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MARKETING PRACTICES BULLETIN – MPB 072004004dj
Billboards & Electric Signs: “Distance Measurement”

To: ALL CAPTAINS, COMPLIANCE SUPERVISORS, & M/P COMMITTEE MEMBERS

Recently, I received an inquiry from the field regarding the correct method to measure the distance from a billboard or electric sign to licensed premises. For consistency, the following guidelines are provided.

Statute which address this issue is Section 108.53 and 11.49 (a) of the Code. Pursuant to Section 108.53, No person may erect a billboard or electric sign advertising an alcoholic beverage within 200 feet of a retail establishment authorized to sell that beverage unless he has first obtained a permit for that purpose from the commission. No permit is required for a billboard or electric sign that is not located within 200 feet of a retail establishment authorized to sell the advertised alcoholic beverage. Further, Section 11.49 (a) defines "premises" as the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person, except that a permittee or licensee has obtain authorization to designate a portion of the grounds, buildings, vehicles, and appurtenances to be excluded from the licensed premises.

Members of the marketing practices committee have discussed this issue and in an effort to strike a balance between statute and precedence set by common practice relative to the measurement of the distance between a licensed premises where alcoholic beverages are sold or served and a billboard or electric sign advertising an alcoholic beverage, have determined that the measurement be conducted in a direct line from the base of the billboard or electric sign to the nearest physical structure (edge of building) of the licensed premises.

I have attached a copy of the application for a permit to erect a billboard or electric sign advertising alcoholic beverages within 200 feet of an establishment authorized to sell that beverage. Please forward completed applications to my attention for consideration of approval.

Kind Regards,

Dexter K. Jones
Acting Director of Marketing Practices - Headquarters
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