2013 DRAFTING REQUEST

Bill

Received:	**4/29/2013**	Received By:	**agary**
Wanted:	**As time permits**	Same as LRB:	
For:	**Jeff Stone (608) 266-8590**	By/Representing:	**Justin Phillips**
May Contact:		Drafter:	**agary**
Subject:	**Transportation - highways**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Stone@legis.wisconsin.gov**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Nonconforming outdoor advertising signs

Instructions:

See attached; companion to LRB-1497

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 4/30/2013	scalvin 4/30/2013	rschluet 4/30/2013	_____ _____			
/1				_____ _____	sbasford 4/30/2013	lparisi 4/30/2013	State

FE Sent For:

At intro

<END>

2013 DRAFTING REQUEST

Bill

Received:	**4/29/2013**	Received By:	**agary**
Wanted:	**As time permits**	Same as LRB:	
For:	**Jeff Stone (608) 266-8590**	By/Representing:	**Justin Phillips**
May Contact:		Drafter:	**agary**
Subject:	**Transportation - highways**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Stone@legis.wisconsin.gov**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Nonconforming outdoor advertising signs

Instructions:

See attached; companion to LRB-1497

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 4/30/2013	scalvin 4/30/2013	rschluet 4/30/2013	_____ _____			
/1				_____ _____	sbasford 4/30/2013		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received:	**4/29/2013**	Received By:	**agary**
Wanted:	**As time permits**	Same as LRB:	
For:	**Jeff Stone (608) 266-8590**	By/Representing:	**Justin Phillips**
May Contact:		Drafter:	**agary**
Subject:	**Transportation - highways**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Stone@legis.wisconsin.gov**
Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Nonconforming outdoor advertising signs ✓

Instructions:

See attached; companion to LRB-1497

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary	/1 sac 04/30/2013	5/13	_____ _____			

FE Sent For:

<END>

Gary, Aaron

From: Hansen, Alex
Sent: Monday, April 29, 2013 2:04 PM
To: Gary, Aaron
Cc: Phillips, Justin
Subject: LRB 1497 Final Form

Aaron,

Could we please get a /1 version of LRB 1497? Also, please draft an Assembly companion for Rep. Jeff Stone.

Thank you.

Alex Hansen
Office of Senator Joe Leibham
Phone: (608) 266-2056
Room 15 South, State Capitol
www.leibhamsenate.com

State of Wisconsin
2013 - 2014 LEGISLATURE

in 4/30

LRB-[redacted] - 2269/1
ARG:sac:ph
stays
RMNR

TODAY

2013 BILL

-1497 was edited yesterday

no changes

gen cat

AN ACT *to create* 84.30 (5) (br) of the statutes; **relating to:** the removal of nonconforming outdoor advertising signs along highways.

Analysis by the Legislative Reference Bureau

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal–aid primary highways, and current state law incorporates these requirements. Current law prohibits, with certain exceptions, the erection or maintenance of outdoor advertising signs within 660 feet of, or otherwise visible (and intended to be visible) from, the main–traveled way of an interstate or federal–aid primary highway. However, various exceptions apply to this prohibition, including exceptions for the following: 1) signs advertising activities conducted on the property on which the sign is located (on–property signs) if certain conditions are met; 2) signs in business areas if certain conditions are met or the signs were erected before March 19, 1972 (business area signs); 3) directional and other official signs meeting certain criteria (directional signs); and 4) certain signs located more than 660 feet from the highway (signs outside the adjacent area).

Under current law, the Department of Transportation (DOT) generally may remove signs that do not conform to applicable requirements but, for each sign removed, must pay just compensation to the owner of the sign and to the owner of the land on which the sign is located. For on–property signs, if the on–property sign was lawful when it was erected but later does not comply with the applicable requirements for on–property signs, DOT must declare the sign to be nonconforming but may not remove the sign unless additional criteria are met. These signs are not subject to removal for changing the advertising message on the sign or performing

customary maintenance on the sign, but are subject to removal, without compensation, if the sign is enlarged, replaced, or relocated or if additional signs are erected. For signs lawfully erected after March 18, 1972, which subsequently become nonconforming, DOT must require removal of the signs, with compensation, by the end of the fifth year after they become nonconforming, but only if there are sufficient funds available to DOT to pay just compensation for the sign removal.

Under this bill, business area signs, directional signs, and signs outside the adjacent area (together referred to as off–property signs) that were lawfully erected but which no longer conform to applicable requirements must be declared nonconforming but are not subject to removal unless additional criteria are met. These nonconforming off–property signs are not subject to removal for changing the advertising message on the sign or performing customary maintenance on the sign. These signs must remain substantially the same as they were on the date they became nonconforming in order to be exempt from removal by DOT although they can have an extension temporarily attached to the sign face if certain conditions are met. "Substantially the same" is defined to mean that, since the sign became nonconforming, no "substantial change" to the sign has been made. "Substantial change" to a sign is defined to mean any of the following: increasing the number of vertical supports; changing the physical location; increasing the square footage or area of the sign face, except by adding a temporary extension meeting certain conditions; adding changeable message capability; or adding lighting to a previously unlit sign. With exceptions, these nonconforming off–property signs are subject to removal, without compensation, if a substantial change is made to the sign or if additional signs are erected. However, under one exception, if DOT considers a change in a sign to be substantial, DOT must give a sign owner notice of the change and if the sign owner removes or eliminates the change within 180 days of the notice then DOT may not remove the sign based on the change. Under another exception, if a nonconforming off–property sign is damaged or destroyed by a criminal or tortious act, the sign may be replaced or repaired. The bill also creates several definitions applicable to these nonconforming off–property signs, including a definition of "customary maintenance."

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 84.30 (5) (br) of the statutes is created to read:

2 84.30 **(5)** (br) 1. In this paragraph:

3 a. "Copy" means the advertising, directional, or other information or images on

4 a sign face created to communicate to the public.

1 b. "Copy change" means the process of substituting copy on a sign face, which
2 may include removing a face and substituting another face or other processes such
3 as painting on wood, metal, or vinyl, affixing printed paper or vinyl to the face,
4 changing the message mechanically, or electronically changing the copy from a
5 remote location.

6 c. "Customary maintenance" on a sign includes nailing, bolting, fastening,
7 cleaning and painting; replacing its components with equivalent or similar
8 components; replacing structural components, including vertical supports; making
9 copy changes; upgrading existing lighting for energy efficiency or worker safety;
10 adding catwalks or handrails to address safety; raising the sign to restore its
11 original height above road–grade; raising the sign to restore visibility of its face after
12 noise barriers have been constructed along a highway; installing an apron to a sign
13 structure to display identification of the sign owner; or replacing the sign face.

14 d. "Destroyed," with respect to a nonconforming sign, means that the cost to
15 repair the sign exceeds 50 percent of the replacement cost of the sign after a single
16 incident necessitating repair.

17 e. "Extension," also known as a "cut–out" or "bump–out," means a device
18 temporarily attached to a sign face in order to expand the area available for copy.

19 f. "Replacement cost" means the cost to build and locate a comparable sign, not
20 including the sign face, based on current market prices for materials and labor, as
21 determined under the then–current agreement between the department and the
22 sign owner governing cost recovery for sign relocation.

23 g. "Sign face" or "face" means the material components of a sign on which the
24 advertising, directional, or other information is displayed including any trim, border,
25 or molding.

1 h. "Substantial change," with respect to a nonconforming sign, means
2 increasing the number of vertical supports; changing the physical location; except as
3 provided in subd. 6., increasing the square footage or area of the sign face; adding
4 changeable message capability; or adding lighting, either attached or unattached, to
5 a sign that previously did not have lights.

6 i. "Substantially the same," with respect to a nonconforming sign, means that
7 no substantial change has been made to the sign since it became nonconforming.

8 2. Notwithstanding par. (b), signs described in sub. (3) (a), (d), (e), (f), or (h)
9 which were lawfully erected but which no longer conform to applicable requirements
10 are declared nonconforming but are not subject to removal, except as provided in
11 subd. 4.

12 3. A sign described in subd. 2. shall remain substantially the same as it was
13 on the date it became nonconforming. To allow a sign described in subd. 2. to exist,
14 to perform customary maintenance on such a sign, or to change the advertising
15 message on such a sign, does not constitute a violation of sub. (3) or (4).

16 4. Except as provided in subds. 5. and 6., to make a substantial change to a sign
17 described in subd. 2. or to erect additional signs shall constitute a violation of subs.
18 (3) and (4) subjecting the sign to removal without compensation, unless upon
19 completion of such work all signs upon the property conform to the requirements of
20 subs. (3) and (4).

21 5. The department shall give a sign owner notice of any change considered by
22 the department to be a substantial change in a sign under subd. 4. If, within 180 days
23 after receiving this notice, the sign owner removes or eliminates the change, the
24 department may not consider the change to be a substantial change in a sign for
25 purposes of subd. 4.

1 6. An addition of an extension to a sign is not a substantial change to the sign
2 if the extension meets all of the following criteria:
3 a. The square footage or area of the extension is 33 percent or less of the total
4 square footage or area of the sign face, prior to the addition of the extension. The area
5 of the extension shall be measured in accordance with the method in sub. (4) (a) 2.
6 b. The extension is added to the sign for a period of not more than 3 years.
7 7. Notwithstanding subds. 3. and 4., if a nonconforming sign is damaged or
8 destroyed by a criminal or tortious act, the sign may be repaired or replaced. If the
9 sign is replaced, the replacement sign may not incorporate any elements that
10 constitute a substantial change from the sign that was damaged or destroyed. The
11 repair or replacement of a sign under this subdivision is not limited to activities
12 constituting customary maintenance.
13 8. A sign described in sub. (3) (a) that is declared nonconforming as provided
14 in subd. 2. may not be converted to any sign described in sub. (3) (d), (e), (f), or (h).
15 **SECTION 2. Initial applicability.**
16 (1) This act first applies to nonconforming signs in existence on the effective
17 date of this subsection.
18 **(END)**

Parisi, Lori

From: Phillips, Justin
Sent: Tuesday, April 30, 2013 12:53 PM
To: LRB.Legal
Subject: Draft Review: LRB -2269/1 Topic: Nonconforming outdoor advertising signs

Please Jacket LRB -2269/1 for the ASSEMBLY.