

By: Senator(s) Dearing

To: Highways and
Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2929

1 AN ACT TO AMEND SECTION 49-23-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE SIZE RESTRICTIONS PLACED ON CERTAIN SIGNS; TO AMEND
3 SECTIONS 63-3-317 AND 65-1-75, MISSISSIPPI CODE OF 1972, TO
4 AUTHORIZE THE CAMPAIGN SIGNS OF CANDIDATES FOR ELECTIVE OFFICE TO
5 BE PLACED UPON THE RIGHTS-OF-WAY OF STATE HIGHWAYS IF CERTAIN
6 CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 49-23-9, Mississippi Code of 1972, is
9 amended as follows:

10 49-23-9. All signs as specified in Section 49-23-5(d) and
11 (e) erected or maintained in business areas shall comply with the
12 following standards which are consistent with customary use in the
13 outdoor advertising business in Mississippi:

14 (1) (a) For signs erected prior to July 1, 2001, the
15 maximum size of any outdoor sign or other advertising device shall
16 be one thousand two hundred (1,200) square feet;

17 (b) For sign structures erected on or after July
18 1, 2001, the maximum area for any one (1) sign face shall be six
19 hundred seventy-two (672) square feet, the maximum height shall be
20 fourteen (14) feet and the maximum length shall be forty-eight
21 (48) feet, inclusive of any border and trim on the sign face, but
22 excluding any embellishment on, and cut-out extension of, the sign
23 face, the base or apron, supports and other structural members.
24 Any embellishment on or cut-out extension of any sign face shall
25 not exceed twenty percent (20%) of the square footage of such sign
26 face.

27 (2) The area of any sign face shall be measured by the
28 smallest square, rectangle, triangle or circle or combination
29 thereof which will encompass the entire sign.

30 (3) Sign structures erected on or after July 1, 2001,
31 may contain one (1) or two (2) signs per face and may use only a
32 side-by-side, back-to-back or V-type configuration and no other;
33 provided, however, that if two (2) signs are used facing the same
34 direction, the aggregate total area shall not exceed six hundred
35 seventy-two (672) square feet. Sign structures lawfully in
36 existence prior to July 1, 2001, may contain one (1) or two (2)
37 signs per face and may be placed double faced, back-to-back or
38 V-type; provided, however, that if two (2) signs are used facing
39 the same direction, the aggregate total area shall not exceed one
40 thousand two hundred (1,200) square feet.

41 (4) Sign structures erected on or after July 1, 2002,
42 may be mounted only upon a single steel pole or structure.

43 (5) All illuminated outdoor signs or other advertising
44 devices shall be so illuminated as to adhere to the customary
45 practices of the industry in Mississippi at the time of passage of
46 Sections 49-23-1 through 49-23-29. * * * No lighting devices
47 shall be used which in any way imitate any traffic control device,
48 railroad sign or signal, or highway directional signs.

49 (6) All outdoor signs and other advertising devices
50 located within one-half (1/2) mile of an intersection of two (2)
51 or more primary highways, or a primary highway and the Great River
52 Road, or an interchange on the interstate system shall be erected
53 and/or maintained with a minimum spacing between structures of two
54 hundred fifty (250) feet, unless separated by another commercial
55 building or structure, other than outdoor advertising, in which
56 case outdoor advertising may be permitted on one (1) or more sides
57 of building or buildings.

58 (7) No two (2) signs shall be spaced less than three
59 hundred fifty (350) feet apart, except as to signs in existence on

60 October 22, 1965, which shall not be removed by Sections 49-23-1
61 through 49-23-29. However, this spacing limitation shall not
62 apply to areas within incorporated cities, towns, villages and in
63 areas zoned industrial or commercial.

64 SECTION 2. Section 63-3-317, Mississippi Code of 1972, is
65 amended as follows:

66 63-3-317. (1) No person shall place, maintain, or display
67 upon or in view of any highway any unauthorized sign, signal,
68 marking or device which purports to be or is an imitation of or
69 resembles an official traffic-control device or railroad sign or
70 signal, or which attempts to direct the movement of traffic, or
71 which hides from view or interferes with the effectiveness of any
72 official traffic-control device or any railroad sign or signal.
73 No person shall place or maintain and no public authority shall
74 permit upon any highway any traffic sign or signal bearing thereon
75 any commercial advertising, or any billboard or advertising sign
76 of any kind or description, except that motorist services business
77 signs and supports which are authorized by the State Highway
78 Commission pursuant to Section 65-1-8 may be placed and maintained
79 within state highway rights-of-way. This shall not be deemed to
80 prohibit the erection upon private property adjacent to highways
81 of signs giving useful directional information and of a type that
82 cannot be mistaken for official signs provided that said signs are
83 not erected closer than fifty (50) feet to the center line of
84 state highways.

85 (2) Every such prohibited sign, signal or marking is hereby
86 declared to be a public nuisance and the authority having
87 jurisdiction over the highway is hereby empowered to remove the
88 same or cause it to be removed after ten (10) days' notice to the
89 owner thereof by registered letter or otherwise.

90 (3) The provisions of this section shall not apply to the
91 campaign signs of persons who are candidates for elective office
92 if such signs:

93 (a) Do not resemble an official traffic-control device
94 or railroad sign or signal;

95 (b) Do not attempt to direct the movement of traffic;
96 or

97 (c) Do not hide from view or interfere with the
98 effectiveness or any official traffic-control device or any
99 railroad sign or signal.

100 Any such sign shall be removed by the candidate within two
101 (2) weeks after the campaign of the candidate has been concluded.

102 SECTION 3. Section 65-1-75, Mississippi Code of 1972, is
103 amended as follows:

104 65-1-75. (1) The Mississippi Transportation Commission is
105 authorized and empowered to have the transportation department
106 locate, construct, reconstruct and maintain any designated state
107 highway under its jurisdiction to, through, across or around any
108 municipality in the state, regardless of the width of the street
109 between curbs; and in so locating it is fully empowered to follow
110 the route of the existing street or to depart therefrom, as in its
111 discretion it deems advisable, and to obtain and pay for the
112 necessary rights-of-way, as provided in Section 65-1-47. The
113 municipality in which such construction is to be undertaken is
114 likewise authorized to acquire rights-of-way on any such streets
115 or on any newly located routes, either by purchase, gift or
116 condemnation. Such rights-of-way may be acquired by either the
117 municipality or the transportation department, subject to the
118 approval of the commission, and the cost thereof may be borne by
119 either or both as may be mutually agreed upon. In any event such
120 municipality may be required to save the commission and department
121 harmless from any claims for damages arising from the construction
122 of the highway through such municipality, including claims for
123 rights-of-way, change of grade line, interference with public
124 structures, and any and all damages so arising. Municipalities
125 may secure additional improvements by payment of the additional

126 cost of same. The commission may require such municipality to
127 cause to be laid all water, sewer, gas or other pipelines or
128 conduits, together with all necessary house or lot connections or
129 services, to the curb line of such road or street to be
130 constructed, and the commission is authorized to refuse to have
131 the department lay such pipelines or conduits beneath such roads
132 or streets until the municipality has laid same or entered into an
133 agreement to reimburse the commission or department for the
134 expense thereby incurred.

135 (2) All construction of state highways in or through
136 municipalities, where done at the cost and expense of the state,
137 whether heretofore or hereafter, shall be maintained in the same
138 manner and to the same extent as is construction on state highways
139 outside the limits of municipalities to the end that investment of
140 the state in such highway so constructed may be preserved and
141 maintained; and all reasonable rules and regulations with
142 reference to the preservation and maintenance of such highways
143 constructed at state expense, whether within or without municipal
144 limits, may be promulgated by the commission, except that it shall
145 have no power to promulgate police regulations contrary to
146 existing law. On any municipal streets or parts or sections
147 thereof taken over for regular maintenance and maintained by the
148 department as a part of the state highway system, the municipality
149 shall not be liable for negligence occasioned by the maintenance
150 or repair of such streets thus apportioned to and of such width as
151 is maintained by the department. The municipality shall have full
152 control and responsibility beyond the curb lines of any designated
153 highway or street, whether heretofore or hereafter so designated,
154 (except the interstate system) located within its present or
155 future expanded municipal corporate limits, regardless of the
156 ownership of the right-of-way, including, but not limited to, the
157 construction and maintenance of sidewalks, grass mowing and
158 drainage systems; however, the department may utilize the

159 right-of-way purchased by the commission without any additional
160 cost or permission.

161 Except as otherwise provided for in subsection (4) of this
162 section, the municipality shall not allow any encroachments, signs
163 or billboards to be erected or to remain on state-owned
164 rights-of-way on any designated highway within its corporate
165 limits without the consent of the commission. The municipality,
166 at its own expense, shall provide street illumination and shall
167 clean all streets, including storm sewer inlets and catch basins.
168 The commission may enter into an agreement with the municipality
169 or with a private entity to sweep and clean the designated
170 highways within or without the corporate limits. The commission
171 may, at state expense, provide illumination and may clean all
172 interstate highways within the corporate limits of any
173 municipality. The right of the municipality to grant franchises
174 over, beneath and upon such streets is specifically retained, but
175 the municipality shall require every grantee of a franchise to
176 restore, repair and replace to its original condition any portion
177 of any such street damaged or injured by it; however, permission
178 to open the surface of any municipal street maintained by the
179 department must be obtained from both the commission and the
180 municipality concerned before any such opening is made. Each
181 municipality shall retain full police power over its streets,
182 particularly as to regulating and enforcing traffic and parking
183 restrictions on such streets, but any traffic control and parking
184 regulations repugnant to state law shall be null and void. The
185 commission shall have the department erect, control and maintain
186 all highway route markers and directional signs on such streets at
187 state expense. The commission, at state expense, shall have the
188 department install, operate, maintain, control, and have full
189 jurisdiction over, all traffic control devices, including, but not
190 limited to, signals, signs, striping and lane markings on state
191 highway streets in municipalities having a population of twenty

192 thousand (20,000) or less according to the current U.S. census;
193 but municipalities over twenty thousand (20,000) population
194 according to such census shall install, operate, maintain and
195 control such devices at their own expense, subject to approval of
196 the executive director regarding operations, method of
197 installation and type only. Municipalities having a population of
198 five thousand (5,000) or more but less than twenty thousand
199 (20,000) according to the most recent federal census shall only be
200 responsible for electrical operating costs; and all other costs
201 for the installation, operation and maintenance of traffic control
202 devices, including the changing of signal bulbs in traffic signal
203 lights, shall be the responsibility of the transportation
204 department. The commission may purchase at state expense and
205 install traffic control devices in municipalities over twenty
206 thousand (20,000) population and donate them to the municipalities
207 for operation and maintenance whenever it appears to the
208 commission that, in the interest of safety or convenience of the
209 motoring public, any of the devices should be upgraded, replaced
210 or removed. Any revenue from parking meters on any such streets
211 shall be controlled by and belong to the municipality.

212 (3) The maintenance of all streets within the limits of any
213 municipality in this state, regardless of size, which are
214 presently being regularly maintained, in whole or in part, by the
215 department at state expense as a part or parts of any designated
216 state highway shall be continued. Whenever any state highway runs
217 into or through the corporate limits of any municipality, the
218 municipal street or the street utilized and marked as a part of
219 any such state highway may be a part of the state highway system
220 and may be maintained by the department; however, such route
221 through any municipality shall be selected by the commission by
222 orders spread on its minutes describing all such routes, and such
223 route or routes may be changed, relocated or abandoned by the
224 commission from time to time, all under the provisions, terms and

225 conditions herein provided, but the commission shall have the
226 department maintain only one (1) route of any highway through a
227 municipality. Upon relocation of such state highway or
228 abandonment thereof, the municipal street formerly used as a state
229 highway shall thereby return to the jurisdiction of, and
230 maintenance by, the municipality.

231 (4) Except as otherwise prohibited by federal law, the
232 campaign signs of persons who are candidates for elective office
233 may be placed on state-owned rights-of-way of any designated
234 highway within the corporate limits of a municipality if such
235 signs:

236 (a) Do not resemble an official traffic-control device
237 or railroad sign or signal;

238 (b) Do not attempt to direct the movement of traffic;
239 or

240 (c) Do not hide from view or interfere with the
241 effectiveness or any official traffic-control device or any
242 railroad sign or signal.

243 Any such sign shall be removed by the candidate within two
244 (2) weeks after the campaign of the candidate has been concluded.

245 SECTION 4. This act shall take effect and be in force from
246 and after July 1, 2001.