

SENATE BILL NO. 1101

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

5065S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 226.510, 226.520, 226.525, 226.527, 226.531, 226.540, 226.550, and 226.580, RSMo, and to enact in lieu thereof seven new sections relating to outdoor advertising.

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

Section A. Sections 226.510, 226.520, 226.525, 226.527,
2 226.531, 226.540, 226.550, and 226.580, RSMo, are repealed and
3 seven new sections enacted in lieu thereof, to be known as
4 sections 226.510, 226.520, 226.525, 226.527, 226.540, 226.550,
5 and 226.580, to read as follows:

226.510. As used in sections 226.500 to 226.600, the
2 following words or phrases mean:

3 (1) "Freeway primary highway", that part of a federal-
4 aid primary highway system, as of June 1, 1991, which has
5 been constructed as divided, dual lane fully controlled
6 access facilities with no access to the throughways except
7 the established interchanges. When existing two-lane
8 highways are being upgraded to four-lane limited access, the
9 regulations for freeway primary highways shall apply as of
10 the date the state highways and transportation commission
11 acquires all access rights on the adjoining right-of-way;

12 (2) "Interstate system", that portion of the national
13 system of interstate highways located within the boundaries
14 of Missouri, as officially designated or may be hereafter
15 designated by the state highways and transportation
16 commission with the approval of the Secretary of

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

17 Transportation, pursuant to Title 23, United States Code, as
18 amended;

19 (3) "Outdoor advertising", an outdoor sign, display,
20 device, figure, painting, drawing, message, plaque, poster,
21 billboard, or other thing designed, intended or used to
22 advertise or inform, any part of the advertising or
23 information contents of which is visible from any point of
24 the traveled ways of the interstate or primary systems,
25 **provided that remuneration is paid or earned directly or**
26 **indirectly in exchange for the erection, display, or**
27 **existence of any part of the advertising or information**
28 **contents;**

29 (4) "Primary system", the federal-aid primary highways
30 as of June 1, 1991, and all highways designated as part of
31 the National Highway System by the National Highway System
32 Designation Act of 1995 and those highways subsequently
33 designated as part of the National Highway System;

34 (5) **"Remuneration", the exchange of anything of value,**
35 **including but not limited to, money, securities, real**
36 **property interests, personal property interests, goods,**
37 **services, future consideration, exchange of favor, or**
38 **forbearance of debt;**

39 (6) "Rest area", an area or site established and
40 maintained within or adjacent to the highway right-of-way
41 under public supervision or control, for the convenience of
42 the traveling public, except that the term shall not include
43 automotive service stations, hotels, motels, restaurants or
44 other commerce facilities of like nature;

45 [(6)] (7) "Urban area", an urban place as designated
46 by the Bureau of the Census, having a population of five
47 thousand or more within boundaries to be fixed by the state
48 highways and transportation commission and local officials

49 in cooperation with each other and approved by the Secretary
50 of Transportation, or an urbanized area as designated by the
51 Bureau of the Census within boundaries to be fixed by the
52 state highways and transportation commission and local
53 officials and approved by the Secretary of Transportation.
54 The boundary of the urban area shall, as a minimum,
55 encompass the entire urban place as designated by the Bureau
56 of the Census.

226.520. On and after March 30, 1972, no outdoor
2 advertising shall be erected or maintained within six
3 hundred sixty feet of the nearest edge of the right-of-way
4 and visible from the main traveled way of any highway which
5 is part of the federal-aid primary highways as of June 1,
6 1991, and all highways designated as part of the National
7 Highway System by the National Highway System Designation
8 Act of 1995 and those highways subsequently designated as
9 part of the National Highway System in this state except the
10 following:

11 (1) [Directional and other official signs, including,
12 but not limited to, signs pertaining to natural wonders,
13 scenic, cultural (including agricultural activities or
14 attractions), scientific, educational, religious sites, and
15 historical attractions, which are required or authorized by
16 law, and which comply with regulations which shall be
17 promulgated by the department relative to their lighting,
18 size, number, spacing and such other requirements as may be
19 appropriate to implement sections 226.500 to 226.600, but
20 such regulations shall not be inconsistent with, nor more
21 restrictive than, such national standards as may be
22 promulgated from time to time by the Secretary of the
23 Department of Transportation of the United States, under
24 subsection (c) of Section 131 of Title 23 of the United

25 States Code, and two-year colleges shall qualify for
26 substantially the same signs as traditional four-year
27 colleges, irrespective of differences in student housing or
28 types of degrees offered;

29 (2) Signs, displays, and devices advertising
30 activities conducted on the property upon which they are
31 located, or services and products therein provided;

32 (3) Outdoor advertising located in areas which are
33 zoned industrial, commercial or the like as provided in
34 sections 226.500 to 226.600 or under other authority of law;

35 [(4)] (2) Outdoor advertising located in unzoned
36 commercial or industrial areas as defined and determined
37 pursuant to sections 226.500 to 226.600[;]

38 (5) Outdoor advertising for tourist-oriented
39 businesses, and scoreboards used in sporting events or other
40 electronic signs with changeable messages which are not
41 prohibited by federal regulations or local zoning
42 ordinances. Outdoor advertising which is authorized by this
43 subdivision (5) shall only be allowed to the extent that
44 such outdoor advertising is not prohibited by Title 23,
45 United States Code, Section 131, as now or thereafter
46 amended, and lawful regulations promulgated thereunder. The
47 general assembly finds and declares it to be the policy of
48 the state of Missouri that the tourism industry is of major
49 and critical importance to the economic well-being of the
50 state and that directional signs, displays and devices
51 providing directional information about goods and services
52 in the interest of the traveling public are essential to the
53 economic welfare of the tourism industry. The general
54 assembly further finds and declares that the removal of
55 directional signs advertising tourist-oriented businesses is
56 harmful to the tourism industry in Missouri and that the

57 removal of directional signs within or near areas of the
58 state where there is high concentration of tourist-oriented
59 businesses would have a particularly harmful effect upon the
60 economies within such areas. The state highways and
61 transportation commission is authorized and directed to
62 determine those specific areas of the state of Missouri in
63 which there is high concentration of tourist-oriented
64 businesses, and within such areas, no directional signs,
65 displays and devices which are lawfully erected, which are
66 maintained in good repair, which provide directional
67 information about goods and services in the interest of the
68 traveling public, and which would otherwise be required to
69 be removed because they are not allowed to be maintained
70 under the provisions of sections 226.500 through 226.600
71 shall be required to be removed until such time as such
72 removal has been finally ordered by the United States
73 Secretary of Transportation;

74 (6) The provisions of this section shall not be
75 construed to require removal of signs advertising churches
76 or items of religious significance, items of native arts and
77 crafts, woodworking in native products, or native items of
78 artistic, historical, geologic significance, or hospitals or
79 airports].

226.525. 1. The state highways and transportation
2 commission is directed to erect within the right-of-way of
3 all classes of highways within the state signs and notices
4 pertaining to publicly and privately owned natural wonders
5 and scenic and historical attractions under the following
6 conditions:

7 (1) Such signs shall not violate any federal law,
8 rule, or regulation affecting the allocation of federal
9 funds to the state of Missouri or which violate any safety

10 regulation formally promulgated by the state highways and
11 transportation commission.

12 (2) [Such official signs shall be limited in content
13 to the name of the attraction and necessary travel
14 information.]

15 [(3)] The state highways and transportation commission
16 shall determine those sites and attractions for which
17 directional and other official signs may be erected as
18 permitted by Section 131 of Title 23, United States Code,
19 which it deems of such importance as to justify such
20 signing, using as a guide those publicly or privately owned
21 natural wonders and scenic, historic, educational, cultural,
22 or recreational sites which have been determined to be of
23 general interest.

24 [(4)] (3) The state highways and transportation
25 commission may require reimbursement for the cost of
26 erection and maintenance of the official directional signs
27 authorized hereunder when sites or attractions are privately
28 owned by other than the state or political subdivisions.
29 The state highways and transportation commission shall
30 prescribe the size, number and locations of such signs based
31 upon its determination of the travelers' need for
32 directional information.

33 2. The commission shall adopt rules to implement a
34 program for the erection and maintenance of tourist-oriented
35 directional signs within the right-of-way of state highways
36 in the state. The tourist-oriented directional signs shall
37 provide business identification and directional information
38 for natural attractions and activities which, during a
39 normal business season, derive a major portion of the income
40 and visitors for the business or activity from motorists not
41 residing in the immediate area of the business or activity.

42 Natural attractions and activities eligible for such tourist-
43 oriented directional signs shall include, but not be limited
44 to, caves, museums, wineries, antique business districts and
45 tourist-oriented directional signs indicating the location
46 of any veterans' memorial located at any college in such
47 county provided that such signs are located on a highway
48 known as the "Veterans' Memorial Highway" in any county of
49 the first classification with a population of more than one
50 hundred seventy thousand inhabitants but less than two
51 hundred thousand inhabitants.

226.527. 1. On and after August 13, 1976, no outdoor
2 advertising shall be erected or maintained beyond six
3 hundred and sixty feet of the right-of-way, located outside
4 of urban areas, visible from the main traveled way of the
5 interstate or primary system and erected with the purpose of
6 its message being read from such traveled way[, except such
7 outdoor advertising as is defined in subdivisions (1) and
8 (2) of section 226.520].

9 2. No compensation shall be paid for the removal of
10 any sign erected in violation of subsection 1 of this
11 section unless otherwise authorized or permitted by sections
12 226.501 to 226.580. No sign erected prior to August 13,
13 1976, which would be in violation of this section if it were
14 erected or maintained after August 13, 1976, shall be
15 removed unless such removal is required by the Secretary of
16 Transportation and federal funds required to be contributed
17 to this state under Section 131(g) of Title 23, United
18 States Code, to pay compensation for such removal have been
19 appropriated and allocated and are immediately available to
20 this state, and in such event, such sign shall be removed
21 pursuant to section 226.570.

22 3. In the event any portion of this chapter is found
23 in noncompliance with Title 23, United States Code, Section
24 131, by the Secretary of Transportation or his
25 representative, and any portion of federal-aid highway funds
26 or funds authorized for removal of outdoor advertising are
27 withheld, or declared forfeited by the Secretary of
28 Transportation or his representative, all removal of outdoor
29 advertising by the Missouri state highways and
30 transportation commission pursuant to this chapter shall
31 cease, and shall not be resumed until such funds are
32 restored in full. Such cessation of removal shall not be
33 construed to affect compensation for outdoor advertising
34 removed or in the process of removal pursuant to this
35 chapter.

36 4. In addition to any applicable regulations set forth
37 in sections 226.500 through 226.600, signs within an area
38 subject to control by a local zoning authority and wherever
39 located within such area shall be subject to reasonable
40 regulations of that local zoning authority relative to size,
41 lighting, spacing, and location; provided, however, that no
42 local zoning authority shall have authority to require any
43 sign within its jurisdiction which was lawfully erected and
44 which is maintained in good repair to be removed without the
45 payment of just compensation.

46 5. When a legally erected billboard exists on a parcel
47 of property, a local zoning authority shall not adopt or
48 enforce any ordinance, order, rule, regulation or practice
49 that eliminates the ability of a property owner to build or
50 develop property or erect an on-premise sign solely because
51 a legally erected billboard exists on the property.

 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,
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. Unzoned land shall not include:

132 (a) Land on the opposite side of the highway from an
133 unzoned commercial or industrial area as defined in this
134 section and located adjacent to highways located on the
135 interstate, federal-aid primary system as it existed on June
136 1, 1991, or the national highway system as amended, unless
137 the opposite side of the highway qualifies as a separate
138 unzoned commercial or industrial area; or

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

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

146 (a) Outdoor advertising structures;

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

150 (c) Transient or temporary activities;

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

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

156 (f) Railroad tracks and minor sidings;

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

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

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

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

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

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

184 a. The presence of a permanent and substantial
185 building;

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

188 c. On-premise signs or other identification;

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

191 (7) In zoned commercial and industrial areas, whenever
192 a state, county or municipal zoning authority has adopted
193 laws or ordinances which include regulations with respect to

194 the size, lighting and spacing of signs, which regulations
195 are consistent with the intent of sections 226.500 to
196 226.600 and with customary use, then from and after the
197 effective date of such regulations, and so long as they
198 shall continue in effect, the provisions of this section
199 shall not apply to the erection of signs in such areas.
200 Notwithstanding any other provisions of this section, after
201 August 28, 1992, with respect to any outdoor advertising
202 which is regulated by the provisions of subdivision (1) [,
203 (3) or (4)] **or (2)** of section 226.520 or subsection 1 of
204 section 226.527:

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

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

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

226.550. 1. No outdoor advertising which is regulated
2 by subdivision (1) [, (3) or (4)] **or (2)** of section 226.520
3 or 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. In the event a permit holder fails to erect a
18 sign structure within twenty-four months of issuance, said
19 permit shall expire and a new permit must be obtained prior
20 to any construction.

21 2. No outdoor advertising which is regulated by
22 subdivision (1) [, (3) or (4)] **or (2)** of section 226.520 or
23 subsection 1 of section 226.527 which was erected prior to
24 August 28, 1992, shall be maintained without a one-time
25 permanent permit for outdoor advertising issued by the state
26 highways and transportation commission. If a one-time
27 permanent permit was issued by the state highways and
28 transportation commission after March 30, 1972, and before
29 August 28, 1992, it is not necessary for a new permit to be
30 issued. If a one-time permanent permit was not issued for a
31 lawfully erected and lawfully existing sign by the state
32 highways and transportation commission after March 30, 1972,

33 and before August 28, 1992, a one-time permanent permit
34 shall be issued by the commission for each sign which is
35 lawfully in existence on the day prior to August 28, 1992,
36 upon application and payment of a permit fee of two hundred
37 dollars. All applications and fees due pursuant to this
38 subsection shall be submitted before December 31, 1992.

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

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

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

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

57 (4) All signs erected in compliance with sections
58 226.500 to 226.600 prior to August 28, 2002.

59 4. On or after August 28, 1992, the state highways and
60 transportation commission may, in addition to the fees
61 authorized by subsections 1 and 2 of this section, collect a
62 biennial inspection fee every two years after a state permit
63 has been issued. Biennial inspection fees due after August
64 28, 2002, and prior to August 28, 2003, shall be fifty

65 dollars. Biennial inspection fees due on or after August
66 28, 2003, shall be seventy-five dollars. Biennial
67 inspection fees due on or after August 28, 2004, shall be
68 one hundred dollars; except that, tax-exempt religious
69 organizations [as defined in subdivision (11) of section
70 313.005], service organizations [as defined in subdivision
71 (12) of section 313.005], veterans' organizations [as
72 defined in subdivision (14) of section 313.005], and
73 fraternal organizations as defined in [subdivision (8) of]
74 section 313.005 shall not be required to pay such fee.

75 5. In order to effect the more efficient collection of
76 biennial inspection fees, the state highways and
77 transportation commission is encouraged to adopt a renewal
78 system in which all permits in a particular county are
79 renewed in the same month. In conjunction with the
80 conversion to this renewal system, the state highways and
81 transportation commission is specifically authorized to
82 prorate renewal fees based on changes in renewal dates.

83 6. Sign owners or owners of the land on which signs
84 are located must apply to the state highways and
85 transportation commission for biennial inspection and submit
86 any fees as required by this section on or before December
87 31, 1992. For a permitted sign which does not have a
88 permit, a permit shall be issued at the time of the next
89 biennial inspection.

90 7. The state highways and transportation commission
91 shall deposit all fees received for outdoor advertising
92 permits and inspection fees in the state road fund, keeping
93 a separate record of such fees, and the same may be expended
94 by the commission in the administration of sections 226.500
95 to 226.600.

226.580. 1. The following outdoor advertising within
2 six hundred sixty feet of the right-of-way of interstate or
3 primary highways is deemed unlawful and shall be subject to
4 removal:

5 (1) Signs erected after March 30, 1972, contrary to
6 the provisions of sections 226.500 to 226.600 and signs
7 erected on or after January 1, 1968, but before March 30,
8 1972, contrary to the sizing, spacing, lighting, or location
9 provisions of sections 226.500 to 226.600 as they appeared
10 in the revised statutes of Missouri 1969; or

11 (2) Signs for which a permit is not obtained or a
12 biennial inspection fee is more than twelve months past due;
13 or

14 (3) Signs which are obsolete. Signs shall not be
15 considered obsolete solely because they temporarily do not
16 carry an advertising message; or

17 (4) Signs that are not in good repair; or

18 (5) Signs not securely affixed to a substantial
19 structure; or

20 (6) Signs which attempt or appear to attempt to
21 regulate, warn, or direct the movement of traffic or which
22 interfere with, imitate, or resemble any official traffic
23 sign, signal, or device; or

24 (7) Signs which are erected or maintained upon trees
25 or painted or drawn upon rocks or other natural features.

26 2. Signs erected after August 13, 1976, beyond six
27 hundred sixty feet of the right-of-way outside of urban
28 areas, visible from the main traveled way of the interstate
29 or primary system and erected with the purpose of their
30 message being read from such traveled way, [except those
31 signs described in subdivisions (1) and (2) of section
32 226.520] are deemed unlawful and shall be subject to removal.

33 3. If a sign is deemed to be unlawful for any of the
34 reasons set out in subsections 1 to 7 of this section, the
35 state highways and transportation commission shall give
36 notice either by certified mail or by personal service to
37 the owner or occupant of the land on which advertising
38 believed to be unlawful is located and the owner of the
39 outdoor advertising structure. Such notice shall specify
40 the basis for the alleged unlawfulness, shall specify the
41 remedial action which is required to correct the
42 unlawfulness and shall advise that a failure to take the
43 remedial action within sixty days will result in the sign
44 being removed. Within sixty days after receipt of the
45 notice as to him, the owner of the land or of the structure
46 may remove the sign or may take the remedial action
47 specified or may file an action for administrative review
48 pursuant to the provisions of sections 536.067 to 536.090 to
49 review the action of the state highways and transportation
50 commission, or he may proceed under the provisions of
51 section 536.150 as if the act of the highways and
52 transportation commission was one not subject to
53 administrative review. Notwithstanding any other provisions
54 of sections 226.500 to 226.600, no outdoor advertising
55 structure erected prior to August 28, 1992, defined as a
56 "structure lawfully in existence" or "lawfully existing", by
57 subdivision (1), (2) or (3) of subsection 3 of section
58 226.550, shall be removed for failure to have a permit until
59 a notice, as provided in this section, has been issued which
60 shall specify failure to obtain a permit or pay a biennial
61 inspection fee as the basis for alleged unlawfulness, and
62 shall advise that failure to take the remedial action of
63 applying for a permit or paying the inspection fee within
64 sixty days will result in the sign being removed. Signs for

65 which biennial inspection fees are delinquent shall not be
66 removed unless the fees are more than twelve months past due
67 and actual notice of the delinquency has been provided to
68 the sign owner. Upon application made within the sixty-day
69 period as provided in this section, and accompanied by the
70 fee prescribed by section 226.550, together with any
71 inspection fees that would have been payable if a permit had
72 been timely issued, the state highways and transportation
73 commission shall issue a one-time permanent permit for such
74 sign. Such signs with respect to which permits are so
75 issued are hereby determined by the state of Missouri to
76 have been lawfully erected within the meaning of "lawfully
77 erected" as that term is used in Title 23, United States
78 Code, Section 131(g), as amended, and shall only be removed
79 upon payment of just compensation, except that the issuance
80 of permits shall not entitle the owners of such signs to
81 compensation for their removal if it is finally determined
82 that such signs are not "lawfully erected" as that term is
83 used in Section 131(g) of Title 23 of the United States Code.

84 4. If actual notice as provided in this section is
85 given and neither the remedial action specified is taken nor
86 an action for review is filed, or if an action for review is
87 filed and is finally adjudicated in favor of the state
88 highways and transportation commission, the state highways
89 and transportation commission shall have authority to
90 immediately remove the unlawful outdoor advertising. The
91 owner of the structure shall be liable for the costs of such
92 removal. The commission shall incur no liability for
93 causing this removal, except for damage caused by negligence
94 of the commission, its agents or employees.

95 5. If notice as provided in this section is given and
96 an action for review is filed under the provisions of

97 section 536.150, or if administrative review pursuant to the
98 provisions of sections 536.067 to 536.090 is filed and the
99 state highways and transportation commission enters its
100 final decision and order to remove the outdoor advertising
101 structure, the advertising message contained on the
102 structure shall be removed or concealed by the owner of the
103 structure, at the owner's expense, until the action for
104 judicial review is finally adjudicated. If the owner of the
105 structure refuses or fails to remove or conceal the
106 advertising message, the commission may remove or conceal
107 the advertising message and the owner of the structure shall
108 be liable for the costs of such removal or concealment. The
109 commission shall incur no liability for causing the removal
110 or concealment of the advertising message while an action
111 for review is pending, except if the owner finally prevails
112 in its action for judicial review, the commission will
113 compensate the owner at the rate the owner is actually
114 receiving income from the advertiser pursuant to written
115 lease from the time the message is removed until the
116 judicial review is final.

117 6. Any signs advertising tourist-oriented type
118 business will be the last to be removed.

119 7. Any signs prohibited by section 226.527 which were
120 lawfully erected prior to August 13, 1976, shall be removed
121 pursuant to section 226.570.

122 8. The transportation department shall reimburse to
123 the lawful owners of any said nonconforming signs that are
124 now in existence as defined in sections 226.540, 226.550,
125 226.580 and 226.585, said compensation calculated and/or
126 based on a fair market value and not mere replacement cost.

2 [226.531. 1. As used in this section the
following terms mean:

3 (1) "Adult cabaret", a nightclub, bar,
4 restaurant, or similar establishment in which
5 persons appear in a state of nudity, as defined
6 in section 573.500, or seminudity, in the
7 performance of their duties;

8 (2) "Seminudity", a state of dress in
9 which opaque clothing fails to cover the
10 genitals, anus, anal cleft or cleavage, pubic
11 area, vulva, nipple and areola of the female
12 breast below a horizontal line across the top of
13 the areola at its highest point. Seminudity
14 shall include the entire lower portion of the
15 female breast, but shall not include any portion
16 of the cleavage of the human female breast
17 exhibited by wearing apparel provided the areola
18 is not exposed in whole or part;

19 (3) "Sexually oriented business", any
20 business which offers its patrons goods of which
21 a substantial portion are sexually oriented
22 materials. Any business where more than ten
23 percent of display space is used for sexually
24 oriented materials shall be presumed to be a
25 sexually oriented business;

26 (4) "Sexually oriented materials", any
27 textual, pictorial, or three-dimensional
28 material that depicts nudity, sexual conduct,
29 sexual excitement, or sadomasochistic abuse in a
30 way which is patently offensive to the average
31 person applying contemporary adult community
32 standards with respect to what is suitable for
33 minors.

34 2. No billboard or other exterior
35 advertising sign for an adult cabaret or
36 sexually oriented business shall be located
37 within one mile of any state highway except if
38 such business is located within one mile of a
39 state highway then the business may display a
40 maximum of two exterior signs on the premises of
41 the business, consisting of one identification
42 sign and one sign solely giving notice that the
43 premises are off limits to minors. The
44 identification sign shall be no more than forty
45 square feet in size and shall include no more
46 than the following information: name, street
47 address, telephone number, and operating hours
48 of the business.

49 3. Signs existing on August 28, 2004,
50 which did not conform to the requirements of
51 this section, may be allowed to continue as a
52 nonconforming use, but should be made to conform
53 within three years from August 28, 2004.

54 4. Any owner of such a business who
55 violates the provisions of this section shall be
56 guilty of a class C misdemeanor. Each week a
57 violation of this section continues to exist
58 shall constitute a separate offense.

59 5. This section is designed to protect the
60 following public policy interests of this state,
61 including but not limited to: to mitigate the
62 adverse secondary effects of sexually oriented
63 businesses, to improve traffic safety, to limit
64 harm to minors, and to reduce prostitution,
65 crime, juvenile delinquency, deterioration in
66 property values, and lethargy in neighborhood
67 improvement efforts.]

