

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 6—Outdoor Advertising**

PROPOSED AMENDMENT

7 CSR 10-6.060 Nonconforming Signs. The Missouri Highways and Transportation Commission is amending sections (3)(C), (3)(D), and (3)(E).

PURPOSE: This proposed amendment carries into effect recent directives made by the Federal Highway Administration to help ensure that MHTC continues to maintain effective control over outdoor advertising.

(3) Criteria for Maintenance of Nonconforming Signs. Reasonable maintenance and repair of nonconforming signs is permissible, however, violation of any one (1) or more of the following subsections (3)(A)–(E) of this rule disqualifies any sign from being maintained as a nonconforming sign and subjects it to removal by the commission without the payment of just compensation:

(C) Size. The size or area of a sign shall not be increased after the date the sign becomes a nonconforming sign. A net decrease in the face of the sign will be permitted;

1. Temporary cutouts and extensions will not be considered a substantial increase in size provided the cutout or extension meets the following criteria:

(a) The cutout or extension area is thirty-three percent (33%) or less of the total display area for each side of the sign, prior to the cutout or extension addition. For the purpose of determining the percentage of a temporary cutout or extension; the area of the smallest square, rectangle, triangle, circle, or contiguous combination of shapes that will encompass the cutout or extension will be calculated and divided by the area of the smallest square, rectangle, triangle, circle or contiguous combination of shapes that will encompass the permanent display area of the outdoor advertising structure;

(b) A cutout or extension may be added to a structure for a period of time of no more than three (3) years or the term of the display contract, which ever is the shortest. After an outdoor advertising structure has had a cutout or extension for that time period, a cutout or extension cannot be placed on that structure for a period of six (6) months;

(c) Proof regarding the dates the cutouts or extensions were installed and will be removed shall be provided to MoDOT, upon request.

(D) Relocation or Repair of Nonconforming Signs. Relocation of a nonconforming sign or repair of a deteriorated or damaged nonconforming sign is a new erection as of the date the relocation or repair is completed and these signs must then comply with the then effective sizing, lighting, spacing, location and permit requirements of sections 226.500–226.600, RSMo. Relocation of a nonconforming sign or repair of a deteriorated or damaged nonconforming sign voids any permit issued by the commission for the sign and the fee shall be retained by the commission.

1. Repair of any deteriorated or damaged nonconforming sign after the date the sign becomes a nonconforming sign is prohibited. A deteriorated or damaged nonconforming sign is a sign **upon** which *[needs or requires the replacement of]* fifty percent (50%) or more of the *[poles]* **pole(s)** or vertical *[supports]* **support(s) have been damaged or replaced within a 12-month period.** A nonconforming sign which has only a deteriorated or damaged face shall not constitute a deteriorated or damaged nonconforming sign but shall remain subject to section 226.580.1(4), RSMo. A nonconforming sign damaged by vandalism may be repaired without being in violation of this section. The sign owner has the burden to prove that the nonconforming sign was damaged by vandalism. Proof of vandalism can be timely reports or complaints to sheriff or proper police departments. Vandalism for purposes of this rule is the willful destruction of a nonconforming sign by a party other than the sign owner, property owner or lessor of the sign or business which is advertised on the sign. Any damage to the nonconforming sign due to carelessness or negligence of any party shall not constitute vandalism.

(a) For monopole signs less than fifty percent (50%) of the single support pole may be repaired or replaced within a 12-month period.

(b) The fifty percent (50%) or more rule applies to the height of the pole(s) or vertical support(s) above ground.

2. Any movement of a sign structure shall be considered a relocation;

(E) Other Improvements. The following shall be prohibited for nonconforming signs:

1. Illumination of the sign structure by a light(s) either attached or detached, for the purpose of illuminating the display; and

2. Raising or lowering of the height of any sign structure;

3. Changing the mode of advertising or message transition to a trivision, digital, projection, or other changeable message sign.

4. Filling in the open space between stacked signs and/or side by side signs with advertisement resulting in only one display area, except if the result would cause the sign to become a lawful conforming sign under section 226.540 RSMo.

5. Adding to the stabilization of the sign by attaching guys, struts, or other strengthening devices.

AUTHORITY: sections 226.150, RSMo 2000 and 226.500–226.600, RSMo 2000 and Supp. 2006. Original rule filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999, effective March 30, 2000. Amended: Filed April 15, 2003, effective Nov. 30, 2003. Amended: Filed Nov. 15, 2007.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Pam Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*