

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 848

(By Mr. Speake, Mrs. White)



PASSED March 11, 1967

In Effect Twenty days from Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 3-21-67

848  
#

**ENROLLED**  
**House Bill No. 845**  
(By MR. SPEAKER, MR. WHITE)

---

[Passed March 11, 1967; in effect ninety days from passage.]

---

AN ACT to repeal article twenty-two, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article twenty-two, relating to the licensing, regulation and control of outdoor advertising and the purchase or condemnation of certain outdoor advertising signs, displays, devices, leaseholds, property rights and interests, including the right to use certain lands for the erection and maintenance of such signs, displays, or devices, and payments of the costs of removal of outdoor advertising signs, displays, or devices; providing for the issuance of licenses and permits; providing for the revocation of li-

*act amended by 8-2-67*

censes and judicial review thereof and for denial or revocation of permits and judicial review thereof; and providing penalties.

*Be it enacted by the Legislature of West Virginia:*

That article twenty-two, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that a new article twenty-two be enacted in lieu thereof, to read as follows:

**ARTICLE 22. OUTDOOR ADVERTISING.**

**§17-22-1. Legislative finding.**

1 The Legislature hereby finds and declares: (a) That  
2 outdoor advertising is a legitimate, commercial use of  
3 private property adjacent to roads and highways; (b) that  
4 outdoor advertising is an integral part of the business  
5 and marketing function and an established segment of  
6 the national economy which serves to promote and pro-  
7 tect private investments in commerce and industry; (c)  
8 that the erection and maintenance of outdoor advertis-  
9 ing signs, displays, and devices in areas adjacent to fed-  
10 eral-aid interstate and primary highways should be reg-  
11 ulated in order to protect the public investment in such

12 highways, to promote the recreational value of public  
13 travel, to preserve natural beauty, and to promote the  
14 reasonable, orderly and effective display of such signs,  
15 displays and devices.

16 The Legislature further finds and declares that fiscal  
17 actualities reflect that the people of the state of West  
18 Virginia would suffer economically if the state failed  
19 to participate fully in the allocation and apportionment  
20 of federal-aid highway funds, more specifically that a  
21 reduction in federal-aid highway funds would necessi-  
22 tate increased local taxation to support and maintain the  
23 state road program and system, and that it is the inten-  
24 tion of this bill, among other things, to provide a statu-  
25 tory basis for regulation of outdoor advertising consistent  
26 with the public policy relating to areas adjacent to fed-  
27 eral-aid interstate and primary highways declared by  
28 the Congress of the United States, in Title 23, United  
29 States Code, and that the economic benefit resulting from  
30 full participation in the federal highway program would  
31 constitute a benefit to the community as a whole.

**§17-22-2. Definitions.**

1 As used in this article:

2 The word "sign" shall mean any structure erected for  
3 advertising purposes upon which any poster, bill, print-  
4 ing, writing, drawing, painting, or advertising material  
5 of any kind or character whatsoever, may be placed, posted,  
6 painted, tacked, nailed, glued or otherwise fastened, af-  
7 fixed or displayed.

8 The word "display" shall mean any poster, bill, print-  
9 ing, writing, drawing, painting, or advertising material  
10 of any kind or character whatsoever, designed and in-  
11 tended to draw the attention of the public to any goods,  
12 merchandise, property, real or personal, business service,  
13 entertainment or amusement, produced, bought, sold, con-  
14 ducted, furnished, or dealt in by any person, which is  
15 placed, posted, painted, tacked, nailed, glued or other-  
16 wise affixed or fastened to any advertising sign or struc-  
17 ture, or otherwise displayed outdoors.

18 The word "device" shall mean any card, cloth, paper,  
19 metal or wooden advertising emblem or sign of any  
20 kind or character, which is posted, stuck, glued, tacked,

21 nailed, painted or otherwise fastened or affixed to or  
22 upon any fence, post, tree or thing other than an adver-  
23 tising sign or structure.

24 "Person" shall include an individual, partnership, as-  
25 sociation, or corporation.

**§17-22-3. Certain outdoor advertising prohibited; when  
removal required.**

1 Except as provided in this article, no outdoor adver-  
2 tising sign, display, or device shall be erected or main-  
3 tained within six hundred and sixty feet of the nearest  
4 edge of and visible as to informative content from the  
5 right of way of any road within the state road system des-  
6 igned and classified for purposes of allocation of federal  
7 highway funds as part of the federal-aid interstate or pri-  
8 mary systems: *Provided, however,* That no outdoor adver-  
9 tising sign, display or device lawfully in existence adja-  
10 cent to the federal-aid interstate or primary systems on  
11 September first, one thousand nine hundred sixty-five,  
12 which does not conform to the requirements of this ar-  
13 ticle, shall be required to be removed until July first,  
14 one thousand nine hundred seventy: *Provided further,*

15 That no other sign, display, or device lawfully erected  
16 which does not conform to the requirements of this ar-  
17 ticle shall be required to be removed until the end of f  
18 the fifth year after such sign, display or device be-  
19 comes nonconforming.

*876  
2-22-20  
E-88*

**§17-22-4. General restrictions as to outdoor advertising.**

1 The following restrictions shall apply to all advertis-  
2 ing signs, displays, and devices erected and maintained  
3 adjacent to any roads within the state road system, in-  
4 cluding federal-aid interstate and primary roads.

5 (1) No advertising sign shall be erected or main-  
6 tained which involves rapid motion or rotation of the  
7 structure or any part thereof;

8 (2) No advertising display or device shall use the  
9 word "stop" or "danger," or present or imply the need  
10 or requirement of stopping, or the existence of danger;

11 (3) No advertising sign, display, or device shall be  
12 a copy or imitate a traffic sign or other official sign;

13 (4) No advertising display or device shall attempt  
14 or purport to direct traffic;

15 (5) No advertising sign shall contain lighting which

16 is not shielded, and any lighting shall be of such low  
17 intensity as not to cause glare or impair the vision of  
18 the operator of any motor vehicle;

19 (6) No advertising display or device shall be illum-  
20 inated by any rapid flashing, intermittent light or lights;

21 (7) No advertising display or device shall be painted,  
22 affixed or attached to any natural feature;

23 (8) No advertising sign, display, or device shall hin-  
24 der the clear, unobstructed view of approaching or merg-  
25 ing traffic, or obscure from view any traffic sign or other  
26 official sign;

27 (9) No advertising sign, display, or device shall be  
28 so located as to obscure the view of any connecting road  
29 or intersection;

30 (10) No advertising sign, display, or device shall be  
31 erected, outside of any municipality, within five hundred  
32 feet of any church, school, cemetery, public park, public  
33 reservation, public playground, or state or national forest,  
34 except markers for underground utility facilities.

**§17-22-5. Payment of compensation upon removal of advertis-  
ing signs, displays or devices.**

1 Just and full compensation shall be paid upon the re-

2 moval of any outdoor advertising signs, displays or de-  
3 vices, required by the provisions of section three of this  
4 article, which are (i) lawfully in existence at and upon  
5 the effective date hereof or (ii) lawfully in existence  
6 on or after the effective date hereof adjacent to any  
7 highway which shall be designated or redesignated as  
8 a part of the federal-aid interstate or primary systems  
9 or (iii) lawfully erected after the effective date hereof.  
10 Such compensation shall be paid for the following: (a)  
11 The taking from the owner of such sign, display or de-  
12 vice of all right, title and interest in and to the sign,  
13 display or device and of the leasehold or other interest  
14 if any, related thereto; and (b) the taking from the  
15 owner of the real property on which the sign, display or  
16 device is located, of the right to lease, erect and maintain  
17 such signs, displays and devices thereon.

**§17-22-6. Purchase or condemnation; powers of state road  
commissioner; payment to claimants.**

1 The state road commissioner is hereby authorized and  
2 empowered to make acquisition of all of the property  
3 rights and interest<sup>s</sup> specified in section five of this article,

*PLS  
addition  
to*

4 by purchase at private sale, or in the event he is unable  
5 to do so, by proceeding in eminent domain. Upon any  
6 such taking or acquisition pursuant to the provision<sup>S</sup> of  
7 this article, just and full compensation for the sign and  
8 leasehold interest shall be paid directly to the owner  
9 thereof, and just and full compensation for the loss of  
10 the right to erect and maintain signs shall be paid di-  
11 rectly to the owner of the affected real property. In  
12 any condemnation proceeding involving such taking or  
13 acquisition by the state, the commissioners or jury shall  
14 ascertain the compensation to which the owner of the  
15 sign and leasehold interest is entitled, separate and  
16 apart from the compensation to which the owner of the  
17 real property is entitled, as provided and authorized in  
18 chapter fifty-four, article two, section eighteen of this  
19 code.

*OK leasehold  
by  
OSP*

**§17-22-7. Exceptions.**

1. The provisions of section three of this article shall not
- 2 apply to the following: (a) Directional and other offi-
- 3 cial signs and notices required or authorized by law, in-
- 4 cluding but not limited to signs and notices pertaining

5 to natural wonders, scenic and historical attractions,  
6 which such signs and notices shall conform to standards  
7 respecting lighting, size, number, spacing and such other  
8 appropriate requirements as may be designated and spe-  
9 cified by the secretary of transportation of the United  
10 States: *Provided*, That the state road commissioner shall  
11 not establish any standards respecting lighting, size, num-  
12 ber, spacing and other appropriate requirements which  
13 are stricter than such standards designated and specified  
14 by the secretary of transportation of the United States;  
15 (b) signs, displays, and devices advertising the sale or  
16 lease of property upon which they are located; and (c)  
17 signs, displays, and devices advertising activities con-  
18 ducted on the property on which they are located, in-  
19 cluding markers of underground utility facilities.

**§17-22-8. Exempted areas.**

1 In order to promote the reasonable, orderly and effec-  
2 tive display of outdoor advertising while remaining con-  
3 sistent with the purposes of this article, signs, displays,  
4 and devices, whose size, lighting and spacing shall be

5 determined by agreement between the state road commis-  
6 sioner of West Virginia and the secretary of transporta-  
7 tion of the United States, may be erected and maintained  
8 within six hundred and sixty feet of the nearest edge  
9 of the right of way of federal-aid interstate or primary  
10 roads, within areas zoned industrial or commercial, or in  
11 unzoned commercial or industrial areas, as may be deter-  
12 mined by agreement between the state road commissioner  
13 of West Virginia and the secretary of transportation of  
14 the United States: *Provided*, That any such agree-  
15 ment shall contain a definition of unzoned commer-  
16 cial or industrial areas which reflects existing conditions  
17 in this state, such as, without limiting the foregoing, ex-  
18 isting land use, availability of land for urban develop-  
19 ment, topography, and accepted zoning practices now pre-  
20 vailing in this state. Any agreement between the state  
21 road commissioner and the secretary of transportation  
22 relating to size, lighting and spacing shall reflect cus-  
23 tomary usage in this state. Any agreement between the  
24 state road commissioner and the secretary of transporta-

25 tion defining unzoned commercial or industrial areas, or  
26 relating to size, lighting and spacing, shall be no more  
27 restrictive than necessary to secure to this state any  
28 federal-aid contingent upon compliance with federal  
29 laws, or federal rules and regulations relating to outdoor  
30 advertising, and shall be subject to amendment or rejection  
31 by the Legislature of West Virginia: *Provided, however,*  
32 *That the terms of any such agreement shall be no*  
33 *more restrictive than those included in any other similar*  
34 *agreement made by the secretary of transportation and*  
35 *other states: Provided further, That such agreement*  
36 *shall provide for its modification and amendment in the*  
37 *event and to the extent that the secretary of transportation*  
38 *and any other state shall thereafter agree to any*  
39 *provisions which shall be less restrictive. The provisions*  
40 *of this section shall not apply to signs, displays, and devices*  
41 *referred to in clauses (b) and (c) of section seven*  
42 *of this article.*

**§17-22-9. Signs, displays and devices providing information  
for the traveling public; location.**

1 Signs, displays and devices giving specific information  
2 in the interest of the traveling public may be erected and

3 maintained, pursuant to agreement between the state  
4 road commissioner and the secretary of transportation,  
5 within the rights of way of highways within the federal-  
6 aid interstate system, at appropriate distances from in-  
7 terchanges on such interstate system.

**§17-22-10. Special fund.**

1 There is hereby created a special fund, to the credit  
2 of which shall be paid such funds as from time to time  
3 may be appropriated by the Legislature and all federal  
4 funds allocated and distributed to the state of West Vir-  
5 ginia in implementation of the provisions of Title 23,  
6 United States Code, relating to outdoor advertising, to  
7 be administered by the state road commissioner in the  
8 enforcement and carrying out of the provisions of this  
9 article.

**§17-22-11. Enforcement of provisions by commissioner; rules  
and regulations.**

1 It shall be the function and duty of the state road com-  
2 missioner to administer and enforce the provisions of  
3 this article, and in the performance of his duties here-  
4 under, he may assign to division engineers, and other  
5 employees in his department, such duties as he may deem

6 proper. The commissioner is hereby authorized and em-  
7 powered to promulgate rules and regulations implement-  
8 ing the provisions of this article, including rules and  
9 regulations permitting the state of West Virginia to com-  
10 ply with the provisions of Title 23, United States Code,  
11 relating to the payment of bonuses for the regulation of  
12 outdoor advertising adjacent to the interstate system,  
13 and the terms and provisions of any agreement hereto-  
14 fore entered into pursuant to law by and between the  
15 state road commissioner of West Virginia and the secre-  
16 tary of commerce of the United States relating to the  
17 payment of such bonuses, any provisions of this article  
18 to the contrary notwithstanding.

**§17-22-12. Territory to which article applies; entries for  
examinations and surveys.**

1 The territory under the jurisdiction of the commis-  
2 sioner for the purposes of this article shall include  
3 all of the state. The commissioner and all employees  
4 under his direction, in the performance of their func-  
5 tions and duties under the provisions of this article, may  
6 enter into and upon any land upon which advertising  
7 signs are standing or upon which displays or devices are

8 exhibited and make such examinations and surveys as  
9 may be relevant.

**§17-22-13. Licenses required; application; expiration; exceptions; revocations; judicial review.**

1 No person shall engage or continue in the business of  
2 outdoor advertising in this state without first obtain-  
3 ing a license therefor from the commissioner; and no  
4 person shall construct, erect, operate, use, maintain, lease  
5 or sell any outdoor advertising sign, display, or device  
6 in this state without first obtaining such a license from  
7 the commissioner. The fee for such license, hereby  
8 imposed for revenue for the use of the state, shall be  
9 one hundred dollars per annum, payable annually in  
10 advance. Applications for licenses, or renewal of licenses,  
11 shall be made on forms furnished by the commissioner  
12 and shall contain such pertinent information as the  
13 commissioner may require, and shall be accompanied by  
14 the annual fee. Licenses granted under this section shall  
15 expire on the thirtieth day of June of each year, and  
16 shall not be prorated. Applications for the renewal of  
17 licenses shall be made not less than thirty days prior  
18 to the date of expiration. Nothing in this section shall

19 be construed to require any person to obtain a license  
20 who constructs, erects, operates, uses or maintains an  
21 outdoor advertising sign, display, or device solely on his  
22 own property.

23 The commissioner shall have authority, after thirty  
24 days' notice in writing to the licensee, to make and enter  
25 an order revoking any license granted by him upon re-  
26 payment of a proportionate part of the license fee, in  
27 any case where he shall find that any material informa-  
28 tion required to be given in the application for the license  
29 is knowingly false or misleading or that the licensee has  
30 violated any of the provisions of this article, unless such  
31 licensee shall, before the expiration of said thirty days,  
32 correct such false or misleading information and comply  
33 with the provisions of this article. Such order shall be  
34 accompanied by findings of fact and conclusions of law  
35 upon which such order was made and entered. Any  
36 person adversely affected by an order made and en-  
37 tered by the commissioner is entitled to judicial review  
38 thereof. Such judicial review shall be in the circuit court  
39 for the county in which the owner of such sign has his

40 principal place of business in this state, or in the circuit  
41 court of Kanawha county if all parties agree thereto.  
42 The judgment of the circuit court shall be final unless re-  
43 versed, vacated or modified on appeal to the supreme court  
44 of appeals of West Virginia. Legal counsel and services  
45 for the commissioner in appeal proceedings in any circuit  
46 court and the supreme court of appeals shall be provided  
47 by the attorney general or his assistants, and in appeal  
48 proceedings in any circuit court by the prosecuting attor-  
49 ney of the county as well, all without additional compen-  
50 sation. The commissioner may employ special counsel  
51 to represent the commissioner in a particular proceeding.

**§17-22-14. Bond of out-of-state licensee.**

1 No such license as is provided for in section thirteen  
2 of this article shall be granted to any person not resid-  
3 ing in this state or to any person having his principal  
4 place of business outside the state, or which is incor-  
5 porated outside the state, until such person shall have  
6 furnished and filed with the commissioner a bond pay-  
7 able to the state, with surety approved by the commis-  
8 sioner and in form approved by the attorney general,

9 in the sum of two thousand five hundred dollars, condi-  
 10 tioned that such licensee shall fulfill all ~~the~~ requirements  
 11 of law and observe and obey all <sup>the</sup> requirements of this  
 12 article. Such bond shall remain in full force and effect  
 13 so long as any obligations of such license<sup>e</sup> to the state  
 14 shall remain unsatisfied. All sums received from the for-  
 15 feiture of any bond or bonds required by this section  
 16 shall be deposited in the special fund created in section  
 17 ten of this article and such sums shall be administered as  
 18 provided by said section ten.

*OK  
 case  
 6/18/18*

**§17-22-15. Permit required for each sign, etc.; application; revocation; fee; judicial review.**

1 (a) Except as in this article otherwise provided, no  
 2 person shall construct, erect, operate, use, maintain, or  
 3 cause or permit to be constructed, erected, operated, used  
 4 or maintained any advertising sign, display, or device  
 5 without first obtaining a permit therefor from the com-  
 6 missioner and paying the annual fee therefor, as herein  
 7 provided. The commissioner shall not issue such a per-  
 8 mit to any person who has not obtained the license pro-  
 9 vided for in section thirteen of this article.

10 (b) A separate application for a permit shall be made  
11 for each separate advertising sign, display, or device, on  
12 a form furnished by the commissioner, which application  
13 shall be signed by the applicant or his representative  
14 duly authorized in writing to act for him, and shall de-  
15 scribe and set forth the size, shape and the nature of the  
16 proposed advertising sign, display, or device, and its ac-  
17 tual or proposed location with sufficient accuracy to en-  
18 able the commissioner to locate and identify it. Every  
19 application shall be accompanied by a fee of one dollar  
20 for each advertising sign, display, or device, which fee  
21 shall be retained by the commissioner if the permit is  
22 issued. Each portion of an advertising sign upon which  
23 a display is posted or exhibited shall constitute a sep-  
24 arate advertising sign for purposes of this section. If the  
25 permit is refused the commissioner shall make and enter  
26 an order to that effect and shall cause a copy of such  
27 order to be served on such applicant by certified mail,  
28 return receipt requested, and shall refund one-half the  
29 fee to the applicant. Such order shall be accompanied  
30 by findings of fact and conclusions of law upon which

31 such order was made and entered. Each application shall  
32 be accompanied by an affidavit of the applicant or his  
33 agent that the owner or other person in control or posses-  
34 sion of the real property upon which such advertising  
35 sign, display, or device is to be constructed, erected, oper-  
36 ated, used or maintained, has consented thereto. Applica-  
37 tion shall be made in like manner for a permit to operate,  
38 use or maintain any existing advertising sign, display or  
39 device. Permits issued hereunder shall expire on the  
40 thirtieth day of June of each year, and shall not be pro-  
41 rated, and may be renewed upon the payment of the  
42 same fee required to be paid upon application for a per-  
43 mit. No application shall be required for a renewal of  
44 a permit.

45 (c) If more than one side of an advertising sign is  
46 used for advertising, a fee for each such side shall be re-  
47 quired. Advertisements sculptured in the round shall be  
48 treated as using three sides.

49 (d) The holder of a permit shall, during the term  
50 thereof, have the right to change the advertising copy  
51 on the structure or sign for which it was issued without  
52 payment of any additional fee.

53 (e) The commissioner shall have authority, after  
54 thirty days notice in writing to the permittee, to make  
55 and enter an order revoking any permit issued by  
56 him under this section upon repayment of a propor-  
57 tionate part of the fee in any case where it shall appear  
58 to the commissioner that the application for the permit  
59 contains knowingly false or misleading information or  
60 that the permittee has violated any of the provisions of  
61 this article, unless such permittee shall, before the ex-  
62 piration of said thirty days, correct such false or mislead-  
63 ing information and comply with the provisions of this  
64 article. Such order shall be accompanied by findings of  
65 fact and conclusions of law upon which such order was  
66 made and entered. If the construction, erection, opera-  
67 tion, use or maintenance of any advertising sign, display,  
68 or device for which a permit is issued by the commis-  
69 sioner and the permit fee has been paid as above pro-  
70 vided, shall be prevented by any zoning board, commis-  
71 sion or other public agency which also has jurisdiction  
72 over the proposed advertising sign, display, or device,  
73 or its site, the fee for such advertising sign, display, or

74 device shall be returned by the commissioner and the  
75 permit revoked. But one-half the fee shall be deemed  
76 to have accrued upon the erection of an advertising sign  
77 or structure or the display of advertising material fol-  
78 lowed by an inspection by the commissioner or his repre-  
79 sentatives.

80 (f) Any person adversely affected by an order made and  
81 entered by the commissioner refusing to grant or re-  
82 voking a permit is entitled to judicial review thereof.  
83 Such judicial review shall be (1) in the county in  
84 which the person applying for the permit has his prin-  
85 cipal place of business in this state, or (2) in the cir-  
86 cuit court for the county in which the sign for which  
87 the permit is sought is to be located, or (3) in the  
88 circuit court of Kanawha county if all parties agree  
89 thereto. The judgment of the circuit court shall be final  
90 unless reversed, vacated or modified on appeal to the  
91 supreme court of appeals of West Virginia. Legal coun-  
92 sel and services for the commissioner in appeal proceed-  
93 ings in any circuit court and the supreme court of ap-  
94 peals shall be provided by the attorney general or his

95 assistants, and in appeal proceedings in any circuit court  
96 by the prosecuting attorney of the county as well, all  
97 without additional compensation. The commissioner may  
98 employ special counsel to represent the commissioner in  
99 a particular proceeding.

**§17-22-16. Permit identification number.**

1 Every permit issued by the commissioner shall be as-  
2 signed a separate identification number, and it shall be  
3 the duty of each permittee to fasten to each advertising  
4 sign or device and each advertising display not posted  
5 on an advertising sign a label or marker not larger  
6 than two inches by six inches, which shall be furnished  
7 by the commissioner, and on which shall be plainly visi-  
8 ble the said permit number, the expiration date of the  
9 permit, and the name of the permittee. The construc-  
10 tion, erection, operation, use or maintenance of an out-  
11 door advertising sign, display, or device without having  
12 affixed thereto such a label or marker shall be prima  
13 facie evidence that the same has been constructed or  
14 erected and is being operated, used or maintained in  
15 violation of the provisions of this article.

**§17-22-17. Removal after expiration or revocation of permit.**

1 All outdoor advertising signs, displays, or devices shall  
2 be removed by the permittee within thirty days after  
3 the date of the expiration or revocation of the permit  
4 for the same. Any permittee failing to remove any such  
5 advertising sign, display, or device within said thirty  
6 days shall be deemed guilty of a misdemeanor. The pro-  
7 visions of this section shall not apply to signs, displays  
8 or devices required to be removed pursuant to the terms  
9 and provisions of sections three, five, six and eight of  
10 this article.

**§17-22-18. Signs and structures lawfully within highway limits; penalty for destruction or unlawful use.**

1 Any person who willfully or maliciously displaces, re-  
2 moves, destroys or injures a mile-board, milestone, dan-  
3 ger-sign, signal, guide-sign, guide post, highway sign, or  
4 historical marker or any inscription thereon, lawfully  
5 within or adjacent to a highway, or who in any manner  
6 paints, prints, places, puts or affixes any advertisement  
7 upon or to any rock, stone, tree, fence, stump, pole, mile-  
8 board, milestone, danger-sign, guide-sign, guide-post,  
9 highway sign, historical marker, building or other sub-

10 ject lawfully within the limits of any highway, shall be  
11 guilty of a misdemeanor and shall be punished accord-  
12 ingly.

**§17-22-19. Consent of property owner.**

1 No person shall construct, erect, operate, use or main-  
2 tain any outdoor advertising sign, display, or device  
3 without the permission of the owner or other person  
4 in lawful possession or control of the property on which  
5 such sign, display, or device is located.

**§17-22-20. Disposition of fees.**

1 All moneys received by the commissioner under the  
2 provisions of sections thirteen and fifteen of this article  
3 shall be paid by him into the special fund created in  
4 section ten of this article and such moneys shall be  
5 administered as provided in said section ten.

**§17-22-21. Harmony of regulations.**

1 No zoning board or commission nor any other public  
2 officer or agency, shall permit any advertising sign, dis-  
3 play, or device which is prohibited under the provisions  
4 of this article, nor shall the commissioner permit any  
5 advertising sign, display, or device which is prohibited

6 by any other public board, officer or agency in the lawful  
7 exercise of its or their powers.

**§17-22-22. Penalties; nuisance; abatement.**

1 Any person, violating any provision of this article,  
2 whether as principal, agent or employee, for which vio-  
3 lation no other penalty is prescribed, shall be guilty of a  
4 misdemeanor, and, upon conviction thereof, shall be pun-  
5 ished by a fine of not less than fifty dollars nor more than  
6 five hundred dollars; and such person shall be deemed  
7 guilty of a separate offense for each month during any  
8 portion of which any violation of this article is committed,  
9 continued or permitted. The erection or maintenance  
10 of any outdoor advertising sign, display, or device in vio-  
11 lation of any provision of this article is hereby declared  
12 to be a public nuisance, and in addition to other remedies  
13 provided in this chapter, the state road commissioner or  
14 the prosecuting attorney of the county in which such  
15 sign, display, or device is located may apply to the cir-  
16 cuit court, or other court of competent jurisdiction of the  
17 county wherein such sign, display, or device is located,  
18 for an injunction to abate such nuisance.

19 The provisions of this section shall not be deemed to  
20 prevent the payment of just compensation for signs, dis-

21 plays or devices required to be removed under sections  
22 three, five, six and eight of this article.

**§17-22-23. Availability of funds before removal.**

1 Notwithstanding any other provision of this article to  
2 the contrary, no outdoor advertising sign, display or  
3 device shall be removed under the provisions of sections  
4 three, five, six or eight of this article unless at the time  
5 of such removal there are sufficient funds in the special  
6 fund created by section ten of this article to pay the  
7 affected parties the just and full compensation required  
8 to be paid under the provisions of sections five and six  
9 of this article.

**§17-22-24. Effective date.**

1 The provisions of this article shall take effect on the  
2 first day of January, one thousand nine hundred sixty-  
3 eight.

**§17-22-25. Separability.**

1 The terms of this article are declared to be separable;  
2 and should any word, phrase, sentence or section be de-  
3 clared unconstitutional or otherwise invalid, the re-  
4 mainder of this article shall not thereby be affected, but  
5 shall remain in full force and effect.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Walter T. Tompkins  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

H. Laban White  
Speaker House of Delegates

The within approved this the 17  
day of March, 1967.

Hubert C. Smith  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/17/67

Time 4:00 P.M.