MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Senator(s) King, Chaney, Michel, Dearing, Butler

To: Business and Financial Institutions

SENATE BILL NO. 2754

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

rules and regulations adopted by the Mississippi Transportation Commission.

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

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

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

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