

SECOND REGULAR SESSION

# HOUSE BILL NO. 2907

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MAYHEW.

6370H.01I

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 226.540, RSMo, and to enact in lieu thereof one new section relating to signs permitted on certain highways.

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Section A. Section 226.540, RSMo, is repealed and one new section enacted in lieu  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

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

8 (1) Lighting:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

26 (2) Size of signs:

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

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

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

48 (3) Spacing of signs:

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

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

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

63       **c. Notwithstanding paragraph (a) of this subdivision, a new outdoor advertising  
64 sign structure may be erected within one thousand four hundred feet of an existing sign  
65 on the same side of the highway, provided that:**

66       (i) The property on which the new sign is to be erected has not less than five  
67 hundred feet of continuous frontage along the highway; and

68       (ii) The proposed sign structure otherwise complies with all applicable federal  
69 law, local zoning ordinances, safety requirements, lighting standards, and permit  
70 requirements under this chapter.

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72       **No sign structure erected after August 28, 2026, shall be placed in a manner that would  
73 preclude an adjacent property owner with not less than five hundred feet of highway  
74 frontage from erecting a conforming sign structure pursuant to this section;**

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

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

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

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

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

99 (a) Land on the opposite side of the highway from an unzoned commercial or  
100 industrial area as defined in this section and located adjacent to highways located on the  
101 interstate, federal-aid primary system as it existed on June 1, 1991, or the national highway  
102 system as amended, unless the opposite side of the highway qualifies as a separate unzoned  
103 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 those which are  
106 generally recognized as commercial or industrial by zoning authorities in this state, except  
107 that none of the following shall be considered commercial or industrial:

108 (a) Outdoor advertising structures;

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

111 (c) Transient or temporary activities;

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

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

115 (f) Railroad tracks and minor sidings;

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

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

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

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

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

- 134 a. The presence of a permanent and substantial building;
- 135 b. The existence of utilities and local business licenses, if any, for the commercial
- 136 activity;
- 137 c. On-premise signs or other identification;
- 138 d. The presence of an owner or employee on the premises for at least twenty hours per
- 139 week;

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

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

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

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