

By: Representative Ward

To: Transportation

## HOUSE BILL NO. 1324

1 AN ACT TO AMEND SECTION 49-23-11, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE GOVERNING AUTHORITIES OF ANY MUNICIPALITY OR THE  
3 BOARD OF SUPERVISORS OF ANY COUNTY FROM IMPOSING FEES OR PRIVILEGE  
4 LICENSES UPON CERTAIN BUSINESS ADVERTISING SIGNS LAWFULLY LOCATED  
5 ON THE PREMISES OF SUCH BUSINESSES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 49-23-11, Mississippi Code of 1972, is  
8 amended as follows:

9 49-23-11. (1) No sign, other than signs described in  
10 paragraphs (1)(b), (c) and (f) of Section 49-23-5, may be erected  
11 without first obtaining a permit from the department, which  
12 application for a permit shall be on a form provided by the  
13 department and shall contain such information as the department  
14 may reasonably require. Upon receipt of an application containing  
15 all required information in due form and appropriately executed,  
16 and upon payment of the required permit fee, the department shall  
17 within ten (10) days thereof issue a permit to the applicant for  
18 the erection of the sign, provided such sign will not violate any  
19 provision of Sections 49-23-1 through 49-23-29.

20 (2) An initial permit fee of Eighty-five Dollars (\$85.00)  
21 for each applicant, regardless of the number of signs at a single  
22 site, shall be charged by the Mississippi Department of  
23 Transportation for a sign permit initially issued to an applicant  
24 after June 30, 1995. An initial permit fee is valid for a period  
25 of twelve (12) months and may be renewed annually upon payment by  
26 the permittee to the Mississippi Department of Transportation of a  
27 fee of Twenty Dollars (\$20.00) per site. Any person to whom the  
28 Transportation Department has issued a sign permit before July 1,

29 1995, if such permit is still valid on July 1, 1995, shall be  
30 exempt from the payment of an initial permit fee but must pay a  
31 Twenty Dollar (\$20.00) per site annual renewal fee on or before  
32 July 1, 1996, and on or before July 1 of each year thereafter.

33 (3) Trees, bushes and vegetation growing at or near  
34 permitted sites may be cleared or removed by a permittee, his  
35 employee or contractor upon application made to and approved by  
36 the Mississippi Department of Transportation. The Transportation  
37 Department shall charge a permittee a vegetation clearance fee of  
38 Fifty Dollars (\$50.00) per site each time that the department  
39 authorizes vegetation clearance.

40 (4) Exempt from the payment of any fees under the provisions  
41 of subsection (2) or (3) of this section are:

42 (a) Small business signs. A sign is a small business  
43 sign if:

44 (i) The sign advertises a service or product  
45 offered by a business;

46 (ii) The sign is not located on the premises of  
47 the business that offers the product or service;

48 (iii) The sign does not exceed thirty-two (32)  
49 square feet;

50 (iv) The sign is owned, not leased, by the owner  
51 of the business that offers the product or service;

52 (v) The only information that appears on the sign  
53 consists of the product or service that is offered by the business  
54 and the name and location of the business; and

55 (vi) The business that offers the product or  
56 service is located at a single site, is operated by the owner and  
57 employs no more than two (2) individuals, excluding family  
58 members.

59 (b) Directional signs, public service signs, public  
60 utility signs and other official signs and notices approved under

61 rules and regulations adopted by the Mississippi Transportation  
62 Commission.

63 (c) Signs advertising a product or service available  
64 from the same premises where the sign is located.

65 (5) Nothing contained in this section shall be construed to  
66 limit in any way the authority of any municipality in which the  
67 sign is to be erected, to require a permit from the municipality  
68 to be obtained, and the payment of a reasonable permit fee in  
69 addition to the fee imposed under this section. However, the  
70 governing authorities of any municipality or the board of  
71 supervisors of any county may not annually, regularly or  
72 intermittently impose any fee or privilege license on any business  
73 for its sign or signs that are lawfully located on the business'  
74 property and that are lawfully used for the purpose of advertising  
75 such business, its products or services. The governing  
76 authorities of any municipality or the board of supervisors of any  
77 county may impose an initial, reasonable fee on a business for the  
78 purpose of ensuring compliance of such sign and the installation  
79 thereof with such governing authority's lawful zoning  
80 requirements, public safety requirements or sign restrictions,  
81 but, under no circumstances may the governing authorities of any  
82 municipality or the board of supervisors of any county impose any  
83 fee or privilege license on any business for any lawful sign  
84 located within the interior of a business.

85 (6) The money received from the fees paid under this section  
86 to the Department of Transportation shall be deposited in the  
87 State Highway Maintenance Fund and may be expended, upon  
88 legislative appropriation, for any purpose for which other monies  
89 in such fund may be expended.

90 **SECTION 2.** This act shall take effect and be in force from  
91 and after July 1, 2004.