MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Powell To: Transportation

HOUSE BILL NO. 3

AN ACT TO AMEND SECTION 49-23-9, MISSISSIPPI CODE OF 1972, TO REVISE THE HEIGHT REQUIREMENTS ALLOWABLE FOR OUTDOOR ADVERTISING SIGNS; AND FOR RELATED PURPOSES.

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

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

49-23-9. (1) In addition to the authority set out in this chapter, the commission shall have authority to promulgate rules and regulations regarding the configuration and location of outdoor advertising signs consistent with the provisions of this section and as provided for in Section 49-23-5. At a minimum, the rules and regulations shall conform to the national standards promulgated pursuant to Title 23 of the United States Code and the standards set out in an agreement entered into under Section 49-23-27.

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

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

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(c) Except with respect to any sign structure erected before April 15, 2008, that is converted to digital, said signs shall be considered a conforming structure provided that they are not modified to exceed their permitted height. The height of sign structures erected on or after April 15, 2008, shall not exceed forty (40) feet above the level of the road grade unless the grade of the land adjacent to the road is higher than the level of the road grade, then the height of the sign structure may exceed forty (40) feet above the level of the road grade but shall not exceed forty (40) feet above the grade of the site where the sign is placed. Any embellishment on or cut-out extension of any sign face shall not exceed twenty percent (20%) of the square footage of such sign face.

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

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

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

(6) All outdoor signs and other advertising devices located within one-half (1/2) mile of an intersection of two (2) or more primary highways, or a primary highway and the Great River Road, or an interchange on the interstate system shall be erected and/or maintained with a minimum spacing between structures of five hundred (500) feet, unless separated by another commercial building or structure, other than outdoor advertising, in which case outdoor advertising may be permitted on one or more sides of building or buildings. The minimum spacing requirement of five hundred (500) feet between structures shall not apply to signs in existence on April 15, 2008.

(7) No two (2) signs shall be spaced less than five hundred (500) feet apart, except as to signs in existence on April 15,

2008, which shall not be removed by Sections 49-23-1 through 49-23-29. This spacing limitation shall apply to areas within incorporated cities, towns, villages and in zoned and unzoned industrial or commercial areas.

(8) None of the provisions of this section shall be construed to allow any sign structure over forty (40) feet to be converted to digital, unless the sign structure was lawfully converted to digital prior to April 15, 2008.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.