph (a) of this subdivision;

72 (3) Spacing of signs:

73 (a) On all interstate highways, freeways, and
74 nonfreeway federal-aid primary highways as of June 1, 1991,
75 and all highways designated as part of the National Highway
76 System by the National Highway System Designation Act of
77 1995 and those highways subsequently designated as part of
78 the National Highway System:

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

82 b. Outside of incorporated municipalities, no
83 structure may be located adjacent to or within five hundred
84 feet of an interchange, intersection at grade, or safety
85 rest area. Such five hundred feet shall be measured from
86 the beginning or ending of the pavement widening at the exit
87 from or entrance to the main traveled way. For purpose of
88 this subparagraph, the term "incorporated municipalities"
89 shall include "urban areas", except that such "urban areas"
90 shall not be considered "incorporated municipalities" if it
91 is finally determined that such would have the effect of
92 making Missouri be in noncompliance with the requirements of
93 Title 23, United States Code, Section 131;

94 (b) The spacing between structure provisions of this
95 subdivision do not apply to signs which are separated by
96 buildings, natural surroundings, or other obstructions in
97 such manner that only one sign facing located within such
98 distance is visible at any one time. Directional or other
99 official signs or those advertising the sale or lease of the
100 property on which they are located, or those which advertise
101 activities on the property on which they are located,
102 including products sold, shall not be counted, nor shall
103 measurements be made from them for the purpose of compliance
104 with spacing provisions;

105 (c) No sign shall be located in such manner as to
106 obstruct or otherwise physically interfere with the
107 effectiveness of an official traffic sign, signal, or device
108 or obstruct or physically interfere with a motor vehicle
109 operator's view of approaching, merging, or intersecting
110 traffic;

111 (d) The measurements in this section shall be the
112 minimum distances between outdoor advertising sign
113 structures measured along the nearest edge of the pavement

114 between points directly opposite the signs along each side
115 of the highway and shall apply only to outdoor advertising
116 sign structures located on the same side of the highway
117 involved;

118 (4) As used in this section, the words "unzoned
119 commercial and industrial land" shall be defined as
120 follows: that area not zoned by state or local law or
121 ordinance and on which there is located one or more
122 permanent structures used for a commercial business or
123 industrial activity or on which a commercial or industrial
124 activity is actually conducted together with the area along
125 the highway extending outwardly seven hundred fifty feet
126 from and beyond the edge of such activity. All measurements
127 shall be from the outer edges of the regularly used
128 improvements, buildings, parking lots, landscaped, storage
129 or processing areas of the commercial or industrial activity
130 and along and parallel to the edge of the pavement of the
131 highway. **On nonfreeway primary highways where there is an
132 unzoned commercial or industrial area on one side of the
133 road in accordance with this section, the unzoned commercial
134 or industrial area shall also include those lands located on
135 the opposite side of the highway to the extent of the same
136 dimensions.** Unzoned land shall not include:

137 (a) Land on the opposite side of the highway from an
138 unzoned commercial or industrial area as defined in this
139 section and located adjacent to highways located on the
140 interstate[, federal-aid primary system as it existed on
141 June 1, 1991, or the national highway system as amended,
142 unless the opposite side of the highway qualifies as a
143 separate unzoned commercial or industrial area] **or freeway
144 primary highways;** or

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

147 (5) "Commercial or industrial activities" as used in
148 this section means those which are generally recognized as
149 commercial or industrial by zoning authorities in this
150 state, except that none of the following shall be considered
151 commercial or industrial:

152 (a) Outdoor advertising structures;

153 (b) Agricultural, forestry, ranching, grazing,
154 farming, and related activities, including seasonal roadside
155 fresh produce stands;

156 (c) Transient or temporary activities;

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

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

162 (f) Railroad tracks and minor sidings;

163 (6) The words "unzoned commercial or industrial land"
164 shall also include all areas not specified in this section
165 which constitute an "unzoned commercial or industrial area"
166 within the meaning of the present Section 131 of Title 23 of
167 the United States Code, or as such statute may be amended.
168 As used in this section, the words "zoned commercial or
169 industrial area" shall refer to those areas zoned commercial
170 or industrial by the duly constituted zoning authority of a
171 municipality, county, or other lawfully established
172 political subdivision of the state, or by the state and
173 which is within seven hundred fifty feet of one or more
174 permanent commercial or industrial activities. Commercial
175 or industrial activities as used in this section are limited
176 to those activities:

177 (a) In which the primary use of the property is
178 commercial or industrial in nature;

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

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

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

190 a. The presence of a permanent and substantial
191 building;

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

194 c. On-premise signs or other identification;

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

197 (7) In zoned commercial and industrial areas, whenever
198 a state, county or municipal zoning authority has adopted
199 laws or ordinances which include regulations with respect to
200 the size, lighting and spacing of signs, which regulations
201 are consistent with the intent of sections 226.500 to
202 226.600 and with customary use, then from and after the
203 effective date of such regulations, and so long as they
204 shall continue in effect, the provisions of this section
205 shall not apply to the erection of signs in such areas.
206 Notwithstanding any other provisions of this section, after
207 August 28, 1992, with respect to any outdoor advertising

208 which is regulated by the provisions of subdivision (1), (3)
209 or (4) of section 226.520 or subsection 1 of section 226.527:

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

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

220 (8) The state highways and transportation commission
221 on behalf of the state of Missouri, may seek agreement with
222 the Secretary of Transportation of the United States under
223 Section 131 of Title 23, United States Code, as amended,
224 that sections 226.500 to 226.600 are in conformance with
225 that Section 131 and provides effective control of outdoor
226 advertising signs as set forth therein. If such agreement
227 cannot be reached and the penalties under subsection (b) of
228 Section 131 are invoked, the attorney general of this state
229 shall institute proceedings described in subsection (1) of
230 that Section 131.

226.550. 1. No outdoor advertising which is regulated
2 by subdivision (1), (3) or (4) of section 226.520 or
3 subsection 1 of section 226.527 shall be erected or
4 maintained on or after August 28, 1992, without a one-time
5 permanent permit issued by the state highways and
6 transportation commission. Application for permits shall be
7 made to the state highways and transportation commission on
8 forms furnished by the commission and shall be accompanied
9 by a permit fee of two hundred dollars for all signs; except

10 that, tax-exempt religious organizations as defined in
11 subdivision (11) of section 313.005, service organizations
12 as defined in subdivision (12) of section 313.005, veterans'
13 organizations as defined in subdivision (14) of section
14 313.005, and fraternal organizations as defined in
15 subdivision (8) of section 313.005 shall be granted a permit
16 for signs less than seventy-six square feet without payment
17 of the fee. **The permit fee of two hundred dollars shall be**
18 **waived for landowners, provided that the landowner owns both**
19 **the land upon which the outdoor advertising is placed and**
20 **the business being advertised on the sign, so long as the**
21 **business being advertised is located within seven hundred**
22 **fifty feet of the sign location.** In the event a permit
23 holder fails to erect a sign structure within twenty-four
24 months of issuance, said permit shall expire and a new
25 permit must be obtained prior to any construction.

26 2. No outdoor advertising which is regulated by
27 subdivision (1), (3) or (4) of section 226.520 or subsection
28 1 of section 226.527 which was erected prior to August 28,
29 1992, shall be maintained without a one-time permanent
30 permit for outdoor advertising issued by the state highways
31 and transportation commission. If a one-time permanent
32 permit was issued by the state highways and transportation
33 commission after March 30, 1972, and before August 28, 1992,
34 it is not necessary for a new permit to be issued. If a one-
35 time permanent permit was not issued for a lawfully erected
36 and lawfully existing sign by the state highways and
37 transportation commission after March 30, 1972, and before
38 August 28, 1992, a one-time permanent permit shall be issued
39 by the commission for each sign which is lawfully in
40 existence on the day prior to August 28, 1992, upon
41 application and payment of a permit fee of two hundred

42 dollars. All applications and fees due pursuant to this
43 subsection shall be submitted before December 31, 1992. **The**
44 **permit fee of two hundred dollars shall be waived for**
45 **landowners, provided that the landowner owns both the land**
46 **upon which the outdoor advertising is placed and the**
47 **business being advertised on the sign, so long as the**
48 **business being advertised is located within seven hundred**
49 **fifty feet of the sign location.**

50 3. For purposes of sections 226.500 to 226.600, the
51 terminology "structure lawfully in existence" or "lawfully
52 existing" sign or outdoor advertising shall, nevertheless,
53 include the following signs unless the signs violate the
54 provisions of subdivisions (3) to (7) of subsection 1 of
55 section 226.580:

- 56 (1) All signs erected prior to January 1, 1968;
- 57 (2) All signs erected before March 30, 1972, but on or
58 after January 1, 1968, which would otherwise be lawful but
59 for the failure to have a permit for such signs prior to
60 March 30, 1972, except that any sign or structure which was
61 not in compliance with sizing, spacing, lighting, or
62 location requirements of sections 226.500 to 226.600 as the
63 sections appeared in the revised statutes of Missouri 1969,
64 wheresoever located, shall not be considered a lawfully
65 existing sign or structure;
- 66 (3) All signs erected after March 30, 1972, which are
67 in conformity with sections 226.500 to 226.600;
- 68 (4) All signs erected in compliance with sections
69 226.500 to 226.600 prior to August 28, 2002.

70 4. On or after August 28, 1992, the state highways and
71 transportation commission may, in addition to the fees
72 authorized by subsections 1 and 2 of this section, collect a
73 biennial inspection fee every two years after a state permit

74 has been issued. Biennial inspection fees due after August
75 28, 2002, and prior to August 28, 2003, shall be fifty
76 dollars. Biennial inspection fees due on or after August
77 28, 2003, shall be seventy-five dollars. Biennial
78 inspection fees due on or after August 28, 2004, shall be
79 one hundred dollars; except that, tax-exempt religious
80 organizations as defined in subdivision (11) of section
81 313.005, service organizations as defined in subdivision
82 (12) of section 313.005, veterans' organizations as defined
83 in subdivision (14) of section 313.005, and fraternal
84 organizations as defined in subdivision (8) of section
85 313.005 shall not be required to pay such fee. **The biennial**
86 **inspection fee shall be waived for landowners, provided that**
87 **the landowner owns both the land upon which the outdoor**
88 **advertising is placed and the business being advertised on**
89 **the sign, so long as the business being advertised is**
90 **located within seven hundred fifty feet of the sign location.**

91 5. In order to effect the more efficient collection of
92 biennial inspection fees, the state highways and
93 transportation commission is encouraged to adopt a renewal
94 system in which all permits in a particular county are
95 renewed in the same month. In conjunction with the
96 conversion to this renewal system, the state highways and
97 transportation commission is specifically authorized to
98 prorate renewal fees based on changes in renewal dates.

99 6. Sign owners or owners of the land on which signs
100 are located must apply to the state highways and
101 transportation commission for biennial inspection and submit
102 any fees as required by this section on or before December
103 31, 1992. For a permitted sign which does not have a
104 permit, a permit shall be issued at the time of the next
105 biennial inspection.

106 7. The state highways and transportation commission
107 shall deposit all fees received for outdoor advertising
108 permits and inspection fees in the state road fund, keeping
109 a separate record of such fees, and the same may be expended
110 by the commission in the administration of sections 226.500
111 to 226.600.

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