



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 320
[2017 Assembly Bill 595]

**Removal of Nonconforming
Outdoor Advertising Signs**

Generally, nonconforming outdoor advertising signs are signs that were lawfully erected, but do not comply with laws passed at a later date or fail to comply with the law due to changed conditions. Under state and federal law, certain types of nonconforming signs are not subject to removal and may be customarily maintained. Under prior law, pursuant to rules promulgated by the Department of Transportation (DOT), customary maintenance ceased and a substantial change occurred if repairs or maintenance, excluding message changes, on a sign exceeded 50% of the replacement costs of the sign.

2017 Wisconsin Act 320 specifies that certain types of signs, including directional and other official signs, business area signs, and signs located in urban areas outside the adjacent area, that were lawfully erected but that no longer conform to applicable requirements are declared nonconforming upon notice from DOT to the sign owner by registered mail. Such a sign must remain substantially the same as it was on the date it became nonconforming.

Nonconforming signs covered by the Act are not subject to removal unless a substantial change is made to the sign or the sign is destroyed, subject to certain exceptions related to criminal or tortious acts.

Under the Act, a “substantial change” is defined to include any of the following activities:

- Increasing the number of upright supports.
- Changing the physical location.
- Increasing the square footage or area of the sign face.
- Adding changeable message capability.
- Adding illumination, either attached or unattached, to a sign that was not previously illuminated.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

The Act provides that a nonconforming sign would not be subject to removal for customary maintenance or a change to the sign's advertising message. Under the Act, "customary maintenance" includes:

- Nailing, bolting, fastening, cleaning, and painting.
- Replacing a sign's components with equivalent or similar components.
- 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.
- Replacing the sign face.

The Act also specifies that customary maintenance does not include repairs that involve, within a period of 36 consecutive months, replacing more than 60% of the wooden upright supports of a sign or replacing more than 30% of the length above ground of each broken, bent, or twisted upright metal support of a sign.

Under the Act, DOT may not consider any changes to the sign that no longer exist when determining whether a violation of the Act has occurred. If DOT determines a violation has occurred, DOT is required to notify by registered mail the sign owner and the owner of the property on which the sign is located of the alleged violation. If the alleged violation is remedied within 60 days of receipt of the notice, then the activity is not a violation and removal is not warranted.

Effective date: April 18, 2018. The Act first applies to nonconforming signs in existence on April 18, 2018.

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