

By: Senator(s) Simmons (13th)

To: Highways and
Transportation

SENATE BILL NO. 2669

1 AN ACT TO AMEND SECTION 49-23-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE HEIGHT REQUIREMENTS ALLOWABLE FOR OUTDOOR ADVERTISING
3 SIGNS ERECTED AFTER APRIL 15, 2008, TO PROVIDE THAT SUCH SIGNS
4 SHALL NOT EXCEED 40 FEET IN HEIGHT; TO BRING FORWARD SECTIONS
5 49-23-5 AND 49-23-27, MISSISSIPPI CODE OF 1972, FOR PURPOSE OF
6 POSSIBLE AMENDMENTS; 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. (1) In addition to the authority set out in this
11 chapter, the commission shall have authority to promulgate rules
12 and regulations regarding the configuration and location of
13 outdoor advertising signs consistent with the provisions of this
14 section and as provided for in Section 49-23-5. At a minimum, the
15 rules and regulations shall conform to the national standards
16 promulgated pursuant to Title 23 of the United States Code and the
17 standards set out in an agreement entered into under Section
18 49-23-27.



19 (2) (a) For signs erected prior to July 1, 2003, the
20 maximum size of any outdoor sign or other advertising device shall
21 be one thousand two hundred (1,200) square feet;

22 (b) For sign structures erected on or after July 1,
23 2003, the maximum area for any one (1) sign face shall be six
24 hundred seventy-two (672) square feet, the maximum height shall be
25 fourteen (14) feet and the maximum length shall be forty-eight
26 (48) feet, inclusive of any border and trim on the sign face, but
27 excluding any embellishment on, and cut-out extension of, the sign
28 face, the base or apron, supports and other structural
29 members. * * *

30 (c) There shall be no limitation on the height of any
31 sign structure erected before April 15, 2008, and any sign
32 structure erected before said date which exceeds forty (40) feet
33 in height shall be considered a conforming sign structure with
34 regard to height. The height of sign structures erected on or
35 after April 15, 2008, shall not exceed forty (40) feet above the
36 level of the road grade unless the grade of the land adjacent to
37 the road is higher than the level of the road grade, then the
38 height of the sign structure may exceed forty (40) feet above the
39 level of the road grade but shall not exceed forty (40) feet above
40 the grade of the site where the sign is placed. Any embellishment
41 on or cut-out extension of any sign face shall not exceed twenty
42 percent (20%) of the square footage of such sign face.



43 (3) The area of any sign face shall be measured by the
44 smallest square, rectangle, triangle or circle or combination
45 thereof which will encompass the entire sign.

46 (4) Sign structures erected on or after July 1, 2003, may
47 contain one (1) or two (2) signs per face and may use only a
48 side-by-side, back-to-back or V-type configuration and no other;
49 provided, however, that if two (2) signs are used facing the same
50 direction, the aggregate total area shall not exceed six hundred
51 seventy-two (672) square feet.

52 (5) All illuminated outdoor signs or other advertising
53 devices shall be so illuminated as to adhere to the customary
54 practices of the industry in Mississippi and in conformance with
55 national standards. No lighting devices shall be used which in
56 any way imitate any traffic control device, railroad sign or
57 signal, or highway directional signs.

58 (6) All outdoor signs and other advertising devices located
59 within one-half (1/2) mile of an intersection of two (2) or more
60 primary highways, or a primary highway and the Great River Road,
61 or an interchange on the interstate system shall be erected and/or
62 maintained with a minimum spacing between structures of five
63 hundred (500) feet, unless separated by another commercial
64 building or structure, other than outdoor advertising, in which
65 case outdoor advertising may be permitted on one or more sides of
66 building or buildings. The minimum spacing requirement of five



67 hundred (500) feet between structures shall not apply to signs in
68 existence on April 15, 2008.

69 (7) No two (2) signs shall be spaced less than five hundred
70 (500) feet apart, except as to signs in existence on April 15,
71 2008, which shall not be removed by Sections 49-23-1 through
72 49-23-29. This spacing limitation shall apply to areas within
73 incorporated cities, towns, villages and in zoned and unzoned
74 industrial or commercial areas.

75 **SECTION 2.** Section 49-23-5, Mississippi Code of 1972, is
76 brought forward as follows:

77 49-23-5. (1) No outdoor advertising shall be erected or
78 maintained within six hundred sixty (660) feet of the nearest edge
79 of the right-of-way and visible from the main-traveled way of a
80 state controlled route, except the following:

81 (a) Directional and other official signs and notices,
82 which signs and notices shall include, but not be limited to,
83 signs and notices pertaining to natural wonders, scenic and
84 historic attractions, as authorized or required by law;

85 (b) Signs, displays and devices advertising the sale or
86 lease of property upon which they are located;

87 (c) Signs, displays and devices advertising the
88 principal activities conducted on the property upon which they are
89 located;



90 (d) Outdoor advertising signs, displays and devices
91 located in areas which are zoned industrial or commercial as
92 defined in Section 49-23-3;

93 (e) Outdoor advertising signs, displays and devices
94 located in unzoned commercial or industrial areas as defined in
95 Section 49-23-3; and

96 (f) Signs, displays and devices which locate, identify,
97 mark or warn of the presence of pipelines, utility lines or rail
98 lines and appurtenances thereto, including, but not limited to,
99 markers used in maintenance, operation, observation and safety.

100 (2) No outdoor advertising shall be erected at or beyond six
101 hundred sixty (660) feet of the nearest edge of the right-of-way
102 outside of urban areas, with the purpose of their message being
103 read from the main-traveled ways of state controlled routes,
104 except the following:

105 (a) Directional and other official signs and notices,
106 which signs and notices shall include, but not be limited to,
107 signs and notices, pertaining to natural wonders, scenic and
108 historic attractions, as authorized or required by law;

109 (b) Signs, displays and devices advertising the sale or
110 lease of property upon which they are located;

111 (c) Signs, displays and devices advertising the
112 principal activities conducted on the property upon which they are
113 located.



114 (3) Signs lawfully in existence on October 22, 1965, as
115 determined by the commission, subject to the concurrence of the
116 United States Secretary of Transportation, to be landmark signs of
117 historic or artistic significance, including signs on farm
118 structures or natural surfaces, the preservation of which would be
119 consistent with the purposes of this section, are not required to
120 be removed.

121 (4) No outdoor advertising shall be erected along or
122 adjacent to a scenic byway as defined in Section 49-23-3.

123 (5) No outdoor advertising shall be erected contrary to the
124 restrictions in SECTION 7 of Section 65-3-137.

125 (6) The board of supervisors of the county, for an outdoor
126 advertising sign that is located outside the corporate limits of
127 any incorporated municipality, and the governing authorities of a
128 municipality, for an outdoor advertising sign that is located
129 within the corporate limits of the municipality, may prohibit any
130 outdoor advertising sign that contains any message or depiction of
131 a sexually explicit nature.

132 **SECTION 3.** Section 49-23-27, Mississippi Code of 1972, is
133 brought forward as follows:

134 49-23-27. The State Highway Commission is hereby authorized
135 to enter into agreements with the United States Secretary of
136 Commerce as provided by Title 23, United States Code, relating to
137 the control of outdoor advertising in areas adjacent to the
138 interstate and primary highway systems, including the



139 establishment of information centers at safety rest areas, and to
140 take action in the name of the state to comply with the terms of
141 such agreement, provided that the state highway commission shall
142 not have power to enter into any agreement calling for more
143 restrictive control of outdoor advertising than that provided for
144 in Sections 49-23-1 through 49-23-29.

145 **SECTION 4.** This act shall take effect and be in force from
146 and after July 1, 2017.

