

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 399,
2 Page 13, Section 142.869, Line 99, by inserting immediately after all of said section and line the
3 following:
4

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

11 (1) Lighting:

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

18 (b) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted,
19 provided the light source is directed upon the face of the sign and is effectively shielded so as to
20 prevent beams or rays of light from being directed into any portion of the main traveled way of the
21 federal-aid primary 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 those highways
23 subsequently designated as part of the National Highway System and the lights are not of such
24 intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise
25 interfere with a driver's operation of a motor vehicle;

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

28 (2) Size of signs:

29 (a) The maximum area for any one sign shall be eight hundred square feet with a maximum
30 height of thirty feet and a maximum length of seventy-two feet, inclusive of border and trim but
31 excluding the base or apron, supports, and other structural members. The area shall be measured as
32 established herein and in rules promulgated by the commission. In determining the size of a
33 conforming or nonconforming sign structure, temporary cutouts and extensions installed for the
34 length of a specific display contract shall not be considered a substantial increase to the size of the
35 permanent display; provided the actual square footage of such temporary cutouts or extensions may
36 not exceed thirty-three percent of the permanent display area. Signs erected in accordance with the

Action Taken _____ Date _____

1 provisions of sections 226.500 to 226.600 prior to August 28, 2002, which fail to meet the
2 requirements of this provision shall be deemed legally nonconforming as defined herein;

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

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

13 (3) Spacing of signs:

14 (a) On all interstate highways, freeways, and nonfreeway federal-aid primary highways as
15 of June 1, 1991, and all highways designated as part of the National Highway System by the
16 National Highway System Designation Act of 1995 and those highways subsequently designated as
17 part of the National Highway System:

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

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

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

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

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

41 (4) As used in this section, the words "unzoned commercial and industrial land" shall be
42 defined as follows: that area not zoned by state or local law or ordinance and on which there is
43 located one or more permanent structures used for a commercial business or industrial activity or on
44 which a commercial or industrial activity is actually conducted together with the area along the
45 highway extending outwardly seven hundred fifty feet from and beyond the edge of such activity.
46 All measurements shall be from the outer edges of the regularly used improvements, buildings,
47 parking lots, landscaped, storage or processing areas of the commercial or industrial activity and
48 along and parallel to the edge of the pavement of the highway. On nonfreeway primary highways

1 where there is an unzoned commercial or industrial area on one side of the road in accordance with
 2 this section, the unzoned commercial or industrial area shall also include those lands located on the
 3 opposite side of the highway to the extent of the same dimensions. Unzoned land shall not include:

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

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

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

13 (a) Outdoor advertising structures;

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

16 (c) Transient or temporary activities;

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

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

20 (f) Railroad tracks and minor sidings;

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

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

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

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

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

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

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

38 c. On-premise signs or other identification;

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

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

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

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

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

15 226.550. 1. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of
16 section 226.520 or subsection 1 of section 226.527 shall be erected or maintained on or after August
17 28, 1992, without a one-time permanent permit issued by the state highways and transportation
18 commission. Application for permits shall be made to the state highways and transportation
19 commission on forms furnished by the commission and shall be accompanied by a permit fee of two
20 hundred dollars for all signs; except that, tax-exempt religious organizations as defined in
21 subdivision (11) of section 313.005, service organizations as defined in subdivision (12) of section
22 313.005, veterans' organizations as defined in subdivision (14) of section 313.005, and fraternal
23 organizations as defined in subdivision (8) of section 313.005 shall be granted a permit for signs
24 less than seventy-six square feet without payment of the fee. The permit fee of two hundred dollars
25 shall be waived for landowners, provided that the landowner owns both the land upon which the
26 outdoor advertising is placed and the business being advertised on the sign, so long as the business
27 being advertised is located within seven hundred fifty feet of the sign location. In the event a permit
28 holder fails to erect a sign structure within twenty-four months of issuance, said permit shall expire
29 and a new permit must be obtained prior to any construction.

30 2. No outdoor advertising which is regulated by subdivision (1), (3) or (4) of section
31 226.520 or subsection 1 of section 226.527 which was erected prior to August 28, 1992, shall be
32 maintained without a one-time permanent permit for outdoor advertising issued by the state
33 highways and transportation commission. If a one-time permanent permit was issued by the state
34 highways and transportation commission after March 30, 1972, and before August 28, 1992, it is
35 not necessary for a new permit to be issued. If a one-time permanent permit was not issued for a
36 lawfully erected and lawfully existing sign by the state highways and transportation commission
37 after March 30, 1972, and before August 28, 1992, a one-time permanent permit shall be issued by
38 the commission for each sign which is lawfully in existence on the day prior to August 28, 1992,
39 upon application and payment of a permit fee of two hundred dollars. All applications and fees due
40 pursuant to this subsection shall be submitted before December 31, 1992. The permit fee of two
41 hundred dollars shall be waived for landowners, provided that the landowner owns both the land
42 upon which the outdoor advertising is placed and the business being advertised on the sign, so long
43 as the business being advertised is located within seven hundred fifty feet of the sign location.

44 3. For purposes of sections 226.500 to 226.600, the terminology "structure lawfully in
45 existence" or "lawfully existing" sign or outdoor advertising shall, nevertheless, include the
46 following signs unless the signs violate the provisions of subdivisions (3) to (7) of subsection 1 of
47 section 226.580:

48 (1) All signs erected prior to January 1, 1968;

1 (2) All signs erected before March 30, 1972, but on or after January 1, 1968, which would
2 otherwise be lawful but for the failure to have a permit for such signs prior to March 30, 1972,
3 except that any sign or structure which was not in compliance with sizing, spacing, lighting, or
4 location requirements of sections 226.500 to 226.600 as the sections appeared in the revised statutes
5 of Missouri 1969, wheresoever located, shall not be considered a lawfully existing sign or structure;

6 (3) All signs erected after March 30, 1972, which are in conformity with sections 226.500
7 to 226.600;

8 (4) All signs erected in compliance with sections 226.500 to 226.600 prior to August 28,
9 2002.

10 4. On or after August 28, 1992, the state highways and transportation commission may, in
11 addition to the fees authorized by subsections 1 and 2 of this section, collect a biennial inspection
12 fee every two years after a state permit has been issued. Biennial inspection fees due after August
13 28, 2002, and prior to August 28, 2003, shall be fifty dollars. Biennial inspection fees due on or
14 after August 28, 2003, shall be seventy-five dollars. Biennial inspection fees due on or after August
15 28, 2004, shall be one hundred dollars; except that, tax-exempt religious organizations as defined in
16 subdivision (11) of section 313.005, service organizations as defined in subdivision (12) of section
17 313.005, veterans' organizations as defined in subdivision (14) of section 313.005, and fraternal
18 organizations as defined in subdivision (8) of section 313.005 shall not be required to pay such fee.
19 The biennial inspection fee shall be waived for landowners, provided that the landowner owns both
20 the land upon which the outdoor advertising is placed and the business being advertised on the sign,
21 so long as the business being advertised is located within seven hundred fifty feet of the sign
22 location.

23 5. In order to effect the more efficient collection of biennial inspection fees, the state
24 highways and transportation commission is encouraged to adopt a renewal system in which all
25 permits in a particular county are renewed in the same month. In conjunction with the conversion to
26 this renewal system, the state highways and transportation commission is specifically authorized to
27 prorate renewal fees based on changes in renewal dates.

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

32 7. The state highways and transportation commission shall deposit all fees received for
33 outdoor advertising permits and inspection fees in the state road fund, keeping a separate record of
34 such fees, and the same may be expended by the commission in the administration of sections
35 226.500 to 226.600."; and

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37 Further amend said bill by amending the title, enacting clause, and intersectional references
38 accordingly.