



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for

2011 LRB-1682 (For: Senator Leibham)

has been transferred to the drafting file for

2013 LRB-1497 (For: Senator Leibham)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 02/05/2013 (Per: ARG)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2011 DRAFTING REQUEST

Bill

Received: 03/17/2011

Received By: agary

Wanted: As time permits

Companion to LRB:

For: Joseph Leibham (608) 266-2056

By/Representing: Sean Stephenson

May Contact:

Drafter: agary

Subject: Transportation - highways

Add. Drafters:

Extra Copies: EVM

Submit via email: YES

Requester's email: Sen.Leibham@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

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	agary 03/18/2011	kfollett 03/22/2011	rschluet 03/22/2011	_____	sbasford 03/22/2011		State
/P2	agary 04/07/2011 agary 07/12/2011	kfollett 04/08/2011	rschluet 04/08/2011	_____ _____ _____	lparisi 04/08/2011		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	agary 07/19/2011	kfollett 07/20/2011	jfrantze 07/20/2011	_____	sbasford 07/20/2011		State
/P4	agary 12/28/2011	kfollett 01/06/2012	rschluet 01/09/2012	_____	sbasford 01/09/2012		State
/P5	agary 06/26/2012	csicilia 07/03/2012	pHenry 07/03/2012	_____	srose 07/03/2012		

FE Sent For:

<END>

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/P2	agary 04/07/2011	kfollett 04/08/2011	rschluet 04/08/2011	_____	lparisi 04/08/2011		State
	agary 07/12/2011		1/3 ph X	_____			

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/P4	agary 12/28/2011	kfollett 01/06/2012	rschluet 01/09/2012	_____	sbasford 01/09/2012		

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PS gjs 7/3
12

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Handwritten notes:
A large handwritten 'S' is written over the 'Typed' column for the /P2 row.
Below the /P2 row, there are handwritten notes: '1P415f', '116', and '16/12'.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	agary 03/18/2011	kfollett 03/22/2011 <i>1/2 kf 4/8</i>	rschuet 03/22/2011 <i>4811</i>	<i>PT</i>	sbasford 03/22/2011		

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1/?	agary	1P/1kf 3/22	9 3/22/11	_____	_____		

FE Sent For:

<END>

Gary, Aaron

From: Stephenson, Sean
Sent: Wednesday, March 16, 2011 6:14 PM
To: Gary, Aaron

Aaron,

The Senator would like an expedited draft of a bill that would amend Wisconsin's law regarding non conforming outdoor signs. Below are the draft instructions.

Call me with any questions.

Sean Stephenson
Chief of Staff
Senator Joe Leibham
1-888-295-8750
Sean.Stephenson@legis.wisconsin.gov

Drafting instructions

- Amend 84.30(5)(bm) regarding nonconforming signs as follows:
 1. Add a definition of "Sign Face" or "Face" from the DOT State Highway Maintenance Manual. Sign face or face: The material components of a sign on which the advertising, directional, or other information is displayed including any trim, border, or molding.
 2. Add a definition of "Copy" from the DOT State Highway Maintenance Manual. Copy: The advertising, directional, or other information or images created to communicate to the public.
 3. Add a definition of "Copy Change" from the DOT State Highway Maintenance Manual. Copy Change: The process of substituting copy on a sign face. This substitution may be accomplished using a variety of processes including, but not limited to, painting on wood, metal, or vinyl, affixing printed paper or vinyl to the face, changing the message mechanically, or electronically changing the copy from a remote location. A copy change may include removing a face and substituting another face.
 4. Add a definition of "Destroyed". Destroyed: A nonconforming sign is destroyed when the cost to repair the sign exceeds 50% of the replacement cost of the sign.
 5. Add a definition of "Replacement Cost". Replacement cost: Cost to build a comparable sign based on current market prices for materials and labor.
 6. Add a definition of "Customary Maintenance" from the FHWA proposed "Customary Maintenance Guidelines". Customary maintenance includes:
 - a. Nailing, cleaning and painting, and replacement of nuts and bolts
 - b. Replacement of structural components, including vertical supports, with the same material up to

50% of the replacement cost of the sign.

- c. Changes to the advertising message or copy
- d. Upgrading existing lighting for energy efficiency or worker safety
- e. Adding catwalks or handrails when required to resolve safety concerns

2. Insert language from the FHWA proposed “Customary Maintenance Guidelines” to clarify when a “Substantial Change” has been made to a nonconforming sign:

“A nonconforming sign must remain substantially the same as it was on the date it became nonconforming. A substantial change to a nonconforming sign” *shall constitute a violation and subject the sign to removal without compensation unless completion of such work on all signs upon the property conforms to the requirements of sub. (3)* (Italicized section is current statutory language).

3. Insert language from the FHWA proposed “Customary Maintenance Guidelines” defining “Substantial Change”:

The following actions would be a substantial change to a nonconforming sign:

- a. Increasing the number of vertical supports
- b. Changing the vertical support materials (such as replacing wooden supports with metal)
- c. Changing the physical location
- d. Changing the configuration of the sign structure (such as changing a stacked to a back-to-back)
- e. Increasing the size or dimensions of the sign face, including the addition of a face
- f. Adding bracing, guy wires or other reinforcing devices
- g. Adding changeable message capability
- h. Adding lighting, either attached or unattached, to a sign that previously did not have lights
- i. Removing or re-erecting the structure

4. Effective date. These changes go into effect immediately and apply retroactively to all nonconforming signs in existence upon passage of the legislation.



500n



in 3/18

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

- 1 AN ACT ...; relating to: the removal of nonconforming outdoor advertising signs
2 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. One exception allows signs advertising activities conducted on the property on which the sign is located (on-property signs) if certain conditions are met.

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. However, 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.

This bill specifies that a nonconforming on-property sign must remain substantially the same as it was on the date it became nonconforming in order to be

exempt from removal by DOT and that making a substantial change to the sign subjects the sign to removal by DOT without compensation. The bill creates several definitions applicable to these signs, including definitions of "substantial change" and "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) (bm) of the statutes is renumbered 84.30 (5) (bm) 2. and
2 amended to read:

3 84.30 (5) (bm) 2. Signs lawfully erected, but which do not conform to the
4 requirements of sub. (3) (c), are declared nonconforming but are not subject to
5 removal, except as otherwise provided in this paragraph subd. 4.

6 3. A sign described in subd. 2. shall remain substantially the same as it was
7 on the date it became nonconforming. To allow such signs a sign described in subd.
8 2. to exist, to perform customary maintenance thereon on such a sign, or to change
9 the advertising message thereof on such a sign, does not constitute a violation of sub.
10 (3), but to.

11 4. To enlarge, replace, or relocate such signs a sign described in subd. 2., to
12 make a substantial change in such a sign, or to erect additional signs, shall constitute
13 a violation of sub. (3) subjecting the sign to removal without compensation, unless
14 upon completion of such work all signs upon the property conform to the
15 requirements of sub. (3).

History: 1971 c. 197; 1975 c. 196, 340, 418; 1977 c. 29 ss. 946, 1654 (1), (8) (a); 1977 c. 43, 273; 1977 c. 418 s. 924 (48); 1979 c. 90 s. 24; 1979 c. 154, 253; 1981 c. 347; 1983 a. 92, 189, 463; 1989 a. 56; 1991 a. 316; 1993 a. 16, 112, 357; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 149, 464; 2007 a. 20.

16 SECTION 2. 84.30 (5) (bm) 1. of the statutes is created to read:

17 84.30 (5) (bm) 1. In this paragraph:

1 a. "Copy" means the advertising, directional, or other information or images on
2 a sign face created to communicate to the public.

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

8 c. "Customary maintenance" on a sign includes nailing, cleaning and painting,
9 and replacement of nuts and bolts; replacing structural components, including
10 vertical supports, with the same material if the cost of this component replacement
11 does not exceed 50 percent of the replacement cost of the sign; making copy changes;
12 upgrading existing lighting for energy efficiency or worker safety; or adding catwalks
13 or handrails when required to resolve safety concerns.

14 d. "Replacement cost" means the cost to build a comparable sign based on
15 current market prices for materials and labor.

16 e. "Sign face" or "face" means the material components of a sign on which the
17 advertising, directional, or other information is displayed including any trim, border,
18 or molding.

19 f. "Substantial change," with respect to a nonconforming sign, means
20 increasing the number of vertical supports; changing the vertical support materials,
21 such as replacing wooden supports with metal; changing the physical location;
22 changing the configuration of the sign structure, such as changing a stacked sign to
23 a back-to-back sign; increasing the size or dimensions of the sign face, including the
24 addition of a face; adding bracing, guy wires, or other reinforcing devices; adding

1 changeable message capability; adding lighting, either attached or unattached, to a
2 sign that previously did not have lights; or removing or re^erecting the structure.

3 **SECTION 3. Initial applicability.**

4 (1) This act first applies to nonconforming signs in existence on the effective
5 date of this subsection.[✓]

6 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1682/P1dn

ARG:...

Date

ATTN: Sean Stephenson

Please review the attached draft carefully to ensure that it is consistent with your intent.

I understand that the drafting instructions are based in part on existing DOT rules and federal regulations. I have tried to keep the language of this draft as close to these rules and regulations as possible. However, for reasons of clarity and drafting protocol, some modifications to the proposed language have been made. In addition, this draft does not include the proposed definition of "destroyed" because the term "destroyed" is not otherwise used in the bill or in current law. Our practice is to not add a defined term unless the term is actually used elsewhere in the statute.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

"destroyed"

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1682/P1dn
ARG:kjf:rs

March 22, 2011

ATTN: Sean Stephenson

Please review the attached draft carefully to ensure that it is consistent with your intent.

I understand that the drafting instructions are based in part on existing DOT rules and federal regulations. I have tried to keep the language of this draft as close to these rules and regulations as possible. However, for reasons of clarity and drafting protocol, some modifications to the proposed language have been made. In addition, this draft does not include the proposed definition of "destroyed" because the term "destroyed" is not otherwise used in the bill or in current law. Our practice is to not add a defined term unless the term is actually used elsewhere in the statute.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Stephenson, Sean
Sent: Monday, April 04, 2011 11:18 AM
To: Gary, Aaron
Subject: Fwd: Nonconforming signs
Aaron-

Can you please call Janet at 262.370.1714 to discuss your drafting concerns.

Thank you! Sgs

Begin forwarded message:

From: "Janet Swandby" <Swandby@swandby.com>
Date: April 4, 2011 11:16:54 AM CDT
To: <Sean.Stephenson@legis.wisconsin.gov>
Cc: "Kathi Kilgore" <Kilgore@swandby.com>
Subject: Nonconforming signs

Sean:

Sorry we played telephone tag on Friday. As I mentioned, Aaron Gary referred to "on-property signs" in his LRB analysis when he meant "off-property signs". In reviewing the draft I understand his not including a definition of "destroyed", but I think it should still be included along with additional language from the DOT maintenance manual about "criminal or tortious acts".

It may be more efficient if you give Aaron permission to give me a call. Either of you can call my cell at 262.370.1714.

Thanks.

Janet

Janet R. Swandby

Swandby/Kilgore Associates, Inc.

608.286.9599

swandby@swandby.com

4/5/11

The w/ Janet Swardby

- wants it to apply to

off-property signs only →

not on-property signs

"destroyed" → will let me know

if DOT rule is OK

Gary, Aaron

From: Janet Swandby [Swandby@swandby.com]
Sent: Wednesday, April 06, 2011 8:11 AM
To: Gary, Aaron
Subject: Nonconforming Sign Draft

Aaron:

Thanks for the phone call yesterday. As we discussed, we would like the bill drafted to apply to nonconforming off-property signs (also known as billboards or outdoor advertising signs). We would also like the proposed definition of "destroyed" to be included in the draft along with language regarding criminal and tortious acts. You asked if the Trans 201 language would be appropriate for the later piece. I've checked the rules and believe that it is too focused on regulatory process. I would propose language that achieves the following:

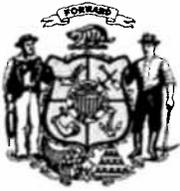
"A nonconforming sign damaged or destroyed by criminal or tortious act may be repaired or replaced. The replacement of such a sign must comply with the restrictions related to "substantial change", but the repairs to such a sign or the construction necessary to replace such a sign are not subject to the restrictions related to customary maintenance."

Please let me know if you have any questions. We look forward to seeing the revised draft.

Many thanks,

Janet

Janet R. Swandby
Swandby/Kilgore Associates, Inc.
608.286.9599
swandby@swandby.com



Wanted
by
4/14



RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 4/7

Regen

- 1 AN ACT *to renumber and amend* 84.30 (5) (bm); and *to create* 84.30 (5) (bm)
- 2 1. of the statutes; **relating to:** the removal of nonconforming outdoor
- 3 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. One exception allows signs advertising activities conducted on the property on which the sign is located (on-property signs) if certain conditions are met.

insert ANAL-A

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. ~~However~~, 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.

X

insert ANAL-B

This bill specifies that a nonconforming on-property sign must remain substantially the same as it was on the date it became nonconforming in order to be exempt from removal by DOT and that making a substantial change to the sign subjects the sign to removal by DOT without compensation. The bill creates several definitions applicable to these signs, including definitions of "substantial change" and "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) (bm) of the statutes is renumbered 84.30 (5) (bm) 2. and
2 amended to read:

3 ~~84.30 (5) (bm) 2. Signs lawfully erected, but which do not conform to the~~
4 ~~requirements of sub. (3) (c), are declared nonconforming but are not subject to~~
5 ~~removal, except as otherwise provided in this paragraph subd. 4.~~

6 ~~3. A sign described in subd. 2. shall remain substantially the same as it was~~
7 ~~on the date it became nonconforming. To allow such signs a sign described in subd.~~
8 ~~2. to exist, to perform customary maintenance thereon on such a sign, or to change~~
9 ~~the advertising message thereof on such a sign, does not constitute a violation of sub.~~
10 ~~(3), but to.~~

11 ~~4. To enlarge, replace, or relocate such signs a sign described in subd. 2., to~~
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15 ~~requirements of sub. (3).~~

16 **SECTION 2.** 84.30 (5) (bm) 1. of the statutes is created to read:

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4 may include removing a face and substituting another face or other processes such
5 as painting on wood, metal, or vinyl, affixing printed paper or vinyl to the face,
6 changing the message mechanically, or electronically changing the copy from a
7 remote location.

8 c. "Customary maintenance" on a sign includes nailing, cleaning and painting,
9 and replacement of nuts and bolts; replacing structural components, including
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insert 3-1

insert 3-13

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3 **SECTION 3. Initial applicability.**

4 (1) This act first applies to nonconforming signs in existence on the effective
5 date of this subsection.

6 (END)

1682
4-2
→

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INSERT 4-2:

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

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

4. To enlarge, replace, or relocate a sign described in subd. 2., to make a substantial change in such a sign, or to erect additional signs, shall constitute a violation of subs. (3) and (4) subjecting the sign to removal without compensation, unless upon completion of such work all signs upon the property conform to the requirements of subs. (3) and (4).

5. Notwithstanding subs. 3. and 4., if a nonconforming sign is damaged or destroyed by a criminal or tortious act, the sign may be repaired or replaced. If the sign is replaced, the replacement sign may not incorporate any elements that constitute a substantial change from the sign that was damaged or destroyed. The repair or replacement of a sign under this subdivision is not limited to activities constituting customary maintenance.

1 **INSERT ANAL-A:**

(not) Another exception allows signs in business areas if certain conditions are met or the signs were erected before March 19, 1972 (business area signs).

2 **INSERT ANAL-B:**

X (not) For business area 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 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 business area 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. These signs are subject to removal, without compensation, if the sign is enlarged, replaced, or relocated, if additional signs are erected, or if a substantial change is made to the sign. However, if a nonconforming business area 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 business area signs, including definitions of "substantial change" and "customary maintenance."

3

4

5 **INSERT 3-1:**

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

7 84.30 (5) (br) 1. In this paragraph:

8

9 **INSERT 3-13:**

10 d. "Destroyed," with respect to a nonconforming sign, means that the cost to
11 repair the sign exceeds 50 percent of the replacement cost of the sign.

7/14

file w/ Janet Swandby

"business area" signs → "off property sign"

"agricultural area or residential area →

some signs not covered by the draft

o she will get back to me and
tell me the other pts in
sub. (3) that I missed

→ if she does, I will
change "business area"
to "off property"

Gary, Aaron

From: Janet Swandby [Swandby@swandby.com]

Sent: Sunday, July 17, 2011 7:47 PM

To: Gary, Aaron

Cc: Moench, Lucas; Kathi Kilgore

Subject: LRB 1682/P2

Aaron:

As we discussed, I reviewed 84.30(3) and the vast majority of affected signs are covered by (d) and (e), but there will be some instances that would be covered by paragraphs (a), (f), and (h). In these three additional paragraphs, the signs could become nonconforming when the State reconfigures a highway and affects spacing requirements and/or changes the "adjacent area".

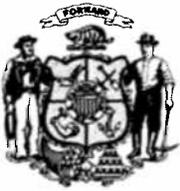
Let me know if you have any questions. I can be reached on my cell at 262.370.1714.

Thanks for your help.

Janet

Janet R. Swandby
Swandby/Kilgore Associates, Inc.
608.286.9599
swandby@swandby.com

7/18/2011



State of Wisconsin
2011 - 2012 LEGISLATURE

5100



LRB-1682/PZ/ P3

ARG:kjf:rs

in
7/19

RMC

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

1 AN ACT to create 84.30 (5) (br) of the statutes; relating to: the removal of
2 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. One exception allows signs advertising activities conducted on the property on which the sign is located (on-property signs) if certain conditions are met. Another exception allows signs in business areas if certain conditions are met or the signs were erected before March 19, 1972 (business area signs).

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

insert
HDL-A

* erected. For business area 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 ^{MSA ANAL-B} 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 business area 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. These signs are subject to removal, without compensation, if the sign is enlarged, replaced, or relocated, if additional signs are erected, or if a substantial change is made to the sign. However, if a nonconforming business area 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 business area signs, including definitions of "substantial change" and "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.

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

10 c. "Customary maintenance" on a sign includes nailing, cleaning and painting,
11 and replacement of nuts and bolts; replacing structural components, including

1 vertical supports, with the same material if the cost of this component replacement
2 does not exceed 50 percent of the replacement cost of the sign; making copy changes;
3 upgrading existing lighting for energy efficiency or worker safety; or adding catwalks
4 or handrails when required to resolve safety concerns.

5 d. "Destroyed," with respect to a nonconforming sign, means that the cost to
6 repair the sign exceeds 50 percent of the replacement cost of the sign.

7 e. "Replacement cost" means the cost to build a comparable sign based on
8 current market prices for materials and labor.

9 f. "Sign face" or "face" means the material components of a sign on which the
10 advertising, directional, or other information is displayed including any trim, border,
11 or molding.

12 g. "Substantial change," with respect to a nonconforming sign, means
13 increasing the number of vertical supports; changing the vertical support materials,
14 such as replacing wooden supports with metal; changing the physical location;
15 changing the configuration of the sign structure, such as changing a stacked sign to
16 a back-to-back sign; increasing the size or dimensions of the sign face, including the
17 addition of a face; adding bracing, guy wires, or other reinforcing devices; adding
18 changeable message capability; adding lighting, either attached or unattached, to a
19 sign that previously did not have lights; or removing or reerecting the structure.

20 2. Notwithstanding par. (b), signs described in sub. (3) ^{(a), (f), or (h)} ~~(d) or (e)~~ which were
21 lawfully erected but which no longer conform to applicable requirements are
22 declared nonconforming but are not subject to removal, except as provided in subd.
23 4.

24 3. A sign described in subd. 2. shall remain substantially the same as it was
25 on the date it became nonconforming. To allow a sign described in subd. 2. to exist,

1 to perform customary maintenance on such a sign, or to change the advertising
2 message on such a sign, does not constitute a violation of sub. (3) or (4).

3 4. To enlarge, replace, or relocate a sign described in subd. 2., to make a
4 substantial change in such a sign, or to erect additional signs, shall constitute a
5 violation of subs. (3) and (4) subjecting the sign to removal without compensation,
6 unless upon completion of such work all signs upon the property conform to the
7 requirements of subs. (3) and (4).

8 5. Notwithstanding subs. 3. and 4., if a nonconforming sign is damaged or
9 destroyed by a criminal or tortious act, the sign may be repaired or replaced. If the
10 sign is replaced, the replacement sign may not incorporate any elements that
11 constitute a substantial change from the sign that was damaged or destroyed. The
12 repair or replacement of a sign under this subdivision is not limited to activities
13 constituting customary maintenance.

14 **SECTION 2. Initial applicability.**

15 (1) This act first applies to nonconforming signs in existence on the effective
16 date of this subsection.

17 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1682/P3ins
ARG:.....

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(no #)

INSERT ANAL-A:

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).

(no #)

INSERT ANAL-B:

, directional signs, and signs outside the adjacent area (together referred to as off-property signs)

3

Gary, Aaron

From: Moench, Lucas
Sent: Thursday, December 22, 2011 11:31 AM
To: Gary, Aaron
Subject: LRB 1682

Attachments: Proposed changes to Nonconforming Sign Bill Draft 12-22-11.doc

Aaron-

We haven't communicated on this issue in a long time, but we are ready to proceed with some modifications to LRB 1682/P3. Attached, please find a document containing the modifications that we would like made. We would like these revisions incorporated into a /P4 draft.

Thanks,

Lucas Moench
Office of State Senator Joe Leibham
9th Senate District
608-266-2056



Proposed
changes to Nonconfor

Proposed changes to Nonconforming Sign Bill Draft

December 2011

Make the following changes to LRB 1682/P3:

1. Change 84.30(5)(br)1c as follows: “Customary maintenance” on a sign includes:
 - a. nailing, cleaning and painting,
 - b. replacement of its components with equivalent or similar components
 - c. replacing structural components, including vertical supports
 - d. making copy changes
 - e. upgrading existing lighting for energy efficiency or worker safety
 - f. adding catwalks or handrails to resolve safety concerns
 - g. raising the sign to restore its original height above road grade (HARG)
 - h. raising the sign to restore visibility of its face after noise barriers have been constructed along a highway.
 - i. installation of an apron to a sign structure to display identification of the sign owner.
 - j. replacing the sign face.
2. Change the definition of “destroyed” in 84.30(5) (br) 1d on page 3, line 6 by adding “after a single incident necessitating repairs.”
3. Change 84.30(5)(br) 1g by deleting the following:
 - a. changing the vertical support materials, such as replacing wooden supports with metal on line 13 and 14.
 - b. adding bracing, guy wires, or other reinforcing devices on line 17.
 - c. or removing or reerecting the structure in line 19.
 - d. “changing the configuration ... back to back” on lines 15 and 16.
3. Add a definition of “substantially the same”. Substantially the same means that no “substantial change” as defined in “g” has been made to the sign since it became nonconforming.
4. Add a provision that allows for a “right to cure” so that a sign owner can remove or eliminate any change to the sign that would violate the sign’s legal nonconforming status (e.g. Removal of a lighting fixture that has been added).
5. Add a provision that any changes that meet the definition of “substantial change” which have been allowed to exist for 10 or more years shall be grandfathered, but could not be repeated on the same sign.