

SENATE BILL NO. 1161

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

4778S.011

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2 repealed and two new sections enacted in lieu thereof, to be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

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

18 similar information, will be allowed; tri-vision,
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

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

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

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

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

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

(a) Outdoor advertising structures;

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

(c) Transient or temporary activities;

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

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

(f) Railroad tracks and minor sidings;

(6) The words "unzoned commercial or industrial land" shall also include all areas not specified in this section which constitute an "unzoned commercial or industrial area" within the meaning of the present Section 131 of Title 23 of the United States Code, or as such statute may be amended.

As used in this section, the words "zoned commercial or industrial area" shall refer to those areas zoned commercial or industrial by the duly constituted zoning authority of a municipality, county, or other lawfully established political subdivision of the state, or by the state and which is within seven hundred fifty feet of one or more permanent commercial or industrial activities. Commercial or industrial activities as used in this section are limited 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

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

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

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

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

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

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

2. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section 226.520 or subsection 1 of section 226.527 which was erected prior to August 28, 1992, shall be maintained without a one-time permanent permit for outdoor advertising issued by the state highways and transportation commission. If a one-time permanent permit was issued by the state highways and transportation commission after March 30, 1972, and before August 28, 1992, it is not necessary for a new permit to be issued. If a one-time permanent permit was not issued for a lawfully erected and lawfully existing sign by the state highways and transportation commission after March 30, 1972, and before August 28, 1992, a one-time permanent permit shall be issued by the commission for each sign which is lawfully in existence on the day prior to August 28, 1992, upon

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

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

- 57 (1) All signs erected prior to January 1, 1968;
- 58 (2) All signs erected before March 30, 1972, but on or
59 after January 1, 1968, which would otherwise be lawful but
60 for the failure to have a permit for such signs prior to
61 March 30, 1972, except that any sign or structure which was
62 not in compliance with sizing, spacing, lighting, or
63 location requirements of sections 226.500 to 226.600 as the
64 sections appeared in the revised statutes of Missouri 1969,
65 wheresoever located, shall not be considered a lawfully
66 existing sign or structure;
- 67 (3) All signs erected after March 30, 1972, which are
68 in conformity with sections 226.500 to 226.600;
- 69 (4) All signs erected in compliance with sections
70 226.500 to 226.600 prior to August 28, 2002.

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

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

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

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

106 permit, a permit shall be issued at the time of the next
107 biennial inspection.

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

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