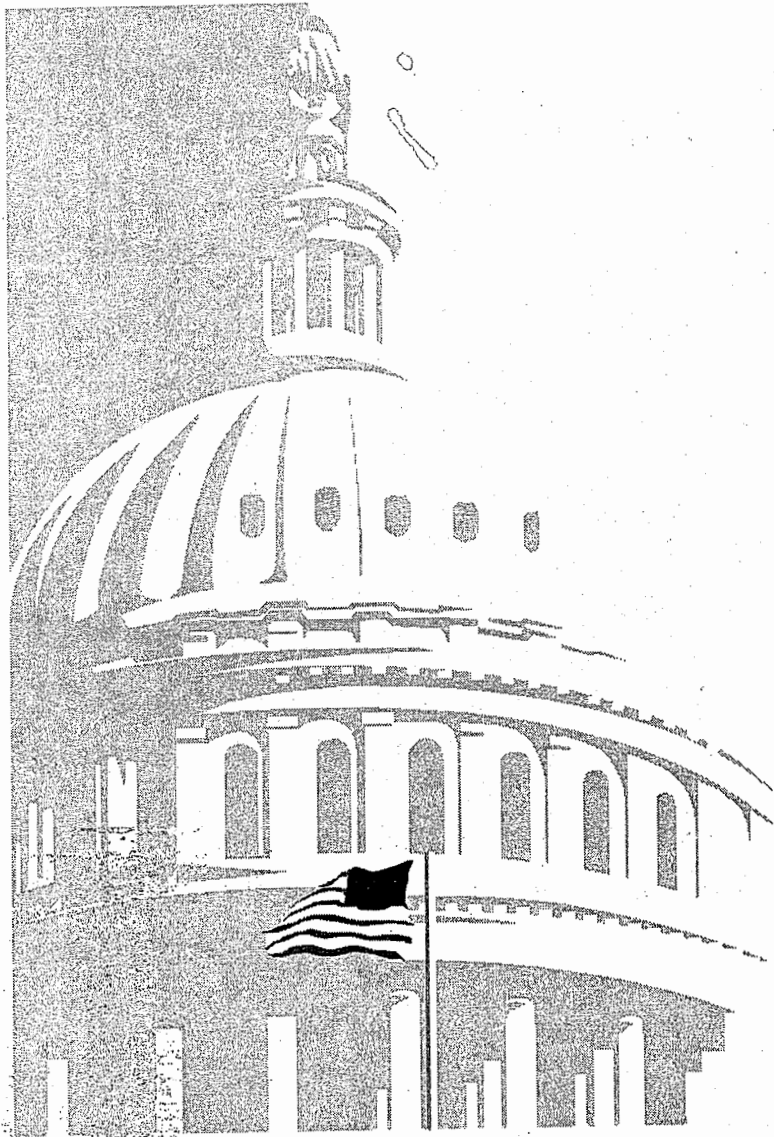


# Missouri Control Of Outdoor Advertising



3/98



# Contents

## Sections 226.500 to 226.600 RSMo

226.500	Purpose of Law-----	1
226.501	Tenth amendment to United State Constitution-----	1
226.502	Legislative intent - funds to be used-----	1
226.510	Definitions-----	1
226.520	Permitted signs - specifications-----	2
226.525	Natural wonders and historic attraction signs, how erected - private owner to reimburse Commission-----	3
226.527	Signs not to be visible from main highway - removal, compensation, no removal, when - local law applicable, when, extent-----	4
226.530	Permits - rules, effective when-----	4
226.535	Travel information signs, where erected - rules to be consistent with national standards-----	5
226.540	Signs permitted - lighting restrictions - size, location - zones - specification-----	5
226.545	Landmark signs, permitted when-----	8
226.550	Permits, fees for - exemption-permits to be issued for existing signs, exceptions - biennial inspection fees, collection, deposit-----	8
226.560	Certain provisions to effect subsequently erected signs only-----	9

226.570	Highway and Transportation Commission to remove and pay for signs, order of removal - funds must be available before removal - removal of certain signs must be ordered by Secretary of Transportation-----	9
226.580	Unlawful signs defined - removal authorized - notice - owner may proceed, how - removal costs, how paid - review of order, how - order of removal - reimbursement to owner, when-----	10
226.585	Vegetation along right of way, cutting of - highways and transportation department, duties-----	12
226.590	Matching funds - source-----	12
226.600	Penalty-----	12

## **7 CSR 100-6 Outdoor Advertising**

<b>7 CSR 10-6.010 Public Information</b>	13
(1) General Information	13
(2) Organization	13
(3) How to obtain information and material	14
<b>7 CSR 10-6.015 Definitions</b>	15
<b>7 CSR 10-6.020 Directional and Other Official Signs</b>	19
(1) Definitions	19
(2) Categories of Directional and Other Signs	19
(3) Standards for Official Signs and Notices	20
(4) Standards for Public Utility Sign	20
(5) Standards for Club and Religious Notices	20
(6) Standards for Public Service Signs	20
(7) Standards for Directions Signs	20
(8) Permits	23
<b>7 CSR 10-6.030 On-Premise Signs</b>	24
(1) Definitions	24
(2) Criteria	24
(3) Permits	25
<b>7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned Commercial Areas</b>	26
(1) Definitions	26
(2) Criteria for Determination of Zoned and Unzoned Commercial and Industrial Areas	26
(3) Standards for Allowed Signs	29
(4) Multiple Sign Structures	29
(5) Permits	30
<b>7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty Feet of the Right-Of-Way</b>	31
(1) Definitions	31
(2) Determination of Urban Areas	31
(3) Determination of Purpose	31
(4) Permits	32
<b>7 CSR 10-6.060 Nonconforming Signs</b>	33
(1) Definitions	33
(2) Categories of Nonconforming Signs	33
(3) Criteria for Maintenance of Nonconforming Signs	36
(4) Permits	39

<b>7 CSR 10-6.070 Permits For Outdoor Advertising -----</b>	<b>40</b>
(1) Definitions -----	40
(2) Outdoor Advertising Subject to Permit Requirements -----	40
(3) Outdoor Advertising Not Eligible For Permits -----	40
(4) Permit Application and Fees -----	41
(5) Informal Hearing on Denial of Permit -----	42
(6) Permits -----	43
(7) Biennial Inspection and Fees -----	43
(8) Relocation or Reconstruction -----	44
 <b>7 CSR 10-6.080 Removal Of Outdoor Advertising Without Compensation -----</b>	 <b>45</b>
(1) Definitions -----	45
(2) Removal of Unlawful Signs -----	45
(3) Removal of NonConforming Signs -----	46
(4) Authority to Withdraw Notices -----	46
(5) Criteria For Determination of Signs Advertising Tourist Oriented Type Business -----	47
(6) Structures Which Have Never Displayed An Advertising Message -----	47
(7) Remedial Action -----	47
 <b>7 CSR 10-6.085 Cutting and Trimming of Vegetation On Right Of Way -----</b>	 <b>48</b>
(1) Permits -----	48
(2) Access -----	49
(3) Conditions -----	49
(4) Appeal For Denial Of Permit To Cut Or Trim -----	50
 <b>7 CSR 10-6.090 Administrative Review Of Notice To Remove Outdoor Advertising And To Terminate NonConforming Signs-----</b>	 <b>51</b>
(1) Request For Administrative Review -----	51
(2) Authority To Dismiss Request For Administrative Review -----	51
(3) Bias -----	51
(4) Notice of Hearing -----	51
(5) Legal Representation Required -----	52
(6) Discovery -----	52
(7) Subpoenas -----	52
(8) Continuances -----	52
(9) Evidence, Argument and Briefs -----	52
(10) Transcript -----	53
(11) Report and Order -----	53
(12) Final Decision -----	53

**7 CSR 10-6.100 Removal Of Concealment of Outdoor Advertising Pending**

<b>Judicial Review -----</b>	<b>54</b>
(1) Removal or Concealment of Advertising Message By Owner -----	54
(2) Removal of Advertising Message By Commission -----	54
(3) Commission Liability -----	54

## DIAGRAMS

<b>Diagram 1</b>	Measurement of Distances -----	55
<b>Diagram 2</b>	Multiple Sign Structures -----	56
<b>Diagram 3</b>	Outdoor Advertising Location & Spacing -----	60

## FORMS

<b>OAA-1</b>	Application For Transfer Of Outdoor Advertising permit-	62
<b>OAA-9</b>	Application For Permit To Erect and/or Maintain Outdoor Advertising -----	63
	Vegetation Permit Application -----	65

## MAPS

Missouri State System of Interstate and Primary Highways -----	67
Outdoor Advertising Permit Inspectors Map	

## **MISSOURI REVISED STATUTES RELATING TO BILLBOARDS**

### **226.500. Purpose of law.--**

The general assembly finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to the interstate and primary highway systems and that it is necessary to regulate and control same to promote highway safety, to promote convenience and enjoyment of highway travel, and to preserve the natural scenic beauty of highways and adjacent areas. The general assembly further declares it to be the policy of this state that the erection and maintenance of outdoor advertising in areas adjacent to the interstate and primary highway systems be regulated in accordance with sections 226.500 to 226.600 and rules and regulations promulgated by the state highways and transportation commission pursuant thereto.

### **226.501. Tenth amendment to United States Constitution quoted.--**

Be it remembered that the tenth amendment to the United States Constitution reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people".

### **226.502. Legislative intent--funds to be used.--**

It is declared that the legislative intent of this act is to improve the safety and convenience of the highways of this state.

(1) It may be determined by the general assembly that funds shall be expended from the state road fund for the purposes of this act, or

(2) Any funds expended by the state hereunder as may be necessary to comply with any federal law or requirement which is or may become a condition to receipt of federal funds for highway purposes shall be appropriated only from state highway funds.

### **226.510. Definitions.--**

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

(1) "Freeway primary highway", that part of a primary highway system which has been constructed as divided, dual lane fully controlled access facilities with no access to the throughways except the established interchanges;

(2) "Interstate system", that portion of the national system of interstate highways located within the boundaries of Missouri, as officially designated or may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Transportation, pursuant to Title 23, United States Code, as amended;

(3) "Outdoor advertising", an outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of the interstate or primary systems;

(4) "Primary system", that portion of the highways of this state officially designated by the state highways and transportation commission as being in the primary highway system as authorized by the constitution and laws of Missouri;

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

(6) "Urban area", an urban place as designated by the Bureau of the Census, having a population of five thousand or more within boundaries to be fixed by the state highways and transportation commission and local officials in cooperation with each other and approved by the Secretary of Transportation, or an urbanized area as designated by the Bureau of the Census within boundaries to be fixed by the state highways and transportation commission and local officials and approved by the Secretary of Transportation. The boundary of the urban area shall, as a minimum, encompass the entire urban place as designated by the Bureau of the Census.

## **226.520. Permitted signs--specifications.--**

On and after March 30, 1972, no outdoor advertising shall be erected or maintained within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is a part of the interstate or primary system in this state except the following:

(1) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by department relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement sections 226.500 to 226.600, but such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of the Department of Transportation of the United States, under subsection (c) of section 131 of Title 23 of the United States Code;

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

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

(4) Outdoor advertising located in unzoned commercial or industrial areas as defined and determined pursuant to sections 226.500 to 226.600;

(5) Outdoor advertising for tourist oriented businesses, and scoreboards used in sporting events or other electronic signs with changeable messages which are not prohibited by federal regulations or local zoning ordinances. Outdoor advertising which is authorized by this subdivision (5) shall only be allowed to the extent that such outdoor advertising is not prohibited by Title 23, United States Code, section 131, as now or thereafter amended, and lawful regulations promulgated thereunder. The general assembly finds and declares it to be the policy of the state of Missouri that the tourism industry is of major and critical importance to the economic well-being of the state and that directional signs, displays and devices providing directional information about goods and services in the interest of the traveling public is essential to the economic welfare of the tourism industry. The general assembly further finds and declares that the removal of directional signs advertising tourist oriented businesses is harmful to the tourism industry in Missouri and that the removal of directional signs within or near areas of the state where there is high concentration of tourist oriented businesses would have a particularly harmful effect upon the economies within such areas. The state highways

and transportation commission is authorized and directed to determine those specific areas of the state of Missouri in which there is high concentration of tourist oriented businesses, and within such areas, no directional signs, displays and devices which are lawfully erected, which are maintained in good repair, which provide directional information about goods and services in the interest of the traveling public, and which would otherwise be required to be removed because they are not allowed to be maintained under the provisions of sections 226.500 through 226.600 shall be required to be removed until such time as such removal has been finally ordered by the United States Secretary of Transportation;

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

(1993) Where state billboard law prohibits signs in residential areas, the statutory phrase "other authority of law" does not permit local government to permit that which the state forbids. State highway commission had authority to order removal of hospital sign erected under authority of city zoning variance. Subsection 6 of statute does not exempt hospital sign from removal but must be read as grandparenting clause permitting the maintenance and protecting the placement of signs erected prior to 1972. State ex rel. Missouri Highway and Transportation Commission v. Alexian Brothers of St. Louis, Inc., 848 S.W.2d 472 (Mo. en banc).

#### **226.525. Natural wonders and historic attractions signs, how erected—private owners to reimburse commission.—**

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

(1) Such signs shall not violate any federal law, rule, or regulation affecting the allocation of federal funds to the state of Missouri or which violate any safety regulation formally promulgated by the state highways and transportation commission.

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

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

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

**226.527. Signs not to be visible from main highway--removal, compensation--no removal, when--local law applicable, when, extent.--**

1. On and after August 13, 1976, no outdoor advertising shall be erected or maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of its message being read from such traveled way, except such outdoor advertising as is defined in subdivisions (1) and (2) of section 226.520.
2. No compensation shall be paid for the removal of any sign erected in violation of subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section if it were erected or maintained after August 13, 1976, shall be removed unless such removal is required by the Secretary of Transportation and federal funds required to be contributed to this state under section 131(g) of Title 23, United States Code, to pay compensation for such removal have been appropriated and allocated and are immediately available to this state, and in such event, such sign shall be removed pursuant to section 226.570.
3. In the event any portion of this chapter is found in noncompliance with Title 23, United States Code, section 131, by the Secretary of Transportation or his representative, and any portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are withheld, or declared forfeited by the Secretary of Transportation or his representative, all removal of outdoor advertising by the Missouri state highways and transportation commission pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full. Such cessation of removal shall not be construed to affect compensation for outdoor advertising removed or in the process of removal pursuant to this chapter.
4. In addition to any applicable regulations set forth in sections 226.500 through 226.600, signs within an area subject to control by a local zoning authority and wherever located within such area shall be subject to reasonable regulations of that local zoning authority relative to size, lighting, spacing, and location; provided, however, that no local zoning authority shall have authority to require any sign within its jurisdiction which was lawfully erected and which is maintained in good repair to be removed without the payment of just compensation.

**226.530. Permits--rules, effective when.--**

The state highways and transportation commission is required to issue one-time permanent permits as provided in section 226.550 for the erection and maintenance of outdoor advertising along the interstate and primary highway systems and subject to section 226.540 to promulgate only those rules and regulations of minimal necessity and consistent with customary use to secure to this state any federal aid contingent upon compliance with federal laws, rules and regulations relating to outdoor advertising. Such commission rules and regulations shall be filed in the office of secretary of state of the state of Missouri. Such rule or regulation, or any amendment thereto, shall become interimly effective thirty days after such filing, and shall remain in effect pending amendment, approval or rejection by the general assembly in the next regular or special session.

(1977) Held, it was intent of legislature to require permits for all signs other than those in areas zoned commercial and industrial. Different treatment in zoned and unzoned areas is a reasonable classification. *National Advertising Co. v. State Highway Commission (A.)*, 549 S.W.2d 536.

(1992) The commission has discretion to permit logo signs, where logo signs announce the availability of purveyors of food, fuel and lodging at highway exits. Program represents a use of the right of way by the commission and does not violate section which refers to restrictions on signs on private property, but visible from the highway. The signs give specific information of interest to the traveling public. *Missouri Outdoor Advertising Association, Inc. v. Missouri State Highways and Transportation Commission*, 826 S.W.2d 342 (Mo. en banc).

### **226.535. Travel information signs, where erected—rules to be consistent with national standards.—**

Signs, displays, and devices giving specific information of interest to the traveling public shall be erected and maintained within the right-of-way in such areas, in an appropriate distance from interchanges on the interstate system as shall conform with the rules and regulations promulgated by the highway department. Such rules shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government, pursuant to Title 23, section 131, paragraph f, of the United States Code.

### **226.540. Signs permitted—lighting restrictions—size, location—zones—specifications.—**

Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor advertising shall be permitted within six hundred and sixty feet of the nearest edge of the right-of-way of any interstate or primary highway in areas zoned industrial, commercial or the like and in unzoned commercial and industrial areas as defined in this section, subject to the following regulations which are consistent with customary use in this state:

#### **(1) Lighting:**

(a) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed;

(b) External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or federal-aid primary highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle;

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

#### **(2) Size of signs:**

(a) The maximum area for any one sign shall be one thousand two hundred square feet with a maximum height of thirty feet and a maximum length of sixty feet, inclusive of

border and trim but excluding the base or apron, supports, and other structural members. The area shall be measured as established in rules promulgated by the commission;

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

(3) Spacing of signs:

(a) Interstate highways and freeways on the federal-aid primary system:

a. No sign structure shall be erected within five hundred feet of an existing sign on the same side of the highway;

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

(b) Nonfreeway federal-aid primary highways:

a. Outside incorporated municipalities, no structure shall be erected within three hundred feet of an existing sign on the same side of the highway;

b. Within incorporated municipalities, no structure shall be erected within one hundred feet of an existing sign;

(c) The spacing between structure provisions of subdivision (3) of this section do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions;

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

(e) The measurements in this section shall be the minimum distances between outdoor advertising sign 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" mean: 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 whether or not a permanent structure is located thereon, together with the area along the highway extending outwardly six hundred 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 as described in this section, the term "unzoned commercial or industrial land" shall also include those lands directly opposite on the other side of the highway to the extent of the same dimensions. Unzoned land shall not include:

(a) Land on the opposite side of an interstate or freeway primary highway from an unzoned commercial or industrial area as defined in this section;

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

(c) Land on the opposite side of a nonfreeway primary highway which is determined by the proper state authority to be a scenic area;

(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;

(7) In zoned commercial and industrial areas, whenever a state, county or municipal zoning authority has adopted laws or ordinances which include regulations with respect to the size, lighting and spacing of signs, which regulations are consistent with the intent of sections 226.500 to 226.600 and with customary use, then from and after the effective date of such regulations, and so long as they shall continue in effect, the provisions of this section shall not apply to the erection of signs in such areas. Notwithstanding any other provisions of this section, after 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.

(1987) The language of this section includes both the interstate system and the primary highway system. *Scaman v. Mo. Highway and Transp. Dept.* 736 S.W. 2d 58 (Mo. App. 1987).

### **226.545. Landmark signs, permitted when.—**

Notwithstanding any other provision of sections 226.500 to 226.600, outdoor advertising signs lawfully in existence on October 22, 1965, determined by agreement between the state highways and transportation commission and the Secretary of Transportation to be landmark signs, including signs on farm structures or natural surfaces, of historical or artistic significance may be maintained.

### **226.550. Permits, fees for, exemption—permits to be issued for existing signs, exceptions—biennial inspection fees, collection, deposit.—**

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 twenty-eight dollars and fifty cents, except tax exempt religious organizations shall be granted a permit for signs less than seventy-six square feet without payment of the fee.

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 application and payment of a permit fee of twenty-eight dollars and fifty cents. All applications and fees due pursuant to this subsection shall be submitted before December 31, 1992.

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

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

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

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

4. On or after August 28, 1992, the state highways and transportation commission may, in addition to the fees authorized by subsections 1 and 2 of this section, collect a biennial inspection fee every two years after a state permit has been issued. Biennial inspection fees due after August 28, 1992, shall be twenty-eight dollars and fifty cents.

5. In order to effect collection from a sign owner of delinquent and unpaid biennial inspection fees which are payable pursuant to this section, or delinquent removal costs pursuant to section 226.580, the state highways and transportation commission may require any delinquent fees to be paid before a permit is issued to the delinquent sign owner for any new sign.

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

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

#### **226.560. Certain provisions to affect subsequently erected signs only.—**

The provisions contained herein relating to size, spacing and lighting in zoned and unzoned commercial and industrial areas shall apply only to signs erected subsequent to March 30, 1972.

#### **226.570. Highways and transportation commission to remove and pay for signs, order of removal—funds must be available before removal—removal of certain signs must be ordered by Secretary of Transportation.—**

1. The state highways and transportation commission is directed to acquire by purchase, exchange, agreement, eminent domain, gift or condemnation, and shall pay just compensation for the removal of lawfully existing outdoor advertising signs, displays and devices not permitted to be maintained under sections 226.500 to 226.600, but any signs advertising tourist oriented type business will be the last to be removed. Eminent domain shall be exercised in accordance with the provisions of chapter 523, RSMo.

(1) Just compensation shall be paid for outdoor advertising and all property rights pertaining to same which are acquired including the taking from the owner of such sign, display, or device, and in his leasehold or other interest in the land; and the taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(2) Despite any contrary provision in sections 226.500 to 226.600, no lawfully existing sign shall be required to be removed unless at the time of removal there are sufficient funds, from whatever source, appropriated and allocated and available to this state with which to pay the just compensation required under this section, and unless at such time the federal funds required to be contributed to this state under section 131 (g) of Title 23, United States Code, have been appropriated and allocated and are immediately available to this state.

2. Any outdoor advertising in existence along the interstate or primary system on March 30, 1972, which is not subject to removal pursuant to section 226.580 and which is not in conformity with the provisions of sections 226.500 to 226.600 shall not be required to be removed until such removal is required by the Secretary of Transportation. Outdoor advertising within six hundred sixty feet of the right-of-way of an interstate or primary highway shall not be required to be removed unless such removal is pursuant to this section or section 226.580.

**226.580. Unlawful signs defined—removal authorized—notice—owner may proceed, how—removal costs, how paid—review of order, how—order of removal— reimbursement to owner, when.—**

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

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

(2) Signs for which a permit is not obtained or a biennial inspection fee is not paid as prescribed in sections 226.500 to 226.600; or

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

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

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

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

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

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

3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 and 2 of this section, the state highways and transportation commission shall give notice either by certified mail or by personal service to the owner or occupant of the land on which advertising believed to be unlawful is located and the owner of the outdoor advertising structure. Such notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action which is required to correct the unlawfulness and shall advise that a failure to take the remedial action within thirty days will result in the sign being removed. Within thirty days after receipt of the notice as to him, the owner of the land or of the structure may remove the sign or may take the remedial action specified or may file an action for administrative review pursuant to the provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and transportation commission, or he may proceed under the provisions of section 536.150, RSMo, as if the act of the highways and transportation commission was one not subject to administrative review. Notwithstanding any other provisions of sections 226.500 to 226.600, no outdoor advertising structure erected prior to August 28, 1992, defined as a "structure lawfully in existence" or "lawfully existing", by subdivision (1), (2) or (3) of subsection 2 of section 226.550, shall be removed for failure to have a permit until a notice, as provided in this section, has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of applying for a permit or paying the inspection fee within thirty days will result in the sign being removed. Upon application made within the thirty-day period as provided in this section, and accompanied by the fee prescribed by section 226.550, together with any inspection fees that would have been payable if a permit had been timely issued, the state highways and transportation commission shall issue a one-time permanent permit for such sign. Such signs with respect to which permits are so issued are hereby determined by the state of Missouri to have been lawfully erected within the meaning of "lawfully erected" as that term is used in Title 23, United States Code, section 131(g), as amended, and shall only be removed upon payment of just compensation, except that the issuance of permits shall not entitle the owners of such signs to compensation for their removal if it is finally determined that such signs are not "lawfully erected" as that term is used in section 131(g) of Title 23 of the United States Code.

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

5. If notice as provided in this section is given and an action for review is filed under the provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation commission enters its final decision and order to remove the outdoor advertising structure, the advertising message contained on the structure shall be removed or concealed by the owner of the structure, at the owner's expense, until the action for judicial review is finally adjudicated. If the owner of the structure refuses or fails to remove or conceal the advertising message, the commission may remove or conceal the advertising message and the owner of the structure shall be liable for the

costs of such removal or concealment. The commission shall incur no liability for causing the removal or concealment of the advertising message while an action for review is pending, except if the owner finally prevails in its action for judicial review, the commission will compensate the owner at the rate the owner is actually receiving income from the advertiser pursuant to written lease from the time the message is removed until the judicial review is final.

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

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

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

#### **226.585. Vegetation along right-of-way, cutting of--highways and transportation department, duties.--**

The state highways and transportation department may cut and trim any vegetation on the highway right-of-way which interferes with the effectiveness of or obscures a lawfully erected billboard, or the highways and transportation commission shall promulgate reasonable rules and regulations to permit the cutting and trimming of such vegetation on the highway or right-of-way by the owner of such billboard. Such rules and regulations shall be promulgated within twelve months after August 28, 1992, or the commission shall suspend the collection of the biennial inspection fees prescribed by section 226.550 until such rules are promulgated, and such rules may include authority to charge a reasonable fee for such permission. This section shall not apply if its implementation would have the effect of making Missouri be in noncompliance with requirements of Title 23, United States Code, section 131.

#### **226.590. Matching funds--source.--**

The state highways and transportation commission is authorized to use any funds, appropriated to it or received by it from other than the state road fund for matching federal funds or for other lawful purposes of sections 226.500 to 226.600.

#### **226.600. Penalty.--**

Any person, firm, or corporation violating the provisions of sections 226.500 to 226.600 shall upon conviction be deemed guilty of a misdemeanor, and each day of violation shall be considered a separate offense.

Title 7 - DEPARTMENT OF HIGHWAYS AND TRANSPORTATION  
Division 10 - Missouri Highway and Transportation Commission  
Chapter 6 - Outdoor Advertising

7 CSR 10-6.010 Public Information

PURPOSE: This rule informs interested persons how they may obtain information and materials about state outdoor advertising control.

(1) General Information. Sections 226.500 - 226.600 RSMo regulate outdoor advertising in Missouri adjacent to the interstate and primary highway systems. The Missouri General Assembly has delegated authority to the Missouri Highway and Transportation Commission to implement these statutes. The Missouri Highway and Transportation Commission has adopted administrative rules, 7 CSR 10-6, under these statutes. These rules have the force and effect of law and should be read together with the statutes.

(2) Organization. The Missouri Highway and Transportation Commission controls and acts by and through the Missouri Highway and Transportation Department which is directed by the chief engineer. The state of Missouri is geographically divided into ten (10) Missouri Highway and Transportation Department districts with a district office in each district. Each district office is headed by a district engineer who is responsible to the chief engineer for supervising all activities of the Missouri Highway and Transportation Department within that particular district. The following counties are included in the indicated district: DISTRICT NO. 1 includes: Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Harrison, Holt, Nodaway and Worth. DISTRICT NO. 2 includes: Adair, Carroll, Chariton, Grundy, Howard, Linn, Livingston, Macon, Mercer, Putnam, Randolph, Saline, Schuyler and Sullivan. DISTRICT NO. 3 includes: Audrain, Clark, Knox, Lewis, Lincoln, Marion, Monroe, Montgomery, Pike, Ralls, Scotland, Shelby and Warren. DISTRICT NO. 4 includes: Cass, Clay, Henry, Jackson, Johnson, Lafayette, Platte and Ray. DISTRICT NO. 5 includes: Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Maries, Miller, Moniteau, Morgan, Osage and Pettis. DISTRICT NO. 6 includes: Franklin, Jefferson, St. Charles, St. Louis and the City of St. Louis. DISTRICT NO. 7 includes: Barry, Barton, Bates, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon. DISTRICT NO. 8 includes: Christian, Dallas, Douglas, Greene, Hickory, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright. DISTRICT NO. 9 includes: Carter, Crawford, Dent, Howell, Iron, Oregon, Phelps, Pulaski, Reynolds, Ripley, Shannon, Texas and Washington.

DISTRICT NO. 10 includes: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, St. Francois, St. Genevieve, Scott, Stoddard and Wayne.

(3) How to Obtain Information and Materials. Information and materials regarding outdoor advertising control, including copies of sections 226.500 - 226.600 RSMo, administrative rules, application forms, maps of the interstate and primary highway systems, and district maps showing the location of district offices and the counties within each district, may be obtained in person, by writing or by telephoning the District Engineer, Missouri Highway and Transportation Department: DISTRICT NO. 1, 3602 North Belt Highway, P.O. Box 287, St. Joseph, Missouri 64502 (816-387-2350); DISTRICT NO. 2, U.S. Route 63, P.O. Box 8, Macon, Missouri 63552 (816-385-3176); DISTRICT NO. 3, Highway 61 South, P.O. Box 1067, Hannibal, Missouri 63401 (314-248-2490); DISTRICT NO. 4, 5117 E. 31st Street, Kansas City, Missouri 64128 (816-921-7104); DISTRICT NO. 5, 1511 Missouri Boulevard, P.O. Box 718, Jefferson City, Missouri 65102 (314-751-3322); DISTRICT NO. 6, 1590 Woodlake Drive, Chesterfield, Missouri 63017-5712 (314-340-4100); DISTRICT NO. 7, 3901 East 32nd Street, P.O. Box 1445, Joplin, Missouri 64802 (417-629-3300); DISTRICT NO. 8, 3025 E. Kearney, P.O. Box 868 Springfield, Missouri 65801 (417-866-3576); DISTRICT NO. 9, U.S. Business Route 63 North, P.O. Box 220, Willow Springs, Missouri 65793 (417-469-3134); and DISTRICT NO. 10, U. S. Route 61 North of U.S. Route 60, P.O. Box 160, Sikeston, Missouri 63801 (314-472-5333).

(4) Forms are available from the district engineer in each district.

**\*\*NOTE\*\*** Please refer to the Outdoor Advertising Permit Inspectors Map for correct Area, Counties and Contact Person.

7 CSR 10-6.015 Definitions.

PURPOSE: This rule provides definitions of terms in addition to those terms defined in section 226.510 RSMo.

(1) Back-to-back sign, double-faced sign or V-type sign is a sign with two (2) sides or outdoor advertising faces, with not more than two (2) displays to each side or faces, which are physically contiguous, or connected by the same structure or cross bracing or located not more than fifteen (15) feet apart at their nearest point. Each face or side may be as large as one thousand two hundred (1,200) square feet in area.

(2) Changed conditions means a change in facts or local ordinance, such as but not limited to, discontinuance of a commercial or industrial activity, decrease in the limits of an urban area, reclassification of a secondary highway to interstate or primary highway status, upgrading of an urban primary highway to freeway status or amendment of a comprehensive local zoning ordinance from commercial to residential or the like.

(3) Chief engineer means the chief engineer of the Missouri Highway and Transportation Department appointed by the Missouri Highway and Transportation Commission under section 226.040, RSMo, or the chief engineer's authorized representative.

(4) Commercial or industrial activities are defined in section 226.540 (5), RSMo.

(5) Commission means the Missouri Highway and Transportation Commission.

(6) Department means the Missouri Highway and Transportation Department.

(7) Directional and other official signs means only official signs and notices, public utility signs, service club and religious notices, public service signs and directional signs.

(8) Display means a single graphic design which advertises goods, services or businesses.

(9) District engineer means any one of the ten (10) Missouri Highway and Transportation Department district engineers or the district engineers' authorized representatives.

(10) Division means the Maintenance and Traffic Division unless otherwise specified.

- (11) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.
- (12) Federal or state law means a federal or state constitutional provision or statute or an ordinance or rule enacted or adopted by Missouri or a federal agency or a political subdivision in Missouri pursuant to a federal or state constitution or statute.
- (13) Flashing means emitting a series of sudden and transient outbursts of light.
- (14) Highway means any existing highway or a project for which the commission's Right-of-Way Division has authorized the purchase of right-of-way.
- (15) Intermittent means occurring at intervals.
- (16) Landmark signs means outdoor advertising determined by agreement between the commission and the secretary of transportation to have been lawfully in existence on October 22, 1965, and to be of historical or artistic significance under section 226.545, RSMo.
- (17) Lawful means lawfully erected and in compliance with all other legal requirements including, but not limited to, permit requirements, payment of biennial inspection fees and in the case of nonconforming signs, the requirements of 7 CSR 10-6.060(3).
- (18) Lawfully erected means erected prior to January 1, 1968 or erected after January 1, 1968 in compliance with the sizing, lighting, spacing, location, permit and all other requirements of sections 226.500 - 226.600, RSMo as provided by those sections at the erection date of the sign; or erected after January 1, 1968 and before March 30, 1972 in compliance with the sizing, lighting, spacing and location requirements in effect at the time of erection, but for which a permit was not obtained prior to March 30, 1972.
- (19) Maintain means allow to exist.
- (20) Main-traveled way means the through traffic lanes of the highway, exclusive of frontage roads, outer roads, auxiliary lanes, ramps and all shoulders.
- (21) Nonconforming sign or nonconforming outdoor advertising means a sign which was lawfully erected but which does not conform to the requirements of state statutes enacted at a later date or which later fails to comply with state statutes due to changed conditions.

(22) On-premise sign is limited to outdoor advertising which advertises- the sale or lease of the property upon which it is located, the name of the establishment or activity located upon the premises upon which it is located, or the principal products or services offered by the establishment or activity upon the premises upon which it is located.

(23) Outdoor advertising permit review committee consists of the assistant to the chief - operations, the chief counsel and the division engineer of the Maintenance and Traffic Division or their designees.

(24) Parkland means any publicly owned land which is designated or used as a public park, recreation area, wildlife or water fowl refuge, or historic site.

(25) Premises is limited to improvements, buildings, parking lots, landscaping, storage or processing areas as well as any other contiguous land actually used in connection with the premises or for access.

(26) Scenic area means any area of particular scenic beauty or historic significance as determined by the federal, state or local officials having jurisdiction of the area, and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty. (See 7 CSR 10-6.020).

(27) Secretary of transportation means the United States Secretary of Transportation.

(28) Sign means outdoor advertising as defined by section 226.510(3), RSMo.

(29) Specific tourist areas or economically impacted areas or specific areas of the state of Missouri in which there is a high concentration of tourist-oriented businesses means a specific area determined by the commission with the approval of the secretary of transportation under section 226.520(5), RSMo to be one which would suffer substantial economic hardship if signs providing directional information about goods and services in the interest of the traveling public in that area were removed under sections 226.500 - 226.600, RSMo.

(30) Specific tourist area sign(s) display(s) and device(s) providing directional information about goods and services in the interest of the traveling public means outdoor advertising lawfully erected before May 5, 1976 which provide directional information messages about goods and services in the interest of the traveling public and which are authorized to be maintained under section 226.520(5), RSMo and 23 U.S.C. 131(o).

(31) Spot zoning for outdoor advertising or strip zoning for outdoor advertising means an amendment, variance or exception to the comprehensive local zoning ordinance classifying or zoning a parcel of land as commercial, industrial or suitable for outdoor advertising, out of harmony with the zoning classification or uses of surrounding land as determined by the chief engineer.

(32) State means the state of Missouri.

(33) Unlawful signs or unlawful outdoor advertising are those identified as unlawful in sections 226.580.1. and 226.580.2., RSMo and 7 CSR 10-6.080(2), and nonconforming signs which have failed to comply with the requirements of 7 CSR 10-6.060(3).

(34) Unzoned area means an area where there is no comprehensive zoning regulation. It does not include areas which have rural zoning classifications, land uses established by zoning variances or special exceptions under comprehensive local zoning ordinances.

(35) Unzoned commercial or industrial areas or unzoned commercial or industrial land is defined by section 226.540(4) and 226.540(5), RSMo and 7 CSR 10-6.040(2) (B).

(36) Urban area is defined in section 226.510(6), RSMo.

(37) Visible means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity. A person of normal visual acuity is any person licensed by Missouri to operate a motor vehicle upon the highways of this state.

(38) Zoned commercial or industrial areas or areas which are zoned industrial, commercial or the like per section 226.540(5), RSMo and which meet the requirements of 7 CSR 10-6.040(2) (C).

7 CSR 10-6.020 Directional and Other Official Signs.

PURPOSE: This rule provides standards for the selection, erection and maintenance of directional and other official signs and notices authorized by section 226.520(1), RSMo which are consistent with federal regulations, 23 CFR 750.151, implemented under 23 U.S.C. 131(c)(1). This rule does not apply to signs erected by the commission on highway right-of-way under sections 226.525 and 226.535, RSMo or to signs, displays or devices providing directional information about goods and services in the interest of the traveling public under section 226.520(5), RSMo and 7 CSR 10-6.060(2)(D).

(1) Definitions. (See 7 CSR 10-6.015).

(2) Categories of Directional and Other Official Signs. Directional and other official signs includes the following five (5) classes of signs:

(A) Official signs and notices are signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purpose of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs;

(B) Public utility signs are warning signs, informational signs, notices or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations;

(C) Service club and religious notices are signs and notices, where erection is authorized by law, relating to meetings of nonprofit service clubs, charitable associations or religious services;

(D) Public service signs are signs located on school bus stop shelters which shall- identify the donor, sponsor or contributor of the shelters; contain public service messages, which shall occupy not less than fifty percent (50%) of the area of the sign; contain no other message; and be located on school bus shelters which are authorized or approved by city, county or state law, regulation or ordinance, and at places approved by the city, county or state agency controlling the highway involved; and

(E) Directional signs are signs containing directional messages about public places owned or operated by federal, state or local governments or their agencies; publicly- or

privately-owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed by the commission to be in the interest of the traveling public.

(3) Standards for Official Signs and Notices.

(A) General. These signs do not include official traffic signs such as street name signs, speed limit signs or other directional or regulatory signs.

(B) Size. There are no size limitations.

(C) Lighting. Signs may be illuminated subject to the restrictions of subsection (7)(C) of this rule.

(D) Spacing. There are no spacing limitations.

(4) Standards for Public Utility Signs.

(A) Size. There are no size limitations.

(B) Lighting. Signs may be illuminated subject to the restrictions of subsection (7)(C) of this rule.

(C) Spacing. There are no spacing limitations.

(5) Standards for Service Club and Religious Notices.

(A) Size. Any number of displays or emblems may be secured to a single structure. Each display or emblem shall not exceed eight (8) square feet in area.

(B) Lighting. Signs may be illuminated subject to the restrictions of subsection (7)(C) of this rule.

(C) Spacing. There are no spacing limitations.

(6) Standards for Public Service Signs.

(A) Size. Each sign may not exceed thirty two (32) square feet in area.

(B) Lighting. Signs may be illuminated subject to the restrictions of subsection (7)(C) of this rule.

(C) Spacing. There are no spacing limitations except that not more than one (1) sign on each shelter shall face in any one direction.

(7) Standards for Directional Signs. The following standards apply only to directional signs:

(A) General. The following directional signs are prohibited: signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities; signs which obstruct or interfere with the driver's view of approaching, merging or intersecting traffic; signs which move or have any animated or moving parts; signs located in rest areas, parklands or scenic areas; and signs not lawfully existing under section 226.550.2., RSMo or unlawful signs under section 226.580, RSMo and 7 CSR 10-6.080(2);

(B) Size. No sign shall exceed the following limits: maximum area - one hundred and fifty (150) square feet; maximum height - twenty feet (20') and maximum length - twenty feet (20'). All dimensions include border and trim but exclude supports;

(C) Lighting. Signs may be illuminated, subject to the following restrictions: signs which contain, include or are illuminated by any flashing, intermittent, or moving lights are prohibited; signs which are not effectively shielded so as to prevent beams or rays of light from being directed to any portion of the traveled way of an interstate or primary highway or which are of an intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited; and no sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device or signal;

(D) Spacing. Each location of a directional sign must be approved by the district engineer prior to its erection. No directional sign may be located within two thousand feet (2,000') of an interchange or intersection at grade along the interstate system or freeway primary highway (measured along the interstate or freeway primary highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way). No directional sign may be located within two thousand feet (2,000') of a rest area, parkland or scenic area; no two (2) directional signs facing the same direction of travel shall be spaced less than one (1) mile apart. Not more than three (3) directional signs facing the same direction of travel may be erected along a single route approaching the activity or attraction. Signs located adjacent to the interstate system shall be within seventy-five (75) air miles of the activity or attraction. Signs located adjacent to the primary system shall be within fifty (50) air miles of the activity or attraction;

(E) Message Content. The message on directional signs shall be limited to the identification of the attraction or

activity and directional messages useful to the traveler in locating the attraction or activity, such as mileage, route numbers or exit numbers. Descriptive words or phrases and pictorial or photographic representations of the activity or attraction, or its environs are prohibited and disqualify the sign from being maintained as a directional sign; and

(F) Selection Method and Criteria.

1. Criteria. Activities and attractions qualifying for directional signing shall be limited to public places owned or operated by federal, state or local governments or their agencies; publicly- or privately-owned natural phenomena, historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation. Privately owned activities or attractions must be deemed by the commission to be nationally or regionally known and of outstanding interest to the traveling public. Upon request, the applicant for a directional sign permit shall submit sufficient evidence to the district engineer for the commission to determine whether or not the activity or attraction is nationally or regionally known and of outstanding interest to the traveling public.

2. Selection. The commission shall determine those public and private activities and attractions which qualify for directional signing. After filing an application for a directional sign permit, the applicant may petition the commission to determine whether or not a specific public or private activity or attraction is eligible for directional signing. The petition may be in letter form and shall include: a statement by the owner of the activity or attraction describing the activity or attraction and evidence that the activity or attraction is nationally or regionally known and is of outstanding interest to the traveling public. In the case of any publicly-owned activity or attraction, the petition must also be accompanied by the written consent or approval of the federal, state or local political subdivision having legal authority or control over the activity or attraction where the authority is not the applicant requesting that the activity or attraction be designated as eligible for directional signing. The commission may grant the applicant, upon request, a public hearing to aid the commission in reaching a decision of whether or not the activity or attraction qualifies for directional signing. This hearing would be informal and would not be subject to the procedural requirements of Chapter 536, RSMo. In exceptional cases, the commission may require review and concurrence by the secretary of transportation before reaching a decision. Petitions and requests for public hearing must be in writing and addressed to the district

engineer for the county in which the activity or attraction is located. (See 7 CSR 10-6.010).

(8) Permits. See 7 CSR 10-6.070 for state permit requirements.

## 7 CSR 10-6.030 On-Premise Signs

PURPOSE: This rule provides criteria for exempting from control on-premise signs authorized by section 226.520(2), RSMo consistent with federal regulations, 23 CFR 750.709, implemented under 23 U.S.C. 131(c).

(1) Definitions. (See 7 CSR 10-6.015). In particular, see 7 CSR 10-6.015(22) and (25) for definitions of on-premise sign and premises, respectively.

(2) Criteria.

(A) Size. There are no size limitations.

(B) Lighting. There are no lighting limitations for on-premise signs in sections 226.500 - 226.600, RSMo but signs which purport to be or imitate or resemble official traffic-control devices or railroad signs or signals, or which attempt to direct the movement of traffic, or which hide from view or interfere with the effectiveness of an official traffic-control device or any railroad sign or signal are prohibited by section 304.321, RSMo.

(C) Spacing. There are no spacing limitations or limitations on the number of on-premise signs per each premises.

(D) Strips. Land connected to the main portion of the premises by a thin strip of land either owned or leased by the owner of the premises or sign owner is not considered part of the premises unless the strip of land is actually used in connection with or for access to the establishment or activity being advertised. If the strip size is sufficient only for outdoor advertising or is used only for outdoor advertising, the strip does not qualify as a part of the premises.

(E) Intervening Land Use. Signs on land separated from the advertised establishment, activity or property by an intervening land use such as a highway, another unrelated commercial activity, a residence or an agricultural activity do not qualify as on-premise signs.

(F) Rental Income. A sign which produces rental income for the owner or lessee of the premises, which consists principally of brand name or trade name advertising and which only incidentally advertises the principal or accessory products or services offered upon the premises upon which it is located does not qualify as an on-premises sign.

(G) Products and Services not Offered Upon Premises. A sign which advertises in a prominent manner, as determined

by the chief engineer, a product or service not offered upon the premises upon which the sign is located in addition to a product or service which is offered upon the premises upon which the sign is located, does not qualify as an on-premise sign. A sale or lease sign which also advertises any product or service not offered upon the premises and which is unrelated to the activity conducted on the premises or selling or leasing the land on which the sign is located does not qualify as an on-premise sign.

(3) Permits. There is no state permit requirement, sections 226.530 and 226.550, RSMo.

7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas

PURPOSE: This rule supplements the requirements for erection and maintenance of outdoor advertising in zoned and unzoned commercial and industrial areas authorized by section 226.520(3) and 226.520(4), RSMo.

(1) Definitions. (See 7 CSR 10-6.015).

(2) Criteria for Determination of Zoned and Unzoned Commercial and Industrial Areas.

(A) Zoned Commercial and Industrial Area. The following does not constitute zoned commercial or industrial area:

1. An area or district which has been spot zoned or strip zoned for outdoor advertising;

2. An area or district which merely allows commercial or industrial activities as well as outdoor advertising as an incident to the primary land use which is other than a zoned commercial or industrial area. Examples are: agricultural, rural, unclassified, greenbelt, buffer zoning or other similar classifications which may allow specified commercial or industrial land uses including outdoor advertising; and residential and multi-family zoning classifications which may allow outdoor advertising and specified home occupations such as barber shops, beauty shops, kennels, repair shops or professional offices; and

3. An area or district which requires a special use permit, special zoning classification or variance as a condition to the use of the area for an activity generally considered industrial or commercial.

(B) Unzoned Commercial and Industrial Area. In order to qualify as an unzoned commercial or industrial area, the area must satisfy the primary use test found in subsection (2)(C).

(C) Primary Use Test.

1. In General. In order for an area to qualify as an unzoned commercial or industrial area, the primary use or activity conducted in the area must be of a type customarily and generally required by local comprehensive zoning authorities in Missouri to be restricted as a primary use to areas which are zoned industrial or commercial. The fact that an activity may be conducted for profit in the area is not determinative of whether or not an area is an unzoned commercial or industrial area. Activities incidental to the primary use of the area, such as a kennel

or repair shop in a building or on property which is used primarily as a residence, do not constitute commercial or industrial activities for the purpose of determining the primary use of an unzoned area even though income is derived from the activity. If, however, the activity is primary and local comprehensive zoning authorities in Missouri would customarily and generally require the use to be restricted to a commercial or industrial area, then the activity constitutes a commercial or industrial activity for purposes of determining the primary use of an area even though the owner or occupant of the land may also live on the property.

2. Visible. The purported commercial or industrial activity must be visible from the main-traveled way within the boundaries of that unzoned commercial or industrial area by a motorist of normal visual acuity traveling at the maximum posted speed limit on the main-traveled way of the highway. Visibility will be determined at the time of the field inspection by the department's authorized representative.

3. Recognizable. The purported commercial or industrial activity must be recognizable as a commercial or industrial enterprise as viewed from the main-traveled way of the adjacent interstate or primary highway. In addition, the activity must comply with each of the following:

A. Structure and Grounds Requirements-

(I) Area. Any structure to be used as a business or office must have an enclosed area of two hundred (200) square feet or more;

(II) Foundation. Any structure to be used as a business or office must be affixed on a slab, piers or foundation;

(III) Access. Any structure to be used as a business or office must have approved access from a roadway to a defined customer parking lot adjacent to business building;

(IV) Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include: business telephone, electricity, water service and waste water disposal, all in compliance with appropriate local, state and county rules. Should a state, county or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative;

(V) Identification. The purported enterprise must be identified as a commercial or industrial

activity which may be accomplished by on-premise signing or outside visible display of product;

(VI) Use. Any structure to be used as a business or office must be used exclusively for the purported commercial or industrial activity; and

(VII) Limits. Limits of business activity shall be in accordance with section 226.540(4), RSMo.

B. Activity Requirements. In order to be considered a commercial or industrial activity for the purpose of outdoor advertising regulation, the following conditions must be met:

(I) The purported activity or enterprise shall be open for business and actively operated and staffed with personnel on the premises a minimum of four (4) hours each day and a minimum of five (5) days each week;

(II) The purported activity or enterprise shall maintain all necessary business licenses, occupancy permits, sales tax and other records as may be required by applicable state, county or local law or ordinance;

(III) A sufficient inventory of products must be maintained for immediate sale or delivery to the consumer. If the product is a service, it must be available for purchase on the premises; and

(IV) The purported activity or enterprise must be in active operation a minimum of one hundred eighty (180) days prior to the issuance of any outdoor advertising permit; and

(C) Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements also apply:

(I) Self-propelled vehicles will not qualify for use as a business or office for the purpose of these rules;

(II) All wheels, axles and springs must be removed;

(III) The vehicle must be permanently secured on piers, pad or foundation;

(IV) The vehicle must be tied down in accordance with minimum code requirements. If no code, the vehicle must be affixed to piers, pad or foundation; and

(V) Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include: business telephone, electricity water service and waste water disposal, all in compliance with the appropriate local, state and county rules. Should a state, county or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative.

(3) Standards for Allowed Signs.

(A) In General. Outdoor advertising shall be permitted only-

1. In accordance with the sizing, spacing, lighting and location requirements for outdoor advertising erected and maintained in zoned and unzoned commercial and industrial areas as authorized by section 226.540, RSMo;

2. On the same side of the interstate or freeway primary highway as the commercial or industrial activity;

3. Within six hundred feet (600') of the commercial or industrial activity or from any commercial or industrial structure meeting the structure and grounds requirements of subparagraph (2)(C)3.A of this rule; and

4. In accordance with department permit requirements (See 7 CSR 10-6.070).

(B) Measurement of Distances. Distances shall be 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 signs located on the same side of the highway involved. The sign measurement points shall be those which yield the shortest distance between the structures. If the signs are angled or V-shaped, the nearest points of the structures to each other are to be used. (See appendix A, Diagram 1.)

(4) Multiple Sign Structures. A back-to-back sign, double-faced sign or V-type sign is a sign with two (2) sides or outdoor advertising faces owned by the same sign owner which are physically contiguous, or connected by the same structure or cross bracing or located not more than fifteen feet (15') apart at their nearest point. Each side or face of this multiple sign structure shall be considered as one (1) sign for the purpose of determining whether or not it complies with the sizing, lighting, spacing and location requirements of section 226.540, RSMo provided that each face or side of a multiple sign structure is limited to a total of twelve hundred (1200) square feet in area. The total area of each side or face shall be measured by the

smallest square, rectangle, triangle, circle or contiguous combination of shapes which will encompass the display(s) of each side or face. (See Appendix B, Diagram 2.)

(5) Appendix C, Diagram 3 contains examples of permitted locations and spacing for outdoor advertising.

(6) Permits. (See 7 CSR 10-6.070 for state permit requirements).

7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty Feet of the Right-of-Way

PURPOSE: This rule applies to outdoor advertising erected or maintained beyond six hundred sixty feet of the right-of-way visible from the main-traveled way of the interstate or primary highway system and erected with the purpose of its message being read from the traveled way. This outdoor advertising is regulated under section 226.527, RSMo and 23 U.S.C. 131(c).

(1) Definitions (See 7 CSR 10-6.015).

(2) Determination of Urban Areas. The term urban area is defined by section 226.510(6), RSMo. That section also indicates how urban areas are determined. Maps of urban areas located within a department district are available for inspection at that district office. (See 7 CSR 10-6.010).

(3) Determination of Purpose. The chief engineer shall determine under section 226.527, RSMo when a sign is erected with the purpose of its message being read from the main-traveled way of an interstate or primary highway.

(A) Criteria. The determination shall be made after consideration of, but not limited to, the following and any other relevant criteria:

1. Angle. The positioning or angle of a sign to an adjacent highway;

2. Size. The distance of the sign from the controlled highway in relation to the size of the sign. If a sign is large enough so that its message can be read from the highway, it may be assigned to that highway;

3. Message Content. Whether or not the sign's message is applicable to a particular highway;

4. Physical Obstructions. The presence of or selective removal of physical obstructions, natural or man made, impairing a motorist's view of the sign from the highway; and

5. Exposure Time. The period of time a motorist traveling on the adjacent highway at the maximum posted speed limit would be exposed to the sign's message. A sign which cannot be read from the adjacent highway should not be assigned to that highway.

(B) Multiple Highways. A sign may be visible or erected, or both, with the purpose of its message being read from two (2) or more interstate or primary highways. These signs must comply with the sizing, lighting, spacing, location and permit requirements applicable to each interstate or primary highway. Where there is a conflict between sizing, lighting, spacing or location requirements of sections 226.500 - 226.600, RSMo, the most restrictive requirements shall prevail.

(4) Permits (See 7 CSR 10-6.070 for state permit requirements).

7 CSR 10-6.060 Nonconforming Signs.

PURPOSE: This rule, consistent with 23 CFR 750.707, categorizes and establishes criteria for the maintenance and removal of nonconforming signs under sections 226.500 - 226.600, RSMo which were lawfully erected but which fail to conform to the sizing, lighting, spacing or location requirements of state statutes enacted at a later date or because of changed conditions. Included in this rule are standards for the selection and exemption from removal of specific tourist area signs, which are authorized to be maintained by section 226.520(5), RSMo, 23 U.S.C. 131(o) and 23 CFR 750.501, and landmark signs, which are authorized to be maintained by section 226.545, RSMo, 23 U.S.C. 131(c)(4) and 23 CFR 750.710. This rule does not apply to signs erected on state right-of-way by the State Highway Commission under sections 226.525 and 226.535, RSMo or to directional and official signs authorized by section 226.520(1), RSMo. This rule also does not apply to signs not lawfully in existence under section 226.550.2., RSMo and unlawful signs under section 226.580, RSMo.

(1) Definitions (See 7 CSR 10-6.015).

(2) Categories of Nonconforming Signs. Unless these signs are unlawful signs under section 226.580, RSMo and 7 CSR 10-6.080(2), the following nonconforming signs, subsections (2)(A) - (E) of this rule, may be maintained under the specified conditions:

(A) Signs Located Within Commercial or Industrial Areas. Any signs within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is a part of the interstate or primary system which were lawfully erected and which are located within zoned or unzoned commercial or industrial areas but which under state statutes enacted at a later date or because of changed conditions fail to meet the sizing, lighting, spacing or location requirements of sections 226.500 - 226.600, RSMo or 7 CSR 10-6.020 are nonconforming signs. These signs may be maintained subject to the criteria for maintenance of nonconforming signs, in section (3);

(B) Signs Located Outside Commercial or Industrial Areas. Any signs within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is a part of the interstate or primary system which were lawfully erected and which are not located in zoned or unzoned commercial or industrial areas but which under state statutes enacted at a later date or because of changed conditions fail to meet the

sizing, lighting, spacing or location requirements of sections 226.500 - 226.600, RSMo or 7 CSR 10-6.020 are nonconforming signs. These signs may be maintained subject to the criteria for maintenance of nonconforming signs listed in section (3), only until removed by the commission upon the payment of just compensation under section 226.570, RSMo; except, those signs qualifying as specific tourist area signs or as landmark signs may be maintained subject to the criteria for maintenance of nonconforming signs, in section (3);

(C) Signs Located Beyond Six Hundred Sixty Feet (660') of the Right-of-Way. Any signs lawfully erected, either outside of urban areas prior to August 13, 1976, or inside urban areas at anytime which are located beyond six hundred sixty feet (660') of the right-of-way, visible from the main-traveled way of the interstate or primary system and erected with the purpose of its message being read from the traveled way, except that outdoor advertising as is defined in sections 226.520(1) and (2), RSMo, but which under state statutes enacted at a later date or which because of changed conditions fail to meet the location requirements of sections 226.500 - 226.600, RSMo or 7 CSR 10-6.020 are nonconforming signs. These signs may be maintained subject to the criteria for maintenance of nonconforming signs, listed in section (3), only until removed by the commission upon the payment of just compensation under section 226.570, RSMo; except those signs qualifying as landmark signs may be maintained subject to the criteria for maintenance of nonconforming signs, in section (3);

(D) Specific Tourist Area Signs. Specific tourist area signs are any signs which- were lawfully erected; displayed directional information about goods and services in the interest of the traveling public on May 5, 1976; are located within six hundred sixty feet (660') of the nearest edge of the right-of-way visible from the main-traveled way of any highway which is a part of the interstate and primary highway system; are such that removal would work a substantial economic hardship in the specific tourist area; and fail to meet the sizing, lighting, spacing or location requirements of sections 226.500 - 226.600, RSMo or 7 CSR 10-6.020 because of changed conditions or state statutes enacted after these signs were erected. These nonconforming signs and the activities or attractions which they advertise must be located in the same specific tourist area for the signs to qualify as specific tourist area signs. These signs may be maintained subject to the criteria for maintenance of nonconforming signs, in section (3).

1. Message Content. The message content on specific tourist area signs must identify goods and services in the interest of the traveling public as determined by the commission, with the approval of the secretary of

transportation and contain directional information such as mileage, route numbers or exit numbers useful to the traveler in locating those goods and services. There is no prohibition against descriptive words or phrases and pictorial or photographic representation.

2. Criteria for Selection of Specific Tourist Areas. The commission shall determine with the approval of the secretary of transportation the geographic limits of specific tourist areas. Any county that qualifies under one (1) or more of the following criteria, or any qualifying counties which are contiguous, shall constitute a specific tourist area. The following counties qualify:

A. Any county that equals or exceeds the state norm in any one (1) or more of the following five (5) categories as computed from annual third quarter statistics from the Missouri Tourism Commission:

(I) The ratio of direct county tourism employees to the latest United States decennial general census county population expressed as a percentage;

(II) The amount of county direct wages attributed to tourism to the latest United States decennial general census county population expressed as dollars per person;

(III) The amount of direct county tourism sales income to the latest United States decennial general census county population expressed as dollars per person;

(IV) The ratio of direct county tourism employees to total county employee work force expressed as a percentage; and

(V) The ratio of direct county wages attributed to tourism to total county employee work force wages expressed as a percentage;

B. Any county which exceeds seventy percent (70%) of the value of any one (1) or more of parts (2) (D)2.A.(I) - (V). and which is contiguous to any county eligible under subparagraph (2) (D)2.A.; and

C. Any county within which is located any part or all of a major lake or a major traffic generator and which is contiguous to a county which qualifies under subparagraph (2) (D)2.A. of this rule. A major lake is any lake determined by the chief engineer to exceed seven thousand (7,000) normal pool surface acres. A major traffic generator is any privately owned activity or attraction

determined by the chief engineer to attract in excess of five hundred thousand (500,000) visitors per year.

3. Determination of Substantial Economic Hardship. The commission shall determine those nonconforming signs providing directional information about goods and services in the interest of the traveling public which the removal of from a specific tourist area will create a substantial economic hardship in the area. The commission will seek the approval of the secretary of transportation under 23 U.S.C. 131(o) to exempt any of these signs from removal; and

(E) Landmark Signs. Any signs lawfully erected on or before October 22, 1965, including signs on farm structures or natural surfaces regardless of their advertising message at the date of erection, which are determined by the commission with the approval of the secretary of transportation to have been of historical or artistic significance on August 13, 1976, but which under state statutes enacted after these signs were erected or because of changed conditions fail to meet the sizing, spacing, lighting or location requirements of sections 226.500 - 226.600, RSMo or 7 CSR 10-6.020 are nonconforming signs. Landmark signs may be located either within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is a part of the interstate or primary system or beyond six hundred sixty feet (660') of the right-of-way, visible from the main traveled way of the interstate or primary system and erected with the purpose of its message being read from the traveled way. These landmark signs may be maintained subject to the criteria for maintenance of nonconforming signs, in section (3).

(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.

(A) Message Content. Changes of advertising message content are permissible subject to the requirements of paragraphs (3)(A)1. and 2 of this rule.

1. Specific Tourist Area Signs. In order to continue to qualify as a specific tourist area sign after May 5, 1976, the sign's advertising message must continue to provide the directional information to goods and services in the interest of the traveling public advertising only the same activity or attraction that was advertised on May 5, 1976, except that the following changes in message or

display content are permissible: a change in the activity or attraction name to reflect a sale or reorganization of the activity or attraction advertised on May 5, 1976; a change in brand name of goods or services advertised on May 5, 1976, provided the change relates to the same type of activity or attraction at the same location; a change in mileage, address, routing, course or direction; or a change in logo or art work.

2. Landmark Signs. In order to continue to qualify as a landmark sign after August 13, 1976, the sign's advertising message shall not be substantially changed, except that a change in mileage, address, routing, course or direction is permissible.

(B) Type of Materials. The type of materials used in the construction of a sign shall not be changed after the date the sign becomes a nonconforming sign, except that a change of facing, panels, message or advertising does not constitute a change of type of materials. The routine replacement of border and trim shall be permitted.

(C) Size. The size or area of a sign shall not be increased or decreased after the date the sign becomes a nonconforming sign. A net decrease in the outside dimensions of the advertising copy portion of the device will be permitted. Any subsequent change in the outside dimensions of the sign will be permitted so long as it does not exceed the actual dimensions that department records indicate existed on the date the sign became a nonconforming sign.

(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 which needs or requires the replacement of fifty (50) percent or more of the poles or vertical supports. 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.

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;

(F) Abandonment and Discontinuance. A nonconforming sign shall not be abandoned or discontinued after the date the sign becomes nonconforming. Abandonment or discontinuance occurs whenever-

1. The sign for a continuous period of twelve (12) months or more, advertises services or products no longer available to the traveling public because the services or products have been discontinued or cannot be obtained at the destination or by the directions indicated on the sign; or

2. The sign, for a continuous period of twelve (12) months or longer, is maintained without an advertising message. The following are examples of signs maintained without an advertising message: A sign with a message which is partially obliterated so as not to identify a particular service or product, a sign which is blank or painted out, a sign structure with no face or a sign with a message consisting solely of the name of the sign owner; and

(G) Notice to Terminate Nonconforming Signs. When a sign is maintained in violation of any one (1) or more of subsections (3)(A) to (F) the district engineer shall issue a notice to terminate the nonconforming sign to the sign owner and the owner or occupant of the real property on which the sign is located. The notice to terminate the nonconforming sign shall identify the violation of the criteria for maintenance of the nonconforming sign and the available remedial action to correct the violation which may

include removal of the sign. The notice to terminate the nonconforming sign shall also establish the length of time with a maximum time of sixty (60) days possible which is available for taking the remedial action or removing the sign (if remedial action other than removal of the sign is not available). The notice to terminate the nonconforming sign may designate a time of less than (60) sixty days for remedial action. Any time which is stated in a notice to terminate the nonconforming sign for taking remedial action shall not change the time period to request an administrative hearing. Any person given a notice to terminate nonconforming sign by the department's district engineer shall be entitled to an administrative hearing pursuant to the provisions of sections 536.067 - 536.090, RSMo by filing a timely written request for hearing with the district engineer who issued the notice to terminate the nonconforming sign at the address shown on the notice to terminate the nonconforming sign. The request for hearing must be received by the district engineer within thirty (30) days after receipt of the notice to terminate the nonconforming sign by the applicant. The request for hearing must be sufficient to identify the applicant requesting the hearing and each outdoor advertising structure for which a hearing is requested. The act of mailing the request for hearing does not constitute receipt by the district engineer. No answer or other response by the commission is necessary. An applicant will not be entitled to a hearing if an applicant fails to timely request a hearing. Upon receipt of a timely request for hearing, the department's district engineer shall forward the request to the hearing examiner for the commission. Hearings for notices to terminate the nonconforming sign shall be conducted pursuant to 7 CSR 10-6.090.

(4) Permits. (See 7 CSR 10-6.070 for state permit requirements).

## 7 CSR 10-6.070 Permits for Outdoor Advertising

PURPOSE: This rule provides a uniform procedure for sign owners to obtain and maintain permits issued by the State Highway Commission for outdoor advertising specified by section 226.550, RSMo.

(1) Definitions. (See 7 CSR 10-6.015).

(2) Outdoor Advertising Subject to Permit Requirement.

(A) Permits Required. Sign owners or the owners of the land on which the following signs are located, regardless of when the sign was erected, must obtain permits from the commission for the following outdoor advertising erected or maintained within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is a part of the interstate or primary system:

1. Directional and Other Official Signs. (See sections 226.550.1. and .2. and 226.520(1), RSMo and 7 CSR 10-6.020). Only one (1) permit will be issued for sign structures with multiple displays;

2. Signs located in areas zoned commercial and industrial (See sections 226.550.1. and 2., RSMo and 7 CSR 10-6.040(2) (A);

3. Signs located in unzoned commercial or industrial areas except on-premise signs. (See sections 226.520(4), 226.540(4) and 226.550.1. and 2., RSMo and 7 CSR 10-6.040(2) (B)). Only one (1) permit will be issued for multiple sign structures as back-to-back signs, double-faced signs and V-type signs; and

4. Nonconforming signs wherever located except on-premise sign (See sections 226.550.1. and 2., RSMo and 7 CSR 10-6.060).

(B) Multiple Highways. A sign may be visible or erected, or both, with the purpose of its message being read from two (2) or more interstate or primary highways. These signs must comply with the sizing, lighting, spacing, location and permit requirements applicable to each interstate or primary highway. Where there is a conflict between the sizing, lighting, spacing or location requirements of sections 226.500 - 226.600, RSMo, the most restrictive requirements shall prevail.

(3) Outdoor Advertising not Eligible for Permits. Unlawful signs are not eligible for permits from the commission. Applications and fees for permits from the sign owners or the owners of the land on which these signs are located

shall be rejected and returned with any fee submitted to the applicant by the district engineer.

(4) Permit Applications and Fees.

(A) Information. Any person may obtain permit application information, including copies of sections 226.500 - 226.600, RSMo, administrative rules, application forms, maps of the interstate and primary highway systems, and district maps showing the location of district offices and the counties within each district, in person, by writing or by telephoning the district engineer at any department district office. It is most efficient to contact the district engineer of the county in which the outdoor advertising is located (See 7 CSR 10-6.010).

(B) Filing of Permit Applications and Permit Fees. Sign owners or owners of the land on which outdoor advertising is located must apply for permits from the commission for outdoor advertising specified by section 226.550, RSMo (see section (2)). Permit applications must be-

1. Timely submitted. For new outdoor advertising to be erected, the application for permit shall be submitted before erecting or starting construction of any sign requiring a permit from the commission. The district engineer will cause a field inspection to be made of the proposed location to determine whether or not the site complies with the requirements of sections 226.500 - 226.600 RSMo. For all nonconforming outdoor advertising requiring a permit from the commission and for any other existing outdoor advertising lawfully erected, but for failure to obtain a permit prior to its erection from the commission, the application for permit must be submitted to and received by the district engineer within thirty (30) days of receipt by the applicant of a notice to remove outdoor advertising under section 226.580, RSMo from the commission specifying the failure to obtain or maintain a permit for a sign for which a permit and biennial inspection is required by section 226.550, RSMo. Failure of the applicant to timely submit an application for permit shall be cause for the district engineer to reject and return the application for permit;

2. Submitted to the district engineer for the county in which the outdoor advertising is located (See 7 CSR 10-6.010);

3. Submitted upon forms supplied by the commission. These forms will be supplied by the district engineer upon request. These forms must be completed in full. Incomplete or incorrectly completed permit

application forms shall be rejected or returned by the district engineer to the applicant; and

4. Submitted to the district engineer along with the required permit fee.

A. The permit fee is twenty-eight dollars and fifty cents (\$28.50), except for tax exempt religious organizations which shall be granted a permit for signs less than seventy six (76) square feet without payment of the fee. For purposes of this rule, a tax exempt religious organization is one which submits a copy of its certification of tax exempt status from the Internal Revenue Service along with its permit application.

B. Failure to submit the correct amount of fee by check, draft or money order payable to "Director of Revenue - Credit State Road Fund" shall be cause for the district engineer to reject and return the application for permit. If assistance is needed in calculating the correct permit fee, contact the district engineer for the county in which the sign is located before filing the application (See 7 CSR 10-6.010).

C. Documentation and assistance required upon request. Any applicant must submit to the district engineer upon written request, written information or documentation, as specified in the request, sufficient for the chief engineer to determine whether or not a permit should be issued under section 226.550, RSMo. Also, any applicant may be asked to assist the district engineer in locating a sign location described in an application for permit. Refusal or failure of an applicant to comply with a request for information, documentation or assistance shall be grounds for the district engineer to reject and return the application for permit.

D. Misrepresentation of fact. Any misrepresentation of material fact by an applicant on any application for permit shall be grounds for the district engineer to reject and return the application for permit.

E. All fees must be paid. No permit shall be granted to any applicant who is delinquent in the payment of any outdoor advertising fees to the commission, including any removal costs or biennial inspection fees associated with any sign.

(5) Informal Hearing on Denial of Permit.

(A) Request for Informal Hearing. If denied a permit, the applicant may have twenty (20) working days to request an informal hearing by the outdoor advertising permit review committee for the purpose of appealing the denial. The

applicant shall submit its request for an informal hearing to the Secretary, Missouri Highway and Transportation Commission, P.O. Box 270, Jefferson City, MO 65102.

(B) Procedure. If the applicant requests a timely informal hearing, the commission shall advise the applicant of the time, date and place. This is not a contested case under chapter 536, RSMo. The rules of evidence shall not apply at the hearing.

(6) Permits.

(A) Issue and Use of Permit. Upon proper application and payment of fee for any sign eligible for a permit, the district engineer shall issue a one(1) - time permanent permit. The permit owner must erect the sign if not already in existence within one hundred twenty (120) days of the date the permit was issued by the commission. Consideration will be given upon written request to the district engineer that issued the permit to one (1) extension of time not to exceed sixty (60) days upon a showing of good and sufficient cause for the delay. The chief engineer shall determine whether or not the sign was erected within the specified or extended period of time.

(B) Transfer of Permit. When a sign owner transfers ownership of a sign for which a permit is required by section 226.550, RSMo, the new sign owner or the owner of the land on which the sign is located within sixty (60) days of the date of transfer shall notify the commission by filing an application for transfer, along with a ten dollar (\$10) fee, on a form supplied by the district engineer upon request with the district engineer that issued the original permit which is the district engineer for the county in which the sign is located (See 7 CSR 10-6.010). Applications must be completed in full. Incomplete or incorrectly completed application forms shall be rejected or returned by the district engineer to the applicant.

(C) Voiding of Permit. Any misrepresentation of material fact on any application under this section or violation of any one (1) or more of the requirements of this section shall be grounds for the district engineer to void the permit. Any existing sign is then maintained without a permit and subject to removal under section 226.580, RSMo and 7 CSR 10-6.080(2). The district engineer shall notify the sign owner and the owner or occupant of the land on which the sign is or was located in writing of the voiding of the permit. Permit fees shall be retained by the commission. The district engineer shall issue a notice to remove outdoor advertising under section 226.580.3., RSMo.

(7) Biennial Inspection and Fee. The commission shall collect on or before the second annual anniversary of the

date the permit was issued and each two (2) years after that, a biennial inspection fee of twenty-eight dollars and fifty cents (\$28.50). This inspection fee shall apply to all signs for which a permit must be obtained or for which a permit is obtained.

(8) Relocation. Relocation of any sign for any reason whatsoever is a new erection as of the date the relocation 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 any sign voids any permit issued by the commission for that sign and the fee shall be retained by the commission. The district engineer shall issue a notice to remove outdoor advertising under Section 226.580, RSMo. A new application for permit must be filed with the district engineer and the sign can only be relocated in compliance with the sizing, lighting, spacing and location requirements of sections 226.500 - 226.600, RSMo.

(9) Voiding of Permit. The issuance of a notice to remove outdoor advertising or a notice to terminate a nonconforming sign shall be notice that any permit for the sign is void. No other notice for voiding a permit is necessary.

7 CSR 10-6.080 Removal of Outdoor Advertising Without Compensation.

PURPOSE: This rule provides criteria for the removal of unlawful signs and signs not lawfully existing without compensation by the State Highway Commission under sections 226.550 and 226.580, RSMo.

(1) Definitions (See 7 CSR 10-6.015).

(2) Removal of Unlawful Signs. The district engineer shall serve a notice to remove outdoor advertising under section 226.580.3., RSMo for the following signs which are unlawful because they have been determined by the district engineer to be:

(A) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500 - 226.600, RSMo, that is all signs erected, relocated or reconstructed after March 30, 1972, in violation of the then effective sizing, lighting, spacing and location requirements of sections 226.500 - 226.600, RSMo. Relocation of any sign or repair of any deteriorated or damaged nonconforming sign for any reason, is a new erection as of the date the relocation or reconstruction 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 or they shall then be subject to removal without compensation by the commission under section 226.580.1(1), RSMo;

(B) Signs for which a permit is not obtained as prescribed in sections 226.500 - 226.600, RSMo (See 7 CSR 10-6.070);

(C) Signs for which biennial inspection fees are delinquent. (See section 226.580.1(2), RSMo);

(D) Signs which are obsolete, that is signs that for a continuous period of one (1) year or longer have advertised services or products no longer available to the traveling public because the services or products have been discontinued or cannot be obtained at the destination or by the directions indicated on the signs. A sign shall not be considered obsolete solely because it does not carry an advertising message for a period of less than one (1) year;

(E) Signs that are not in good repair, that is signs with poles, frames, braces, panels or facings which are broken or damaged or not securely affixed to a substantial structure or which are faded, blistered, cracked, peeled, chipped or torn to the extent the total message is not discernible by a motorist of normal visual acuity traveling at the maximum speed limit posted on the main traveled way

of the adjacent interstate or primary highway. A motorist of normal visual acuity means any person licensed by Missouri to operate a motor vehicle upon the highways of this state;

(F) Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device. These signs include, but are not limited to, signs which display flashing amber or red lights, stop signs or yield signs or highway designation markers, such as an interstate shield;

(G) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features, except landmark signs under section 226.545, RSMo;

(H) Signs erected after August 13, 1976, beyond six hundred sixty feet (660') of the right-of-way outside of urban areas, visible from the main-traveled way of the interstate or primary system and erected with the purpose of their message being read from the traveled way, except directional and official signs under section 226.520(1), RSMo and on-premise signs under section 226.520(2), RSMo; and

(I) Signs erected before March 30, 1972 but on or after January 1, 1968 contrary to sections 226.500 - 226.600, RSMo.

(3) Removal of Nonconforming Signs. The district engineer shall issue a notice to terminate a nonconforming sign pursuant to 7 CSR 10-6.060(3)(G).

(4) Authority to Withdraw Notices. The chief engineer is authorized to withdraw any notice to remove outdoor advertising issued by the district engineer under section 226.580, RSMo or any notice to terminate a nonconforming sign issued by the district engineer under 7 CSR 10-6.060(3)(G) for any one (1) of the following reasons: where the notice to remove was improperly issued by the district engineer because of a mistake of law or fact, where the sign has been removed or the basis of unlawfulness has been corrected or has ceased to exist, or where it is finally adjudicated that the notice to remove was not authorized by sections 226.500 - 226.600, RSMo. If a timely request for administrative review of notice to remove outdoor advertising or a notice to terminate nonconforming sign has been made, the chief engineer or district engineer shall advise the hearing examiner of any withdrawal of a notice to remove outdoor advertising or a notice to terminate nonconforming sign.

(5) Criteria for Determination of Signs Advertising Tourist Oriented Type Business. Signs advertising tourist-oriented type business mean outdoor advertising, as determined by the chief engineer, displaying directional information about activities and goods limited to gasoline and associated vehicle services such as fuel, oil, water, lubrication, tires and repairs; food; lodging; camping; natively produced handicraft goods; amusement facilities; public places owned or operated by federal, state or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational and religious sites; or areas of natural scenic beauty or naturally suited for outdoor recreation. Directional information consists of mileage, route numbers, exit numbers, or the like, useful to the traveler in locating such activities and goods. The term signs advertising tourist-oriented type business, as used in section 226.580.6., RSMo applies only to signs erected before March 30, 1972.

(6) Structures which have never displayed an advertising message. Structures, including poles, which have never displayed advertising or informative content are subject to control and removal when advertising content visible from the main-traveled way is added or affixed.

(7) Remedial Action. Any notice to remove outdoor advertising which is issued by the district engineer shall specify any available remedial action to correct the violation. The notice to remove outdoor advertising shall also establish the length of time which is available to take the remedial action. Any length of time specified for taking remedial action shall not lengthen the time available for requesting an administrative hearing. The remedial action which is specified in the notice to remove outdoor advertising may include the removal of the violating sign.

7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way

PURPOSE: These rules provide for the cutting and trimming of vegetation under controlled conditions on highway right-of-way when this vegetation obscures a lawful sign under sections 226.130 and 226.585, RSMo.

(1) Permits. A permit is required to cut or trim any vegetation in front of any lawful sign. A separate permit is required for each sign structure. Permits to cut vegetation will be issued only for lawful signs which are at least five (5) years old. Permits to trim trees will be issued only after a lawful sign is at least two (2) years old.

(A) Application. An excavation permit application to do cutting and trimming shall be obtained from the district office (See 7 CSR 10-6.010). Applicants shall serve a copy of their permit application upon adjacent property owners and shall provide proof of service at the time the application is filed in the district office. Proof of service may be a copy of a certified return mail receipt. Objections by adjacent property owners may serve to limit the scope of the permit as prescribed in subsection (1)(C) of this rule.

(B) Fee. The cost of a permit for trimming and cutting is determined by the vegetation to be removed. All diameter measurements contained in this rule shall be measured at four and one-half feet (4 1/2') above ground level. There will be no fee to trim trees in accordance with subsection (3)(F) of this rule or remove brush and trees with a diameter of less than six inches (6"), but a permit will still be required. The fee to remove each tree with a diameter equal to or greater than six inches (6") is one hundred dollars (\$100) plus an additional one hundred dollars (\$100) for every inch of diameter greater than six inches (6"). Measurements for diameter will be rounded down to the nearest inch. For example, the fee for trimming or removing a tree six and three-fourths inches (6 3/4") in diameter would be one hundred dollars (\$100); the fee for a tree ten and one-half inches (10 1/2") in diameter would be five hundred dollars (\$500). Also, a performance bond in an amount up to one thousand dollars (\$1,000) shall be required if the district engineer or his/her representative deems it necessary to ensure restoration of highway right of way. Fees will be placed in a roadside enhancement fund and utilized by the department to plant trees and do other landscaping on highway right of way.

(C) Scope. Permits will only allow the cutting of vegetation necessary to clear the sign's visibility zone as

determined by the permit inspector and the applicant at the time the permit is issued. This visibility zone is an area on the right of way four hundred and fifty feet (450') on interstate and freeway and nonfreeway primary highways. The length is from the edge of the sign face closest to the highway pavement in a direction parallel to the pavement.

(D) Duration. All permits shall expire after thirty (30) days. Upon written request, extensions may be granted for an additional thirty (30) days, at the department's discretion. Only one(1) permit extension may be granted.

(2) Access. Access to the cutting or trimming area shall be from private property or outer roadways and cannot be made from the through traffic roadways on the interstate and freeway primary highway systems. On other primary roads, access will be from locations approved by the department. Parking of equipment or placement of materials on the traffic lanes or shoulders is strictly prohibited.

(3) Conditions. The following conditions shall apply to trimming and cutting of vegetation on highway right of way:

(A) Removal. All vegetation trimmed or cut will be removed from the right of way and no burning on the right of way is permitted. Trees are to be cut to ground level;

(B) Damage to Right-of-Way. Applicant will be held responsible for any damage to the right-of-way. Any destruction of turf will require the applicant to restore the right-of-way to a like or better condition, which may require seeding, mulching or sodding of the right of way which has been disturbed;

(C) Liability Insurance. The applicant shall carry liability insurance with a limit of at least one (1) million dollars per occurrence;

(D) Herbicides. Only herbicides approved by the district engineer may be used to trim or remove vegetation. All herbicides must be used in strict accord with the manufacturer's instructions;

(E) Indemnity. Applicants shall agree to indemnify and hold harmless the commission against any damage or harm to persons, including commission employees, or property which may occur as a result of or in the course of its cutting or trimming of vegetation and use of herbicides; and

(F) Trimming of Trees. Trees of any size may be trimmed in accordance with the following guidelines.

1. Trimming will not be allowed during the months of February, March and April; and

2. Not more than one-third ( $1/3$ ) of the total tree area should be pruned in a single operation. Pruning cuts should be made so that the tree may close the resulting wound as easily as possible. Generally, remove parts of a twig or branch at their origin. Remove tips of branches back to a good bud or to the next larger branch. The final pruning cut should be made along the natural branch collar and not flush with the trunk.

(4) Appeal for Denial of Permit to Cut or Trim. If denied a permit to cut or trim, the applicant has twenty (20) working days to submit a written appeal to the division engineer, Maintenance and Traffic Division, Missouri Highway and Transportation Department, P.O. Box 270, Jefferson City, MO 65102.

7 CSR 10-6.090 Administrative Review of Notices to Remove Outdoor Advertising and to Terminate Nonconforming Signs

PURPOSE: This rule provides a uniform procedure for administrative review of notices to remove outdoor advertising issued by the State Highway Commission under section 226.580 RSMo.

(1) Request for Administrative Review. Any person given a notice to remove outdoor advertising under section 226.580, RSMo and 7 CSR 10-6.080(2) by the district engineer shall be entitled to an administrative hearing under chapter 536, RSMo by filing a written request for hearing with the district engineer who issued the notice at the address shown on the notice. This request for hearing must be received by the district engineer within thirty (30) days after receipt of the notice to remove outdoor advertising by the applicant. The request for hearing must be sufficient to identify the person(s) requesting the hearing and the outdoor advertising structure for which the hearing is requested. No answer or other response by the commission is necessary. Upon receipt of the request for hearing, the district engineer shall forward the request to the hearing examiner for the commission.

(2) Authority to Dismiss Request for Administrative Review. The hearing examiner is authorized to dismiss any request for administrative review and terminate any further proceedings for the following reason:

(A) When the notice to remove outdoor advertising or notice to terminate a nonconforming sign has been withdrawn under 7 CSR 10-6.080(4);

(B) When the applicant has withdrawn the request for administrative review. The applicant must submit the withdrawal in writing to the hearing examiner; or

(C) When the applicant fails to appear at the time and place for a hearing as scheduled under section (4) of this rule.

(3) Bias. If the hearing examiner determines at any stage of the proceeding that s/he has prior knowledge of specific facts of a case that s/he deems would prevent the hearing examiner from rendering an objective report and order to the commission, s/he shall immediately cease to act and the commission shall provide an alternate hearing examiner.

(4) Notice of Hearing. The hearing examiner shall give written notice of hearing to the applicant and district engineer fixing a time and place for a hearing at which time the applicant and district engineer may appear and present evidence. This notice shall be issued by the hearing

examiner not less than fifteen (15) days prior to the date fixed for hearing. In instances where more than one (1) request for hearing is received from the same person, the hearing examiner may consolidate those hearings in the interest of economy.

(5) Legal Representation Required. After the request for administrative review is filed with the district engineer, no person shall sign any pleading or brief or shall appear at any administrative hearing in a representative capacity for a corporation, partnership or another individual unless this person is a licensed attorney in good standing in Missouri.

(6) Discovery. Any party may take and use depositions under section 536.073, RSMo. The hearing examiner shall rule on all matters concerning discovery.

(7) Subpoenas. Witnesses may be summoned to appear to give testimony or to give testimony and produce documents at the hearing by a subpoena issued by the hearing examiner, the secretary to the commission or by a notary public at the request of any party.

(8) Continuances. Any hearing which is scheduled by the hearing examiner may be continued at the discretion of the hearing examiner pursuant to Supreme Court Rule 65.

(9) Evidence, Argument and Briefs. The sole issue in a hearing is whether or not a particular sign is an unlawful sign under section 226.580, RSMo and 7 CSR 10-6.080(2) or is being maintained in violation of the rules for maintenance of nonconforming signs under 7 CSR 10-6.060. The commission shall present its evidence first at the hearing in support of its notice to remove outdoor advertising or notice to terminate nonconforming sign which must specify the reason(s) the commission deems the outdoor advertising to be an unlawful. After the commission presents its evidence, the applicant may present evidence. Any party shall have the right of cross-examination. Oral or written evidence must be received in the record to be considered by the commission in reaching its final decision. Any party shall be entitled to present oral argument at the hearing. If oral argument is presented, it shall be preserved and transcribed in the record for the use of the commission in reaching a final decision. Any party may file a written brief or the hearing examiner may require written briefs to be filed within the time set by the hearing examiner for the use of the commission in reaching a final decision. The hearing examiner may rule on all objections and motions to facilitate submission of the case to the commission for its final decision.

(10) Transcript. At the conclusion of the hearing, the hearing examiner shall cause the entire record to be transcribed in sufficient quantities that the original may remain a permanent part of the record. Any party may obtain a copy of the record at such party's expense.

(11) Report and Order. As soon as practical after receipt of the transcript and briefs of the parties, if any, the hearing examiner shall submit to each member of the commission a suggested report and order for consideration by the commission.

(12) Final Decision. As soon as practical after receipt of the suggested report and order, the members of the commission shall read the full record and render a final decision. If briefs or oral arguments are submitted, the members of the commission, in lieu of reading the entire record, may consider those portions of the record cited or referred to in the arguments or briefs to arrive at a final decision. The commission shall render its final decision in writing which shall be supported by competent and substantial evidence upon the whole record and which shall be subject to judicial review under section 536.100, RSMo.

7 CSR 10-6.100 Removal or Concealment of Outdoor Advertising  
Pending Judicial Review

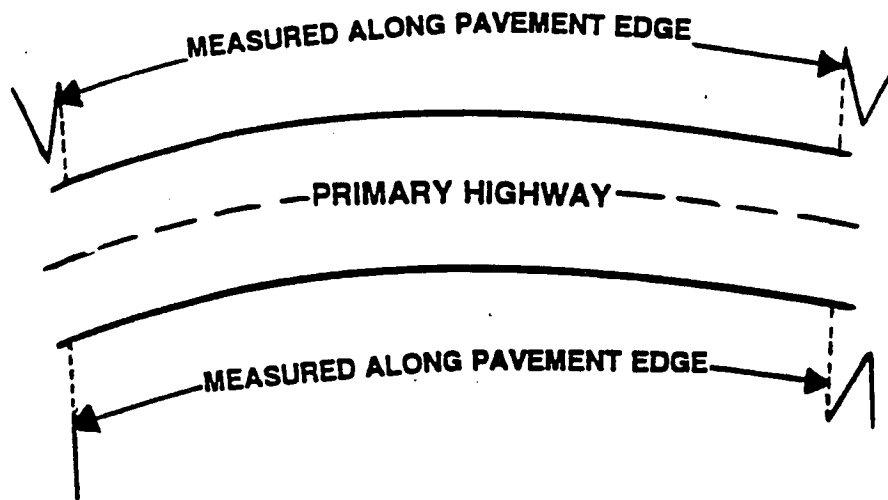
PURPOSE: This rule provides a uniform procedure for removal or concealment of outdoor advertising pending judicial review of notices to remove outdoor advertising issued by the commission under section 226.580, RSMo.

(1) Removal or Concealment of Advertising Message by Owner. If the commission enters its final decision and order to remove the outdoor advertising structure and a petition for judicial review is filed pursuant to sections 226.580 RSMo and 536.100, RSMo, the advertising message contained on the structure shall be removed or concealed within thirty (30) days of the date of filing by the owner of the structure at the owner's expense until the action for judicial review is finally adjudicated. The owner shall be responsible for ensuring the safety of the general public as a result of any such act of removal or concealment. The owner shall remove or conceal all sign panels which contain any portion of the advertising message.

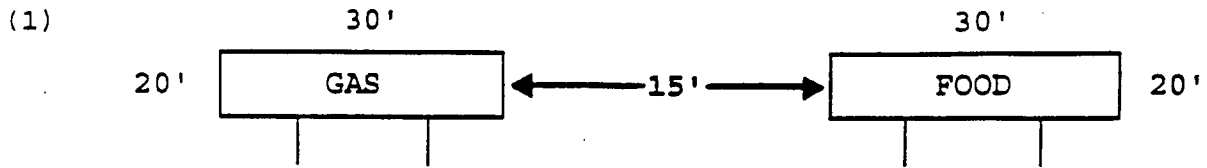
(2) Removal of Advertising Message by Commission. If the owner of the structure refuses or fails to remove or conceal the advertising message within thirty (30) days of filing a petition for judicial review, the commission may remove all sign panels which contain any portion of the advertising message and the owner of the structure shall be liable for the costs of this removal. If the owner refuses to accept the panels after the removal, the commission will store them for a period not to exceed sixty (60) days and recover all costs of transporting and storing the panels from the owner. If after sixty (60) days the owner has not paid all costs associated with the commission's transporting and storing the panels and taken custody of the panels, the commission shall dispose of them as it sees fit with no compensation to the owner.

(3) Commission Liability. The commission shall incur no liability for causing the removal or concealment of the advertising message while an action for review is pending, except if the owner finally prevails in its action for judicial review, commission will compensate the owner at the rate the owner is actually receiving income from the advertiser pursuant to written lease from the time the message is removed or concealed until the judicial review is final. In the case of a sign carrying its owner's advertising message, or a lease the commission determines was not entered into pursuant to an arm's length transaction, compensation shall be at fair rental value. Fair rental value shall be determined by comparing signs of similar size, location and condition for the period at issue.

MEASUREMENT OF DISTANCES

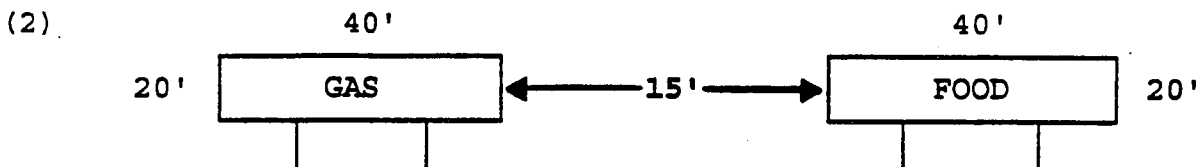






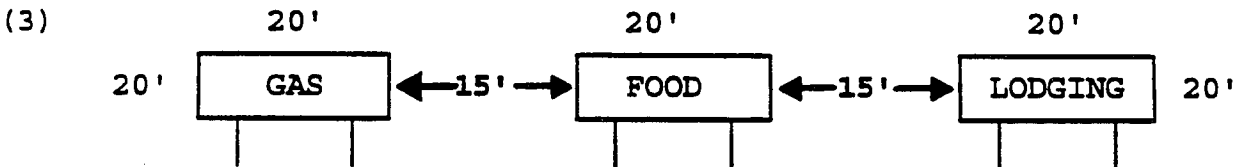
This is authorized

- 1 double faced or side by side sign
- 1 side
- 2 facings
- 2 displays
- $20' \times 30' = 600 \text{ SF} \times 2 = 1200 \text{ SF}$



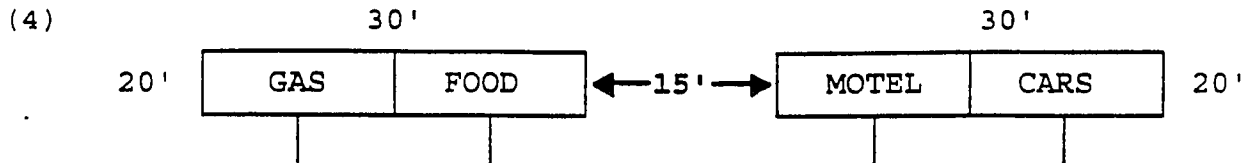
This is prohibited:

- 1 double faced or side by side sign
- 1 side
- 2 facings
- 2 displays
- $20' \times 40' = 800 \text{ SF} \times 2 = 1600 \text{ SF}$ : Side exceeds maximum area of 1200 SF



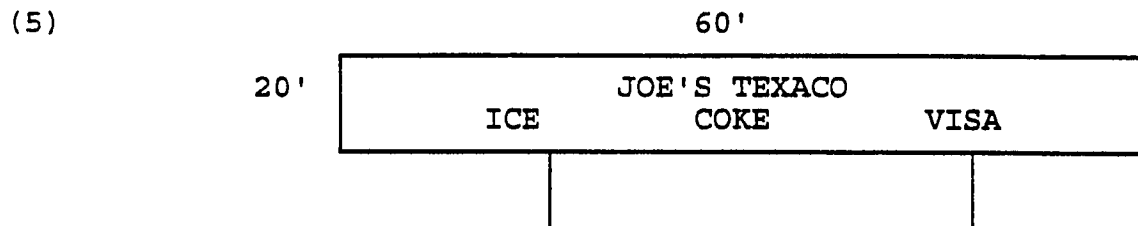
This is prohibited:

- 1 triple faced sign: The Statute authorizes double faced signs but does not authorize this configuration
- 1 side
- 3 facings
- 3 displays
- $20' \times 20' = 400 \text{ SF} \times 3 = 1200 \text{ SF}$



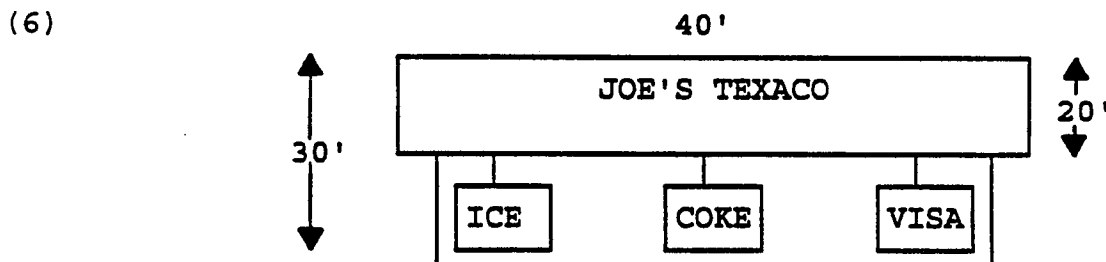
This is authorized:

- 1 double faced or side by side sign
- 1 side
- 2 facings
- 4 displays
- $20' \times 30' = 600 \text{ SF} \times 2 = 1200 \text{ SF}$



This is authorized:

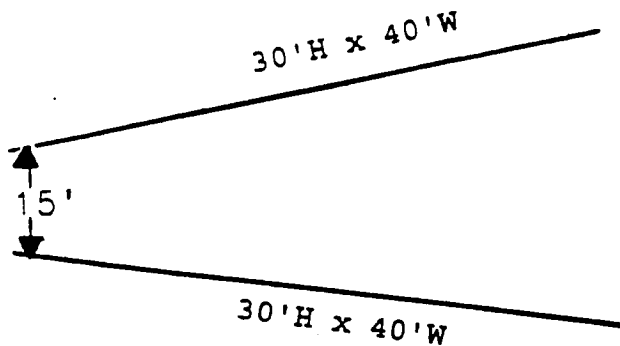
- 1 sign
- 1 side
- 1 facing
- 1 display: the message all pertains to one business, activity or organization
- $20' \times 60' = 1200 \text{ SF}$



This is authorized:

- 1 sign
- 1 side
- 1 facing
- 1 display
- 3 attachments: note that if the attachments are added after the facing is erected, the addition of attachments constitutes a change in size
- $30' \times 40' = 1200 \text{ SF}$

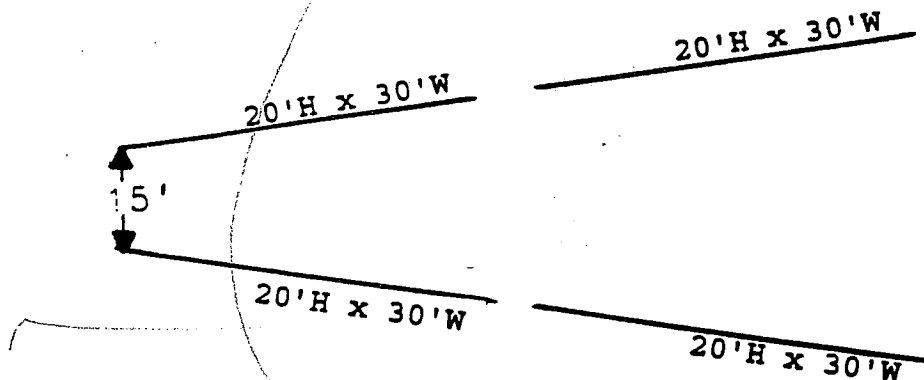
(7)



This is authorized:

- 1 V-type sign
- 2 facings
- 4 displays maximum
- 2 sides
- $30'H \times 40'W = 1200 \text{ SF} \times 2 = 2400 \text{ SF}$

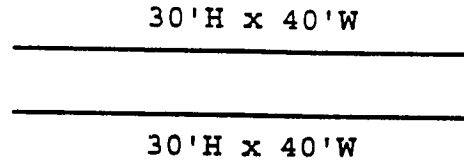
(8)



This is acceptable.

- 1 side by side or double faced V-type sign
- 4 facings
- 4 displays
- 2 sides
- $20' \times 30' = 600 \text{ SF} \times 2 = 1200 \text{ SF} \times 2 = 2400 \text{ SF}$

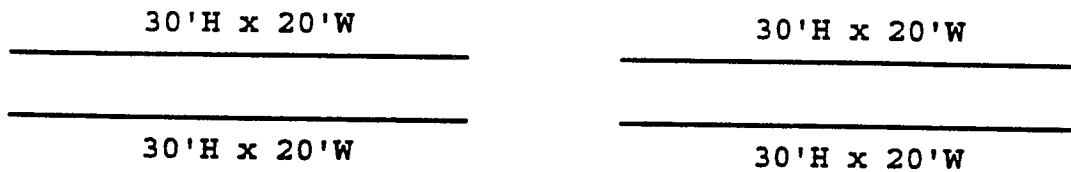
(9)



This is authorized:

- 1 back to back sign
- 2 facings
- 2 sides
- 4 displays maximum
- $30'H \times 40'W = 1200 \text{ SF} \times 2 = 2400 \text{ SF}$

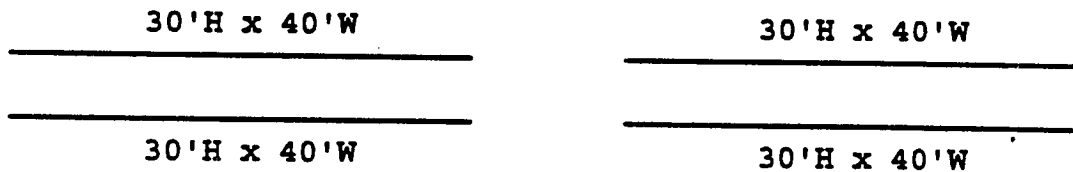
(10)



This is acceptable.

- 1 side by side or double faced back to back sign
- 4 facings
- 4 displays
- 2 sides
- $30' \times 20' = 600 \text{ SF} \times 2 = 1200 \text{ SF} \times 2 = 2400 \text{ SF}$

(11)



This is prohibited:

- 1 side by side or double faced back to back sign
- 4 facings
- 4 displays
- 2 sides
- $30' \times 40' = 1200 \text{ SF} \times 2 = 2400 \text{ SF/side} \times 2 = 4800 \text{ SF}$ : each side exceeds maximum area of 1200 SF and length of 60' and total area of sign exceeds maximum area of 2400 SF

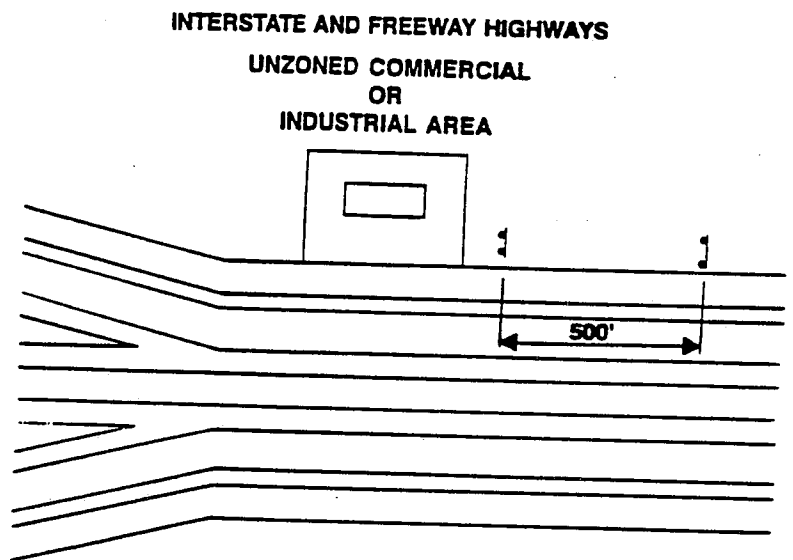
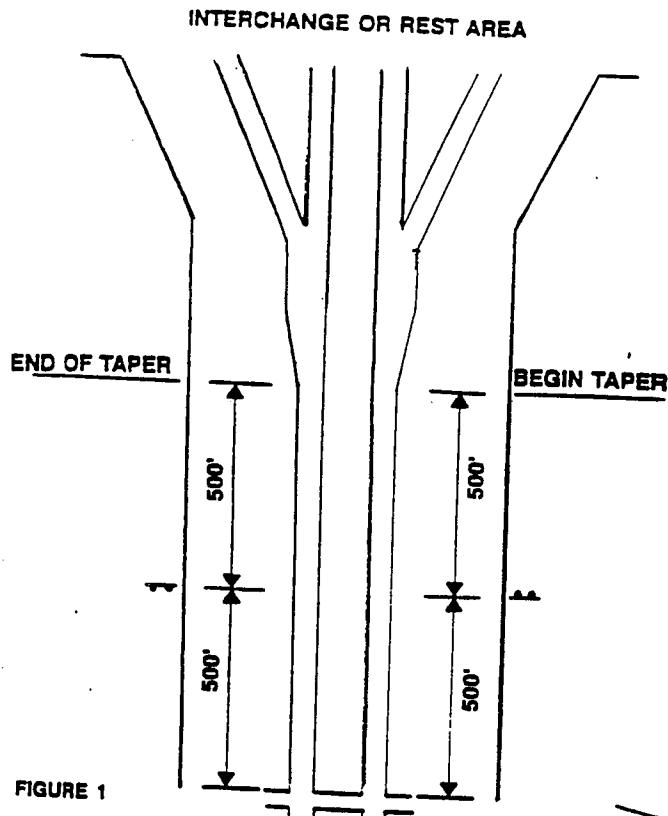


FIGURE 3

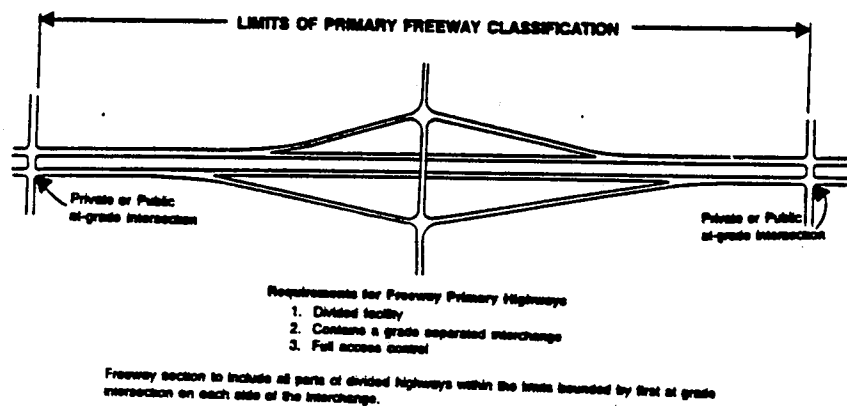


FIGURE 5

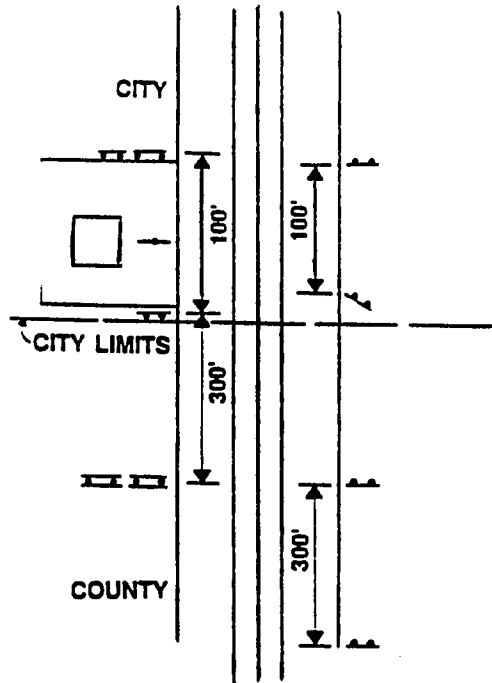


FIGURE 2

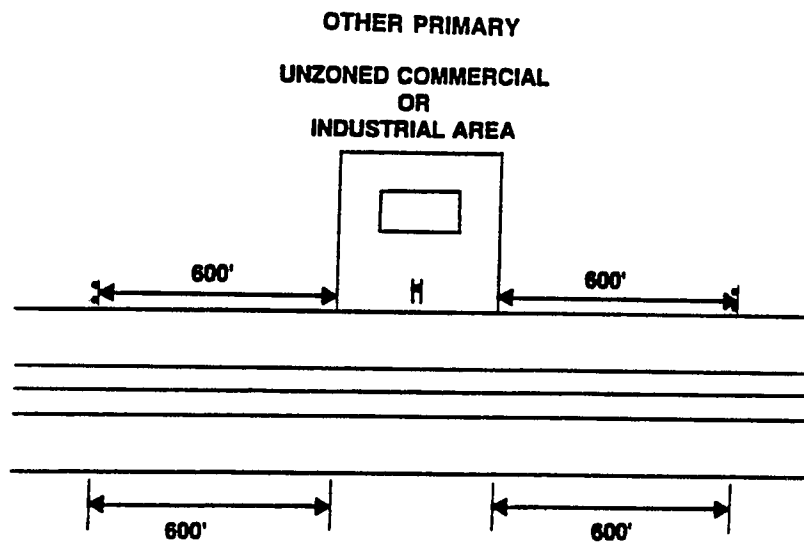


FIGURE 4

MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION  
APPLICATION FOR TRANSFER OF  
OUTDOOR ADVERTISING PERMIT NO.: \_\_\_\_\_  
IN ACCORDANCE TO SECTION 7 CSR 10-6.070 (6) (C)

FOR OFFICIAL USE ONLY		OAA-1
Permit No: _____	Sign No: _____	
Transfer Date: _____	Fee: \$10.00	

NEW SIGN OWNER IDENTIFICATION:

New Owner's Name: \_\_\_\_\_ Telephone-Area Code and No: \_\_\_\_\_  
Address: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

LOCATION OF SIGN:

Adjacent to Highway: \_\_\_\_\_ County Name: \_\_\_\_\_ City Name: \_\_\_\_\_ Distance from Right of Way: \_\_\_\_\_  
(Feet)  
Distance from Intersection: \_\_\_\_\_ Direction from N S E W Intersection: \_\_\_\_\_ Route of Nearest Intersecting Highway: \_\_\_\_\_ Side of Road: \_\_\_\_\_ N S E W  
(Feet or Miles) (Circle One) (Circle One)  
Land Owner's Name: \_\_\_\_\_ Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone-Area Code and No: \_\_\_\_\_

PHYSICAL DESCRIPTION OF SIGN SHALL REMAIN THE SAME AS ON THE DATE OF PURCHASE:

Current Sign Message: \_\_\_\_\_

The above sign was purchased on \_\_\_\_\_, 19\_\_\_\_, from \_\_\_\_\_.  
(Previous Owner)

Mail application/payment to the area permit specialist for the county in which the sign will be located.  
See area map for addresses. Incomplete or incorrectly completed application shall be rejected or returned.

Please enclose a letter or bill of sale releasing the above sign from previous sign owner.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of New Owner



MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION  
 APPLICATION FOR PERMIT TO ERECT  
 AND/OR MAINTAIN OUTDOOR ADVERTISING  
 IN ACCORDANCE TO SECTION 226.550 RSMo and 7 CSR 10-6.070

<b>FOR OFFICIAL USE ONLY</b>		OAA-9
Permit No: _____	Sign No: _____	
Date Issued: _____	Fee: \$28.50	

**SIGN OWNER IDENTIFICATION:**

Owner's Name: \_\_\_\_\_ Telephone-Area Code and No: \_\_\_\_\_  
 Address: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**LOCATION OF SIGN:**

Adjacent to Highway: \_\_\_\_\_ County Name: \_\_\_\_\_ City Name: \_\_\_\_\_ Distance from Right of Way: \_\_\_\_\_ (Feet)  
 Distance from Intersection: \_\_\_\_\_ Direction from Intersection: N S E W (Circle One) Route of Nearest Intersecting Highway: \_\_\_\_\_ Side of Road: N S E W (Circle One)  
 Land Owner's Name: \_\_\_\_\_ Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone-Area Code and No: \_\_\_\_\_

**PHYSICAL DESCRIPTION OF SIGN:**

Dimensions: \_\_\_\_\_ Height of Facing (max) \_\_\_\_\_ Width of Facing (max) \_\_\_\_\_ Overall Height Above Ground \_\_\_\_\_  
 Arrangement of Panels: ☐ Single ☐ V-Type ☐ Double-Decked Is sign illuminated? ☐ Yes ☐ No

**SIGN IS LOCATED IN:**

**ZONED:** ☐ Commercial ☐ Industrial ☐ Other  
 Zoned by \_\_\_\_\_ City or County Name \_\_\_\_\_  
 Attach a copy of letter from Zoning Authority \_\_\_\_\_  
**UNZONED:** Sign is located within 600 ft. of business? ☐ Yes ☐ No  
 Name of Business: \_\_\_\_\_  
 Telephone No: \_\_\_\_\_

**(Attach copy of lease or letter from property owner.)**

**INSTRUCTIONS:**

APPLICANT IS TO ATTACH A DRAWING OF THE LOCATION OF SIGN WITH APPROPRIATE MEASUREMENTS.

APPLICANT IS TO STAKE LOCATION OF SIGN ON PROPERTY.

APPLICANT IS TO SIGN BACK OF APPLICATION AND HAVE NOTARIZED.

APPLICANT SHOULD MAKE THE CHECK IN THE AMOUNT OF \$28.50 PAYABLE TO DIRECTOR OF REVENUE, CREDIT ROAD FUND AND ATTACH TO APPLICATION.

The applicant, by signature, agrees to maintain this sign structure if a permit is issued from private property with no parking on highway right of way.

Mail application/payment to the area permit specialist for the county in which the sign will be located. See area map for addresses. Incomplete or incorrectly completed application shall be rejected or returned. Do not begin installation of the sign until after receipt of the outdoor advertising permit.

-----  
STATE OF \_\_\_\_\_  
County of \_\_\_\_\_

\_\_\_\_\_, being of lawful age and first duly sworn, upon his oath deposes and states:

CHECK ONE:

- ( ) That I am the above-mentioned individual.
- ( ) That I am the \_\_\_\_\_ (title) of the above-mentioned corporation which is organized under the laws of \_\_\_\_\_ (state), with its principal office and place of business in \_\_\_\_\_ (city, state); that I have the power and authority for and on behalf of said corporation to make this affidavit and in its behalf, and do so make same.
- ( ) That I am the \_\_\_\_\_ (title) of the above-named firm, which is not a corporation; that I have the power and authority for and on behalf of said firm and its members and owners to make this affidavit for in its and their behalf, and do so make same.

That I have read the foregoing and that the facts set out therein are true and correct to the best of my knowledge and belief.

\_\_\_\_\_ (Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

# MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION VEGETATION PERMIT APPLICATION

DATE \_\_\_/\_\_\_/\_\_\_ DISTRICT \_\_\_\_\_

\_\_\_\_\_, MO \_\_\_\_\_

Inspector \_\_\_\_\_

Phone \_\_\_\_\_

Landscape Specialist \_\_\_\_\_

Issued \_\_\_/\_\_\_/\_\_\_

Expires \_\_\_/\_\_\_/\_\_\_

ID No. \_\_\_\_\_

Route \_\_\_\_\_ County \_\_\_\_\_

Town \_\_\_\_\_

Sign Permit No. \_\_\_\_\_

Sign No. \_\_\_\_\_

Sign Log No. \_\_\_\_\_

(Name of Applicant Contractor)

Requests per permission to perform the following work on State Highway right-of-way along the \_\_\_\_\_ side  
\_\_\_\_\_ (feet or miles)(kilometers) from \_\_\_\_\_

(State highway, Country road, City street, or County line)

Described as follows: Trim or cut vegetation as directed by the rules and regulations of the State of Missouri for  
Outdoor Advertising (7CSR 10-6. 085) and/or District Landscape Specialist.

1. A separate tabulation shall be made for trees to be cut and any fees to be assessed.

2. Proof of Service of notification to adjacent property owner attached. \_\_\_\_\_  
(yes/no)

3. Copy of liability insurance attached. \_\_\_\_\_  
(yes or no)

4. Type of herbicides to be used, if any. \_\_\_\_\_

5. All right of way shall be restored by removing all debris, filling all ruts, reseeding, and adding mulch.

Signed \_\_\_\_\_

Signed \_\_\_\_\_

(Applicant's Contractor)

(Applicant)

(Address)

(Address)

(City)

(State)

(Zip Code)

(City)

(State)

(Zip Code)

(Telephone Number)

(Telephone Number)

Prior to issuance of a permit a deposit could be required. none \_\_\_\_\_, bond \_\_\_\_\_, check \_\_\_\_\_

\$ \_\_\_\_\_ is required. Make check payable to: Director of Revenue Credit Road Fund.

\_\_\_\_\_  
AUTHORIZED SIGNATURE

Please refer to General Provisions on back side of this sheet before signing application.

## GENERAL PROVISIONS

Section 1. The signing of this application binds the applicant contractor to the terms of this application. the permit when issued and the approved plans. If signed by Applicant's contractor or that contractors authorized representative, the contractor will be held jointly responsible for all of the requirements of this permit until it is released by the District Engineer.

Section 2. It is understood by the Applicant that the Missouri Highway and Transportation Commission does not assume any responsibility for the removal or clearance of snow, ice, or sleet, or the opening of Windrows of such materials, upon any portion of any driveway or entrance along any state highway even if snow, ice or sleet is deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.

Section 3. Highway plant materials including trees and shrubs, will be protected by Applicant. Such materials and turf which are disturbed will be restored as directed by the District Engineer. Trees and shrubs will not be trimmed, cut, moved or sprayed without specific permission from the District Engineer.

Section 4. In the case of interstate and other limited access roadways. Applicant agrees, if permission is granted, to install, maintain and service said facilities without entering and leaving the through traffic roadways and interchange ramps except at points provided for that purpose and without parking any equipment or storing any materials upon the medians, through roadways and ramps or the shoulders thereof. A temporary support pole to facilitate an aerial crossing may be placed in the median provided it is stipulated on the face of this permit application and adequate flaggers or law enforcement officers are utilized to protect the traveling public. Support poles will not be permitted within 30 foot of the edge of the traveled way. They shall be removed within one week unless specifically permitted otherwise at weekly intervals by the District Engineer.

Section 5. Construction material and equipment may be on the right of way only during the period of actual construction providing it is not on the roadway shoulders, in the ditch or blocking sight distance.

Section 6. Applicant agrees that construction inspection will be provided by applicant to assure compliance with the permit.

Section 7. Applicant/contractor will provide traffic control in accordance with the Manual on Uniform Traffic Control Devices..

Section 8. Location of parallel utility facilities:

- (a) Applicant will be expected to determine Commission's right of way location from commission's plans. Upon written request and adequate advance notice, the Commission will re-establish missing right of way markers for utility permits. This will be accomplished on a permit by permit basis and then only if Commission has adequate personnel available.
- (b) Applicant will be responsible for staking between highway right of way markers as needed to assure accurate and uniform installation of the parallel facilities in the utility corridor.

Section 9. Applicant shall provide adequate preliminary engineering including planning, and coordination with all concerned parties to:

- (a) Confirm their contractor knows the rules and limitations for installations on highway right of way.
- (b) Provide preinstallation meetings to all parties on major installations. The established Missouri One-Call System will help identify other utilities located on the right of way.
- (c) Include the name and telephone numbers of the design engineer and construction manager, as well as the dimension of the facility from the right of way line on the permit application.

Section 10. Applicant is to provide adequate protection and marking of the underground facilities as follows:

- (a) Fiber optic cable crossings are to be encased in steel pipe or other approved encasement material in accordance with the utility policy from utility corridor to utility corridor. Variations due to encountering rock will be determined in the field by the District Engineer.
- (b) Warning signs will be installed at the right of way lines at road crossings (all underground utilities).
- (c) For parallel underground facilities, warning signs shall be installed and maintained at the right of way lines showing the offset location of the utility when the utility is permitted to locate beyond the normal six foot wide utility corridor.

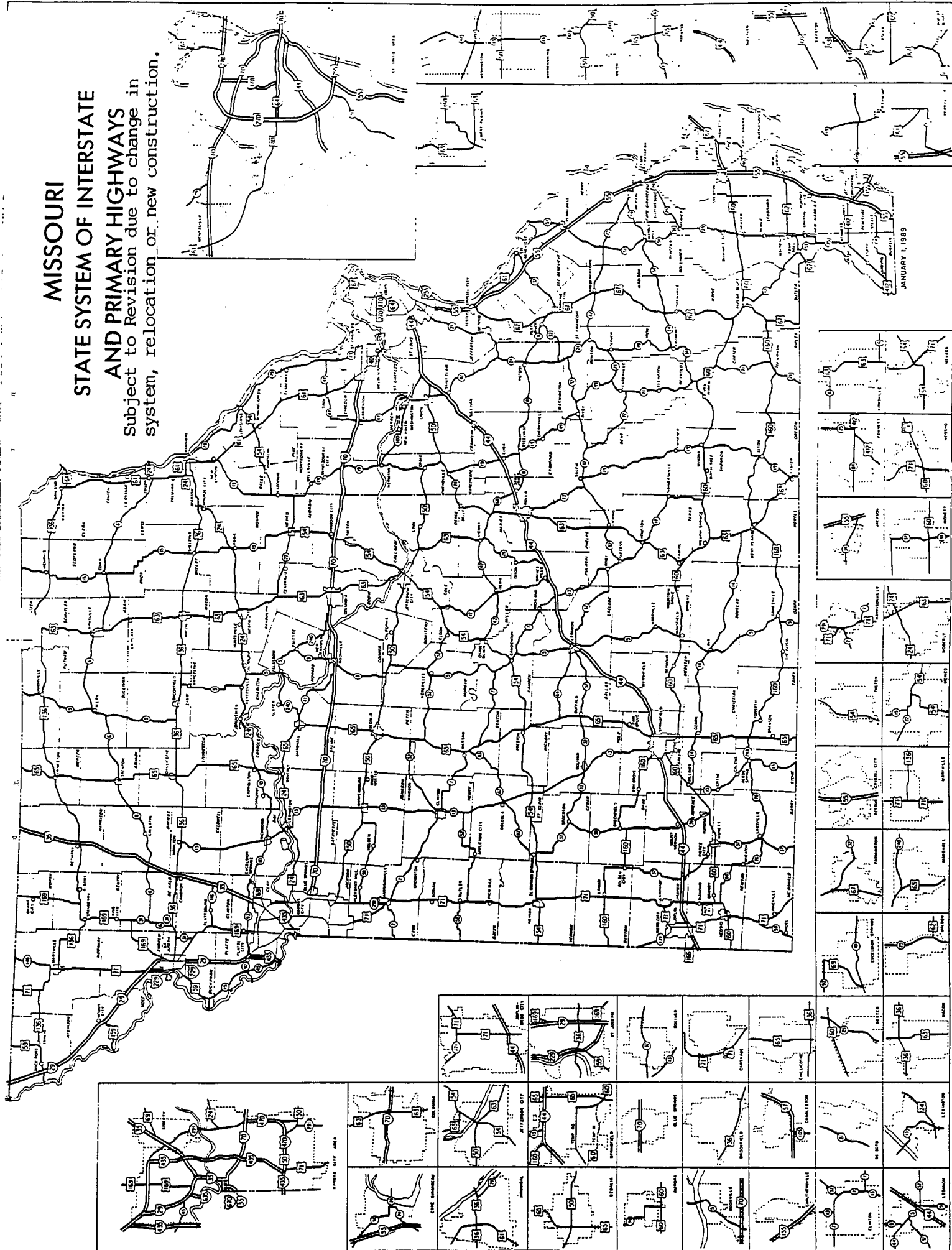
Section 11. Applicant will construct the utility facility in such a manner that it may be accurately located both horizontally and vertically after installation. A detectable tape or trace wire will be installed with non-metallic buried facilities. Wherever feasible the metallic tracer line should be a part of the utility facility. Acceptable alternatives will be considered for approval.

Section 12. All voids resulting from boring casing or other facilities under the roadways or approaches will be filled to the satisfaction of the District Engineer. Method and materials must be approved by the District Engineer.

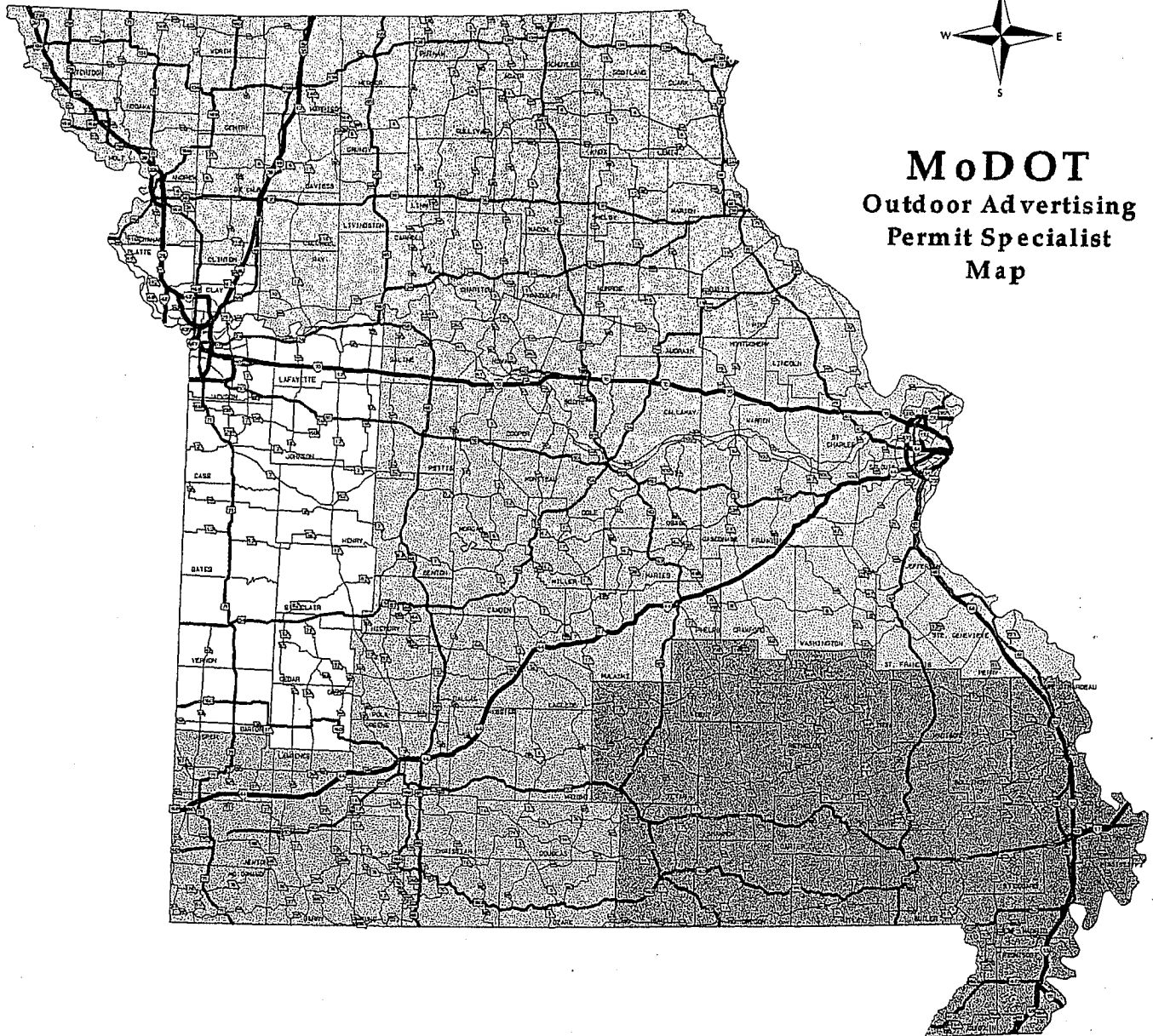
Section 13. Manhole covers will be installed as flush as possible with natural ground line so highway maintenance vehicles and equipment may operate over them. If necessary soil is to be placed around the manhole to provide a smooth transition to the existing grade.

# STATE SYSTEM OF INTERSTATE

## AND PRIMARY HIGHWAYS







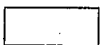
Prepared by  
General Services  
Graphics Section  
Job Number  
GS98038  
March 17, 1998



PO Box 8  
Macon, MO 63552  
Phone: 816-385-8264  
Fax: 816-385-4195  
Mobile: 816-651-0802



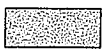
PO Box 8  
Macon, MO 63552  
Phone: 816-385-8267  
Fax: 816-385-4195  
Mobile: 816-651-1540



5117 E. 31st St.  
Kansas City, MO 64128  
Phone: 816-889-6353  
Fax: 816-889-6379  
Mobile: 816-807-6353



1511 Missouri Blvd.  
PO Box 718  
Jefferson City, MO 65102  
Phone: 573-751-9289  
Fax: 573-526-6891  
Mobile: 573-690-3339



1590 Woodlake Dr.  
Chesterfield, MO 63017  
Phone: 314-340-4327  
Fax: 314-340-4119  
Mobile: 314-623-4327



3025 E. Kearney  
MO Box 868  
Springfield, MO 65801  
Phone: 417-895-7648  
Fax: 417-895-7610  
Mobile: 417-844-5164



2910 Baron Rd.  
Poplar Bluff, MO 63901  
Phone: 573-840-9292  
Fax: 573-840-9782  
Mobile: 573-778-6460

Outdoor Advertising Manager  
PO Box 270  
Jefferson City, MO 65102  
Phone: 573-751-6774  
Fax: 573-751-3642

Senior Permit Specialist  
PO Box 270  
Jefferson City, MO 65102  
Phone: 573-522-1176  
Fax: 573-751-3642  
Mobile: 417-839-5141

