

Chapter Hy 19

CONTROL OF OUTDOOR ADVERTISING ALONG AND VISIBLE FROM HIGHWAYS ON THE INTERSTATE AND FEDERAL-AID PRIMARY SYSTEMS

Hy 19.001	General	Hy 19.07	Sign permit requirements
Hy 19.01	Effective date of rules	Hy 19.08	Changes in permitted signs
Hy 19.02	Clear vision areas	Hy 19.09	Removals of illegal signs
Hy 19.03	Directional and other official signs	Hy 19.10	Compensation for removals of nonconforming signs
Hy 19.04	Sign criteria	Hy 19.11	Access to permitted signs
Hy 19.05	On-premises signs	Hy 19.12	Signs on federal-aid urban system exempted
Hy 19.06	Signs outside adjacent area but visible from interstate or federal-aid primary systems	Hy 19.13	Severability
		Hy 19.14	Permit fees

History: Chapter Hy 19 as it existed on September 30, 1972 was repealed, and a new chapter Hy 19 was created, Register, September, 1972, No. 201, effective October 1, 1972.

Hy 19.001 General. Pursuant to authority contained in section 84.30, Wis. Stats., as re-created by chapter 197, Laws of 1971, the highway commission adopts the following rules (Wis. Adm. Code sections 19.001 through 19.14) to apply to signs along and visible from the interstate or federal-aid primary systems of highways in Wisconsin. In these rules, commission means highway commission. These rules are so closely associated with the Wisconsin Statutes, and make such extensive reference to section 84.30, Wis. Stats., that it is essential to refer to both these rules and the law in order to apply the controls. References to section 84.30, Wis. Stats., refer to section 84.30 thereof as repealed and re-created by chapter 197, Laws of 1971.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.01 Effective date of rules. Pursuant to section 227.023 [227.026], Wis. Stats., these rules are effective the first day of the month following publication.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.02 Clear vision areas. Requirements for the preservation of unobstructed driver vision are established by sections 86.191, 84.30 (4) (b), Wis. Stats., and by these rules. No sign shall exist or remain in non-conformance with those requirements.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.03 Directional and other official signs. The following standards apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right-of-way of a highway on the interstate or federal-aid primary systems, and which are visible from the main traveled way of such highway. These standards do not apply to directional and other official signs erected on the highway right-of-way.

(1) **DEFINITIONS.** (a) "Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes

interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.

(b) "Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(c) "Directional and other official signs and notices" includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.

(d) "Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(e) "Public utility signs" means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(f) "Service club and religious notices" means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

(g) "Public service signs" means signs located on school bus stop shelters, which signs:

1. Identify the donor, sponsor, or contributor of said shelters:
2. Contain safety slogans or messages, which shall occupy not less than 60% of the area of the signs;
3. Contain no other message:
4. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved: and
5. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

(h) "Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(2) **CRITERIA FOR DIRECTIONAL AND OTHER OFFICIAL SIGNS.** (a) *Prohibited signs:*

1. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities.

2. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

3. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

4. Obsolete signs.

5. Signs which are structurally unsafe or in disrepair.

6. Signs which move or have any animated or moving parts.

7. Signs located in rest areas, parklands or scenic areas.

(b) *Size.* 1. No sign shall exceed the following limits:

a. Maximum area—150 square feet.

b. Maximum height—20 feet.

c. Maximum length—20 feet.

All dimensions include border and trim, but exclude supports.

(c) *Lighting.* Signs may be illuminated, subject to the following:

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.

2. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

3. No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(d) *Spacing.* 1. Each location of a directional sign must be approved by the state highway department.

2. No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

3. No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.

4. a. No 2 directional signs facing the same direction of travel shall be spaced less than 1 mile apart;

b. Not more than 3 directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;

c. Signs located adjacent to the interstate system shall be within 75 air miles of the activity; and

d. Signs located adjacent to the primary system shall be within 50 air miles of the activity.

(e) *Message content.* The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

(f) *Selection methods and criteria.* 1. Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.

2. To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.04 Sign criteria. Signs within the adjacent area shall conform to the requirements of section 84.30 (4), Wis. Stats., and to these rules. On non-freeway federal-aid primary highways outside of cities and villages, no sign may be adjacent to or within 300 feet of an interchange, intersection at grade, safety rest area, or wayside. Said 300 feet shall be measured along the highway from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way of the primary highway.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.05 On-premises signs. On-premises signs are signs located on the premises of the advertised activity and within 50 feet of such activity. On-premises signs within incorporated areas of cities and villages are excluded from this control, but are subject to applicable local zoning. Except within incorporated areas of cities or villages, signs advertising activities which are conducted on the premises they occupy may be permitted. No single activity shall have in excess of one advertising exposure to traffic proceeding in any one direction on any interstate or federal-aid primary highway, and all such signs must be within 50 feet of the advertised activity. All measurements to establish such distance qualification shall be from the outer edges of the regularly used buildings, parking lots, or when appropriate to the nature of the particular activity, from storage, service, processing or landscaped areas.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.06 Signs outside the adjacent area but visible from the interstate or federal-aid primary systems. Signs which are outside the adjacent area but visible from a travel lane of an interstate highway or a highway on the federal-aid primary system are prohibited, except as they conform to the following criteria:

(1) Signs which are so located but which were erected and existing on or before the date of March 18, 1972. However, no such sign shall be *increased* to a size which exceeds the size criteria set forth through section 19.06 (2) (c), below; nor contain or include any flashing or intermittent light or lights. Also, no such sign shall, if extensively damaged or dismantled, be re-erected except as permitted by the

DEPT. OF TRANSPORTATION—DIV. OF HIGHWAYS 136-1

commission and in conformance with all criteria established for signs outside of the adjacent area. A sign shall be regarded as extensively damaged or dismantled if it is 60% or more damaged or otherwise dismantled, regardless of cause.

(2) Signs erected or proposed for erection along or adjacent to interstate highways and freeways on the federal-aid primary system, subsequent to March 18, 1972, which conform to the following criteria:

(a) Signs which are substantially supported, well-maintained, and slightly in appearance.

(b) Signs which, if illuminated, include, contain, or employ no flashing or intermittent light or lights (except such as the commission may determine to be consistent with the intent expressed through section 84.30 (4) (b) 1, Wis. Stats.) nor employ lighting in any manner adverse to the safety of the traveling public.

(c) Signs which are less than 60 feet in length, 30 feet in height, and no more than 1400 square feet in area.

(d) Between interchanges less than 4 miles apart there shall be no signs which are outside of the adjacent area and visible from a travel lane of an interstate highway or a freeway on the federal-aid primary system. Between interchanges which are 4 or more miles apart no sign shall be any nearer to any other sign than 4 miles, nor nearer to any interchange than one mile. For purposes of distance calculation, the respective highway sides shall be regarded individually.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.07 Sign permit requirements. Requests may be submitted to the commission for permits to erect or maintain specific signs at defined locations in a manner to be visible from a travel lane of an interstate highway or federal-aid primary highway. A separate application shall be presented to describe each such sign proposed, shall be presented on forms furnished by the commission, and shall include all information and exhibits which the application form requires.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.08 Changes in permitted signs. State permitted signs may be changed in size, lighting, shape, color scheme or copy subject to compliance with the following criteria:

(1) No change shall result in signing which violates any of the criteria in section 84.30 (Rev. 1971), Wis. Stats., or these rules. Any sign which is found to be in non-compliance will be required to be altered to conform, or removed, at the expense of the owner thereof.

(2) Any proposal to change the location of any state permitted sign must be approved by the commission in advance of the physical accomplishment of the change. To propose a change of this kind, the applicant shall submit a complete new permit application together with a request that the prior permit (identified by its number) be cancelled and superseded by the new application.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.09 Removals of illegal signs. Any sign erected after March 18, 1972, and not permitted by the commission, or permitted signs

which subsequently become nonconforming with respect to section 84.30, Wis. Stats., or these rules, shall be removed in accordance with section 84.30 (11), Wis. Stats.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.10 Compensation for removals of nonconforming signs. Nonconforming signs, as defined by section 84.30 (5), Wis. Stats., shall be eliminated as the statutes define. Eligibility for compensation for such removal and the extent of compensation paid therefore shall be in accordance with state acquisition procedures.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.11 Access to permitted signs. No person shall gain access to any permitted sign from the travel lane, interchange ramp, or right of way of any interstate highway or freeway on the federal-aid primary system.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.12 Signs on federal-aid urban system exempted. Signs which are along and visible from highways which are on the specific system designated as the "federal-aid urban system" are exempted provided such signs are not also visible from an interstate or federal-aid primary highway not on the "federal-aid urban system."

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.13 Severability. If any provision or clause of these rules is held invalid or inapplicable to any person or circumstance, such invalidity shall not affect other provisions or applications of these rules which can be given effect without such invalid provision or application, and to this end the provisions of this section are declared to be severable.

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.

Hy 19.14 Permit fees. Signs erected after March 18, 1972 and found to comply with section 84.30 (Rev. 1971), Wis. Stats., and with these rules, will be permitted upon payment of a permit issuance fee. This permit issuance fee schedule may be adjusted by the commission as necessary to offset administrative costs, but is initially established as follows:

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| (1) Signs 8 square feet & less ----- | \$ 5. |
| (2) Signs 9 to 32 square feet, Inclusive ----- | \$ 10. |
| (3) Signs 33 to 150 square feet, Inclusive ----- | \$ 20. |
| (4) Signs 151 to 1200 square feet, Inclusive ----- | \$ 50. |
| (5) Signs over 1200 square feet ----- | \$100. |

History: Cr. Register, September, 1972, No. 201, eff. 10-1-72.