

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

To: Business and Financial
Institutions

SENATE BILL NO. 2754

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.