

State of Wisconsin



2017 Assembly Bill 595

Date of enactment: April 16, 2018
Date of publication*: April 17, 2018

2017 WISCONSIN ACT 320

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

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

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

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

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

b. "Copy change" means the process of substituting copy on a sign face, which may include removing a face and substituting another face or other processes such as 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.

c. "Customary maintenance" on a sign includes nailing, bolting, fastening, cleaning, and painting; replacing its components with equivalent or similar components; except as provided in this subd. 1. c., replacing structural components, including upright supports; making copy changes; upgrading existing illumination for energy efficiency or worker safety; adding catwalks or handrails to address safety; installing an apron to a sign structure to display identification of the sign owner; or replacing the sign face. "Customary maintenance" does not include repairs that involve, within a period of 36 consecutive

months, replacing more than 60 percent of the wooden upright supports of a sign or replacing more than 30 percent of the length above ground of each broken, bent, or twisted upright metal support of a sign.

d. "Destroyed," with respect to a nonconforming sign, means that upright supports are physically damaged such that, within a period of 36 consecutive months, in the case of a sign structure with wooden upright supports, more than 60 percent of the supports are broken and, under normal repair practices, would need to be replaced or, in the case of a sign structure with metal upright supports, more than 30 percent of the length above ground of each broken, bent, or twisted support would, under normal repair practices, need to be replaced.

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

f. "Substantial change," with respect to a nonconforming sign, includes increasing the number of upright supports; changing the physical location; increasing the square footage or area of the sign face; adding changeable message capability; or adding illumination, either attached or unattached, to a sign that was previously not illuminated. "Substantial change" does not include customary maintenance.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

2. Notwithstanding par. (a) or (b), signs described in sub. (3) (a), (d), (e), (f), or (h) that were lawfully erected but that no longer conform to applicable requirements are, upon notice by registered mail from the department to the sign owner, declared nonconforming but are not subject to removal, except as provided in subs. 4. and 5.

3. Subject to subd. 4., 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. Except as provided in this subdivision, to make a substantial change to a sign described in subd. 2. or to erect additional signs shall constitute a violation of subs. (3) and (4). In determining whether a change to a sign constitutes a violation of sub. (3) or (4), the department may not consider any changes to that sign that no longer exist. If the department determines that a change to a sign constitutes a violation of sub. (3) or (4), the department

shall notify by registered mail the sign owner and the owner of the property upon which the sign is located of the alleged violation. If the alleged violation is remedied within 60 days of receipt of the notice under this subdivision, the activity does not constitute a violation of sub. (3) or (4).

5. a. Except as provided in subd. 5. b., and notwithstanding subd. 3., a sign described in subd. 2. that is destroyed is subject to removal without compensation.

b. 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.

6. A sign described in sub. (3) (a) that is declared nonconforming as provided in subd. 2. may not be converted to any sign described in sub. (3) (d), (e), (f), or (h).

SECTION 2. Initial applicability.

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