

Scenic Missouri’s Model Billboard Ordinance for Cities, Counties and Small Communities

Acknowledgements	2
Introduction	3
Section 1. Statement of Purpose	4
Section 2. Definitions	4
Section 3. Billboard Regulations: Permitted	7
Section 4. Billboard Regulations: Prohibited	8
Section 5. Billboard Regulations: Exempted	9
Section 6. Areas of Special Control	9
Section 7. General Design and Construction Standards	10
Section 8. Non-Conforming Billboards	11
Section 9. Permits, Administration, and Enforcement	12
Section 10. Severability	15
Section 11. Protection of First Amendment Rights	15
References	15

Acknowledgments

Scenic Missouri wishes to thank:

The Missouri Municipal League and the St. Louis County Municipal League. Both encouraged the development of this Model Ordinance to provide guidance and direction to their member constituencies desiring to protect scenic resources and distinctive community character. All of those who contributed to the listed references and the references upon which they drew whose handiwork has been incorporated in this model. Members of the Missouri Municipal League legal panel who reviewed and provided comments concerning the initial draft of this Model Ordinance. Finally, Scenic Missouri thanks David Froman, partner in the firm Froman & Wagner, LLP, who served as the supervising editor of the Model Ordinance. Municipal and county officials wishing to discuss the Model Ordinance with Mr. Froman are encouraged to contact him at (573) 886-8965 or (877) 877-3003.

INTRODUCTION

In 1998, the Missouri Legislature strengthened and broadened a statute it had passed the year before to give new authority to cities to regulate billboards within their jurisdictions. These statutory changes were made after the Missouri Court of Appeals had struck down a municipal ordinance that had conflicted with specifications of the Missouri Billboard Act, sections 226.500-226.600, Revised Statutes of Missouri (RSMo.). The new statute is very short. It provides as follows:

1. Any city or county shall have the authority to adopt regulations with respect to outdoor advertising that are more restrictive than the height, size, lighting and spacing provisions of Sections 226.500 to 226.600, RSMo.
2. No city or county shall have the authority to impose a fee of more than five hundred dollars for the initial inspection of an outdoor advertising structure, nor may the city or county impose a business tax on an outdoor advertising structure of more than two per cent of the gross annual revenue produced by the outdoor advertising structure within that city or county.
Section 71.288, RSMo. (as amended by S.B.No. 883).

The new statute strengthens and clarifies the authority of cities and counties to regulate outdoor advertising within their jurisdictions. It also avoids the effect of unfavorable judicial precedent in recent “preemption” challenges to city billboard ordinances. Its authority is independent of, and permits cities and counties, in effect, to supercede the specifications contained in, the Missouri Billboards Act.

This statute gives cities and counties of the State of Missouri the authority to regulate outdoor advertising, that is, off-premises signs or billboards, within their jurisdictions. Such ordinances may regulate old and new billboards and even prohibit new billboards from being erected in the community in all locations beyond 660 feet from interstate and primary highways. The statute gives extensive authority to limit new billboards and regulate existing billboards adjacent to interstate and primary highways through the regulation of spacing, height, size, and lighting. Such ordinances may require billboard owners to make modifications within a certain period of time, or the billboard can be removed altogether at the owner’s expense. This model billboard ordinance is designed for use by cities, counties, and small communities, whether or not they already regulate other signs by ordinance.

This ordinance can stand alone, or it can be integrated with an existing on-premises sign ordinance. For ease of integration, this ordinance is written in a format similar to Scenic America’s Guide to On-Premises Sign Ordinances for Rural and Small Communities, 1998.

SECTION 1. STATEMENT OF PURPOSE

a) To preserve and promote the public health, safety, and welfare of the citizens of Our Town;

b) To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy Our Town's scenic beauty;

c) To improve pedestrian and traffic safety;

d) To minimize the possible adverse effect of billboards on nearby public and private property. This first section of the billboard ordinance should clearly state the public purposes for which the ordinance has been enacted and how it will achieve those purposes. The statement of purpose clearly relates the purpose of the ordinance to important public policies, such as community appearance, traffic safety, preservation of the scenic environment, and economic development. If relevant, the statement of purpose may also include a clause that relates the ordinance to local zoning and/or state enabling legislation.

For municipalities/counties with established zoning ordinances, use this introductory sentence:

This off-premises billboard Ordinance is adopted under the Zoning Authority of Our Town in furtherance of the more general purposes set forth in the Zoning Ordinance.

This ordinance is adopted and hereafter amended pursuant to 71.288, Revised Statutes of Missouri

SECTION 2. DEFINITIONS

a. ABANDONED BILLBOARD.

A billboard which has carried no message for more than 180 days or which no longer identifies a bona fide business, lessor, service, owner, product, or activity, date or time of past event, and/or for which no legal owner can be found. The definition shall also include any billboard structure which no longer supports the billboard for which it was designed.

b. ADMINISTRATOR.

The designated government official whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for billboard permits, corresponding and/or meeting with applicants, issuing and denying billboard permits, inspecting billboards, and interpreting and enforcing the provisions of this ordinance.

c. ARCHITECTURAL, SCENIC, OR HISTORIC AREA.

An area of special control that contains unique visual or historic characteristics or whose natural beauty requires special regulations to ensure that all billboards displayed within the area are compatible with the area.

d. BILLBOARD.

A billboard is an off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

e. BILLBOARD AREA.

The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structure is not used to identify or attract attention to the business or product.

f. BILLBOARD PLAZA.

An area of special control which Our Town Council designates as appropriate for the display of billboards.

g. CHANGEABLE COPY.

Copy that changes at intervals of more than once every six seconds.

h. COMMERCIAL BILLBOARD.

A billboard which identifies goods or services that are not sold on the premises where the billboard is located.

i. DIRECTIONAL SIGN.

A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of billboards in public rights-of-way.

j. EXPRESSWAY OR FREEWAY.

A highway to which access is restricted except by ramps or interchanges.

k. FLASHING ILLUMINATION.

A light source which, in whole or in part, physically changes in light intensity or gives the appearance of such change at intervals of less than six seconds.

l. HEIGHT.

The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the billboard.

m. ILLEGAL BILLBOARD.

A billboard that was constructed in violation of regulations that existed at the time it was built.

n. INDIRECT ILLUMINATION.

A light source not seen directly.

o. INTERNAL ILLUMINATION.

A light source that is concealed or contained within the billboard and becomes visible in darkness through a translucent surface.

p. MOVEMENT.

Physical movement or revolution up or down, around, or sideways that completes a cycle of change at intervals of less than six seconds.

q. NON-CONFORMING BILLBOARD.

A billboard which was lawfully erected and maintained at the effective date () of this Ordinance, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

r. . POLITICAL BILLBOARD.

A billboard that advertises a candidate or an issue which is to be voted on in a local, state, or federal elections.

s. PREMISES.

The contiguous land in the same ownership or control which is not divided by a street.

t. SCENIC ROADSIDE.

Scenic roadsides include those land areas within the municipal limits which lie within the viewshed of either side of the outermost edge of any of the roads, which are of uncommon visual importance or scenic attractiveness.

u. SPACING.

Spacing of billboards shall be the minimum distance between outdoor advertising billboard structures measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and shall apply to outdoor advertising billboard structures located on both sides of the highway involved.

v. STRUCTURE.

Anything built that requires a permanent location.

w. VIEWSHED.

An area visible from the road that provides vistas over water or across expanses of land, such as farmland, woodlands, coastal wetlands, mountaintops or ridgelines.

THE ADDENDUM discusses in detail what this new law permits. Together with the existing billboard laws in Missouri, the new law enables cities and counties to: Municipalities may desire to impose different regulations in different zones or areas of their jurisdiction. If so, the following provisions can be modified or expanded accordingly.

Prohibit the erection of new billboards in all of the jurisdiction beyond 660 feet of interstate and primary highways.

Limit height, size, lighting, and spacing of new billboards throughout jurisdiction.

Impose reasonable regulations regarding height, size, illumination, and spacing of existing billboards.

Remove billboards without cash compensation if owners refuse to comply with the regulations after a reasonable time.

Charge permit fees, and remove billboards without cash payment for failure to obtain a permit.

The next three sections describe the types of billboards and their attributes which are either permitted, prohibited, or exempted by this Ordinance.

(All numeric values are Scenic Missouri recommendations, based on our research and comparison with adopted billboard ordinances. However, this publication is intended to provide guidelines only. Each locality should determine its own numeric values in light of local conditions.)

SECTION 3. BILLBOARD AND REGULATIONS: Permitted

1) New billboards:

- a) No new billboards shall be erected within the political boundaries of Our Town, except in Billboard Plazas in designated areas of Special Control pursuant to Section 6.
- b) Such new billboards as may be permitted by this Ordinance shall conform to the height, size, lighting, and spacing requirement prescribed by this Ordinance, as modified by the designation of any area of Special Control in which the billboard is located

2) Height: All billboards shall be no greater than 25 feet in height.

3) Size: All billboards shall be no greater than 150 square feet in area. Except for exempted billboards in Section 5, only one billboard shall be permitted on each billboard structure.

4) Lighting: In addition to the lighting restrictions of 226.540(1), RSMo. (Supp. 1997), which shall apply to all billboards in Our Town, no billboard shall be so illuminated that it:

- Interferes with the safety of aircraft flight in the vicinity of the bill board.
- Interferes with the use and enjoyment of property of any adjacent land owners.
- Allows the illumination source to be directly visible from any right-of-way or adjoining property.

5) Spacing (All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.):

- a) Interstate highways and freeways on the federal-aid primary system:
 - i) No billboard shall be erected within two thousand feet of an existing billboard on either side of the highway.
 - ii) No billboard shall be erected within two thousand feet of an interchange, intersection at grade, or safety rest area.
- b) Non freeway federal-aid primary highways:
 - i) [for Counties:] Outside incorporated municipalities, no billboard shall be erected within one thousand five hundred feet of an existing billboard on either side of the highway.
 - ii) [for Cities and Towns:] Within the limits of Our Town, no billboard shall be erected within one thousand feet of an existing billboard on either side of the highway.
- c) Designated Scenic Roadsides: No billboards shall be permitted in areas designated as Scenic Roadsides.
 - i) [for Counties:] Unzoned commercial and industrial areas:
 - (1) The spacing regulations pertinent to the adjacent roadway shall apply to each unzoned commercial and industrial area.
 - (2) Each business owner located in an unzoned commercial and industrial area must present records of the underlying business to the Administrator upon initial permit application and each renewal for each billboard located upon the premises of the business in the area in question.
 - ii) Minimum Setbacks: All billboards and billboard structures must be located at least 20 feet from any property line and placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the sign.
 - iii) Areas of Special Control: Areas of Special Control established under Section 6 may have regulations more or less restrictive than those of this section, consistent with the character of the area of Special Control.

SECTION 4. BILLBOARD REGULATIONS: Prohibited

The following are expressly prohibited unless specifically stated otherwise in this Ordinance:

- a) Off Premise Billboards, except in Billboard Plazas of designated areas of Special Control.
- b) Animated and Moving Billboards: Off-premise billboards employing movement including, but not limited to, changeable copy signs, pennants, flags, banners, streamers, propellers, discs, and searchlights.
- c) Flashing Billboards: Off-premise billboards that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.
- d) Glaring Billboards: Off-premise billboards employing direct, indirect, internal, flashing, or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the Administrator.
- e) Inflatable Billboards and Objects: Including, but not limited to, balloons.
- f) Roof Billboards: Off-premise billboards which are erected or painted on a roof or which extend in height above the roofline of the building on which sign is erected.
- g) Simulated Traffic Signs and Obstructions: Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street or highway intersection, or extend into the public right-of-way.

SECTION 5. BILLBOARD REGULATIONS: Exempted Signs

The following signs do not require permits or fee payments under Section 9 but must meet the other requirements of the Ordinance:

- a. Traffic control signs.
- b. Traffic flow informational signs.
- c. Directional signs.
- d. Temporary signs.
- e. Safety control signs.

SECTION 6. AREAS OF SPECIAL CONTROL

- 1) The City Council [County Board of Supervisors], by Ordinance and following notice and hearing, may designate any of the following areas of Special Control:
 - a) Architectural, historic, or scenic areas or scenic roadsides.
 - b) Billboard plazas.
- 2) The Administrator shall maintain and shall continually revise a zoning map of Our Town on which the Administrator shall indicate the boundaries of all designated Areas of Special Control.
- 3) Our Town Council shall adopt special regulations for billboards in Areas of Special Control which shall be consistent with the character of the Area of Special Control.

SECTION 7. GENERAL DESIGN AND CONSTRUCTION STANDARDS

All billboards shall be designated, constructed, and maintained in accordance with the following standards:

All billboards shall comply with applicable provisions of the Uniform Building Code and the electrical code of Our Town at all times.

All billboards regulated by this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, by direct attachment to a rigid wall, frame, or structure.

All billboards shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

Concerning Section 8: Non-Conforming Billboards

Often, the ordinance will set a specific date by which the billboards must be removed, a process known as amortization. In such a case, the ordinance allows businesses to keep a nonconforming billboard up for the amortization period (usually between one and five years), after which date the owner must remove it.

Amortization is permitted where it arises from the failure of the billboard owner to bring the billboard into conformance with the height, size, and lighting requirements of the Ordinance. These are factors that can be changed by the billboard's owner; thus, they do not result in a "taking" of the billboard. Spacing requirements, on the other hand, could be argued to result in a taking if billboards are too close together. To avoid the "taking" issue with respect to spacing of existing billboards, the Administrator may permit the owner of a billboard with non-conforming spacing voluntarily to relocate it to a Billboard Plaza or other area where its spacing, height, size, and lighting will comply with the Ordinance. Non-payment of permit fees provides another ground for removal of an existing nonconforming billboard.

Many communities find that an amortization period provides a reasonable opportunity for the owner to benefit from the investment made on the billboard. A discussion of amortization appears in the Addendum. Since laws governing amortization vary by state, consult with your municipal attorney when drafting this section.

Non-conforming billboards may be also handled through other incentives and/or regulations to eliminate old billboards including:

- 1) A bonus in the size of new billboards as an incentive to remove nonconforming billboards by a specified date; An offer by the local government to accomplish the physical removal of the billboard without charge to the merchant; and
- 2) A prohibition on the installation of any new billboards on a zone lot while a nonconforming billboard remains in use.

Regulatory requirements for the removal of old billboards include:

A requirement that the nonconforming billboard be removed if there is a change in the ownership of the premises where the billboard is located;

A requirement that it be removed if a building permit is issued for any construction, billboard-related or not, on the premises;

A prohibition on any modifications to the billboard or its message, allowing only routine maintenance;

A requirement that a master billboard permit allowing new billboards include a removal date for any nonconforming billboards.

An effective enforcement mechanism is essential to a billboard ordinance. It is important to have clear, consistent billboard regulations that the community can effectively enforce. The billboard ordinance should clearly state which department and staff will be responsible for implementation and enforcement of the regulations. Permit fees should cover the cost of enforcement in order to ensure that sufficient staff is available to implement the billboard regulation.

Five important steps that a community can take to make the enforcement cement and administration of billboard regulation most effective:

- a. Keep regulations simple. This makes it easier to administer the ordinance and to encourage compliance by billboard owners.
- b. Establish records. A master record of specific billboards that are permitted in various land uses, organized by location, as well as a schedule for removal of nonconforming billboards, will facilitate keeping track of records.
- c. Assign adequate staff for enforcement. Weak enforcement will compromise even the most carefully drafted, well-thought out billboard ordinance.
- d. Build a review procedure into the billboard regulation process to gather the support for billboard regulations. A public hearing gives proponents and opponents an opportunity to state their opinions on the regulations.
- e. Encourage citizens to notify the municipality of billboard code violations.

SECTION 8. NON-CONFORMING BILLBOARDS

1. Continuance: Each non-conforming billboard and billboard structure shall be allowed to be displayed for three (3) years from the adoption of this Ordinance, to provide a reasonable opportunity for the owner to benefit from the investment made in the billboard.

2. Removal: Non-conforming billboards and billboard structures shall be removed at the owner's or lessor's expense under the following circumstances:

- a) Not later than three (3) years from the date of the adoption of this Ordinance, if not brought into compliance with this Ordinance.
- b) The billboard is abandoned.
- c) The billboard becomes damaged or dilapidated to 50 % or more of its physical structure or economic value.

Concerning Section 9: Permits, Administration, and Enforcement

Off-premises billboards require a permit, issued by the local government for a fee. The purpose of permit fees is to provide sufficient revenue for enforcement of the billboard ordinance. Permits are subject to application requirements, conditions of approval, and review procedures, which are detailed in this section. The charges for permits may be listed here, or may be instead referred to as those adopted by the resolution of the governing body, e.g., the county supervisors or city council. This makes it easier periodically to update fees.

SECTION 9. PERMITS, ADMINISTRATION AND ENFORCEMENT

a. Enforcement Officer: All administration and enforcement of this Ordinance shall be primarily implemented by the designated Code Enforcement Officer (the "Administrator") in the Our Town Department of Planning and Economic Development. The Administrator shall have the responsibility and full authority to administer and enforce all provisions of this Ordinance, other than those provisions specifically reserved for the authority of Our Town Council or the Board of Zoning Appeals. However, other staff in the Department will also be prepared to enforce this Ordinance. Anyone who wishes to report a billboard that may be in violation of this Ordinance should do so to the Administrator.

b. Permit Procedure: All billboards, except as otherwise provided in Section 5 of this Ordinance, shall require a billboard permit prior to being constructed, reconstructed, moved, altered, placed, or repaired. Billboard permits shall be issued by the Administrator.

c. Permit Application: All applications for billboard permits for the erection or relocation of a billboard shall be submitted to the Administrator and shall contain or have attached at a minimum the following information in either written or graphic form:

- (1) Application date.
- (2) Name, address, and telephone number of the billboard owner and, if different, the owner of the land on which the billboard will be erected.

- (3) Address of the property where the billboard or billboard structure will be erected.
- (4) Signature(s) of the billboard owner and, if different, the owner of the land on which the billboard will be displayed.
- (5) Location of the billboard on the property in relation to public rights of way, lot lines, buildings, sidewalks, streets, zoning districts, other existing billboards, and intersections.
- (6) General description of structural design and construction materials of billboard.
- (7) Drawing(s) of the proposed billboard which shall contain specifications indicating height, perimeter, and area dimensions, means of support, methods of illumination if any, and any other significant aspect of the proposed billboard.
- (8) A boundary and sign survey showing the property and the proposed sign.
- (9) Certification(s) from licenses professional engineers that the soil surface is capable of sustaining the proposed load and that the electrical and structural strength of the proposed/actual sign is satisfactory.
- (10) Any other information requested by the Administrator in order to carry out the purpose and intent of these regulations.

d. Permit Fees: Each application for a billboard permit shall be accompanied by the applicable fees, which shall be established by the governing body of the Municipality from time to time.

e. Permit Application Completeness: Within five (5) working days of receiving an application for a billboard permit, the Administrator shall review it for completeness. If the Administrator finds that it is complete, the application shall then be processed. If the Administrator finds that it is incomplete, s/he shall, within such five (5) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.

f. Permit Issuance/Denial Action: All billboard permits shall be dated and numbered in the order of their issuance. Within ten (10) working days of the submission of a complete application for a billboard permit, the Administrator shall either:

- (1) Issue the billboard permit, if the billboard that is the subject of the application conforms in every respect with the requirement of this Ordinance; or
- (2) Deny the billboard permit if the billboard that is subject of the application fails in any way to conform with the requirements of this Ordinance. In case of a rejection, the Administrator shall specify in the rejection the section or sections of the Ordinance or applicable plan with which the billboard is inconsistent.

g. Inspection Upon Completion: Any person installing, structurally altering, or relocating a billboard for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator shall then conduct an inspection within seven (7) working days. If the construction is complete and in full compliance with this

Ordinance and with the building and electrical codes, the Administrator shall affix to the billboard a permanent symbol identifying the billboard and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Administrator shall affix to the billboard the permanent symbol described above.

h. Lapses of Billboard Permit: A billboard permit shall lapse if the billboard is an abandoned billboard, or if the permittee's business license lapses, is revoked, or is not renewed. A billboard permit shall lapse if the use of the billboard is discontinued for a period of one hundred eighty (180) days or more. A billboard that was constructed or maintained in conformance with a permit under this Ordinance, but for which the permit has lapsed, shall be in violation of the Ordinance.

i. Assignment of the Billboard Permit: A current and valid billboard permit shall be freely assignable to a successor, as owner of the property where the billboard is located or of the leasehold of the billboard, subject to filing such application as the Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

j. Violations: The Administrator, upon finding that any provision of this Ordinance or any condition of a permit issued under this Ordinance is being violated, is authorized to institute legal proceedings to enjoin violations of this Ordinance.

k. Complaints and Revocations: The Administrator shall investigate any complaints of violations of this Ordinance and may revoke a permit if there is any violation of the provisions of this Ordinance or there was misrepresentation of any material facts in either the application or plans.

l. Appeal Procedure: Any person applying for a billboard permit who is denied a permit or disagrees with any ruling by the Administrator may appeal to the City Council. The City Council may review or over turn the ruling, but may not issue a billboard permit. The findings of the City Council are then remitted back to the Administrator.

n. Business Tax: All new and existing billboards subject to this Ordinance shall be taxed at a rate to be established by the governing body of the Municipality, not to exceed two percent of the gross annual revenue produced by the billboard.

o. Expiration of Billboard Permits: If an approved billboard is not erected within a period of 12 months from the date the permit was originally issued, the permit shall expire and become null and void.

p. Fines: A person who violates the provisions of this Ordinance or the conditions of a permit shall be guilty of a civil violation. Each day of the violation constitutes a separate

offense subject to a \$100.00 fine. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the local jurisdiction.

q. Illegal Billboards: The Administrator may remove or order the removal at the expense of the billboard owner or lessor of any illegal billboard and any billboard, other than a non-conforming billboard governed by Section 8, not in compliance with the provisions of this Ordinance.

r. Immediate Peril: If the Administrator shall find any billboard which poses an immediate peril to persons or property, the billboard shall be removed. If the Administrator cannot locate the billboard owner or lessor for immediate removal of the billboard, he shall remove or order the removal of the billboard at the expense of the billboard owner or lessor.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. PROTECTION OF FIRST AMENDMENT RIGHTS

Any billboard, display, or device allowed under this Ordinance may contain, in lieu of any other copy, any otherwise lawful, noncommercial message, including any political message, that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Ordinance.

An Affiliate of Scenic America, Inc.
5650 A South Sinclair,
Columbia, MO 65203-8611
(573) 446-3129 (573) 443-3748 Fax
SCENIC MISSOURI

References:

Revised Statutes of Missouri, §§ 64.090.1, 64.850, 65.695, 71.228, 8

Contact:

Scenic Missouri, 401 Locust, Suite 302, Columbia, MO 65201-4262; Phone 573-256-2550; Fax: 573-443-8155; E-mail: scenic@scenicmissouri.org; Web: <http://www.scenicmissouri.org/> and <http://www.scenicmissouri.org/bboardordinance2.htm>

Scenic America, 801 Pennsylvania Ave., SE, Suite 300, Washington, DC 20003; Phone: 202-543-6200; Fax: 202-543-9130; E-mail: webmaster@scenic.org; Web: <http://www.scenic.org/>

Scenic Ohio, P. O. Box 5835, Akron, OH 44372; Phone; 330-865-9715; E-mail: director@scenicohio.org; Web: <http://www.scenicohio.org>