



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 230**  
[2011 Assembly Bill 216]

### **Maintenance and Removal of Roadside Vegetation Obstructing the View of Outdoor Advertising**

The Department of Transportation (DOT) is responsible for maintaining the rights-of-way of highways that are under its jurisdiction. As a part of this responsibility, the DOT administers a permit system for the maintenance and removal, by sign owners, of vegetation obstructing the view of signs.

2011 Wisconsin Act 230 makes several changes to the DOT's permit system for the maintenance and removal of vegetation by sign owners. The Act does all of the following:

- Replaces various sign viewing standards that existed under prior law, with a single standard.
  - Under prior law, the DOT applied various standards when determining whether to issue a permit for the trimming, removal, or relocation of vegetation located in the rights-of-way of highways under its jurisdiction that obstructed a sign. These different standards took into account several factors, including all of the following: the distance of the sign from another sign, the distance along the highway that the entire face of the sign was continuously viewable, whether or not there is an unobstructed view of the sign in close proximity, and whether or not the sign was located in a zoned industrial area.
  - The Act creates a single standard. A sign owner is eligible for a permit to trim or remove vegetation if, for a distance of 500 continuous feet within the 1,000 foot distance motorists travel immediately before reaching the sign, the vegetation obstructs the view of any portion of the face of the sign.
- Requires the DOT to issue permits to all eligible applicants. (Prior law provided that the DOT “may” issue permits to eligible applicants.)

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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.state.wi.us/>.

- Limits the DOT to allowing permits that authorize trimming and removing vegetation. Prior law allowed a permittee to trim, relocate, or remove vegetation; the Act eliminates the option to relocate vegetation.
- Requires a permittee that removes vegetation with a diameter of four inches or more to plant replacement vegetation to compensate for the vegetation removed. The vegetation must be planted within 10 miles of the removal in a location determined by the DOT.
- Imposes the responsibility on a permittee that removes vegetation from the highway right-of-way to also remove the vegetation's stump and dispose of all vegetation removed.
- Provides that the DOT's permit system for maintenance and removal of vegetation also applies to any sign that is attached to a building or similar structure that is within 100 feet of the highway right-of-way if the sign advertises activities conducted on the property where it is located.
- Provides that if vegetation that serves as snow fence is removed, the permittee must replace the vegetation with an equally effective substitute. (The substitute may be synthetic or artificial.)
- Requires all trimming to be performed in compliance with applicable standards of the American National Standards Institute.
- Eliminates a requirement under prior law that under certain conditions a sign owner must at the time of application provide written notice to any adjacent property owner and to the applicable municipality.
- Eliminates a requirement under prior law that the DOT must, within 30 days of receiving an application, determine whether the permit application is complete and return it to the applicant if it is incomplete.
- Eliminates a prohibition under prior law against trimming, removing, or relocating vegetation obstructing the view of a sign if that vegetation existed prior to the erection of a sign. Instead, the Act provides that the DOT may not issue a permit to trim or remove vegetation obstructing the view of a sign that is less than five years old (from the date when the DOT first collected the sign's permit fee).
- Eliminates a provision under prior law that allowed the DOT to require work authorized under a permit to meet certain standards established by the DOT. However, the DOT retains its authority to supervise and determine how the work authorized under the permit is carried out.
- Provides that all trimming and removal of vegetation, as well as planting of replacement vegetation, must be conducted within the hours of the day and days of the week specified by the DOT in the permit.

- Allows the DOT to impose conditions or restrictions on a permit under certain circumstances, if the permit application seeks authorization for the trimming or removal of vegetation at or with respect to any of the following:
  - An archaeological site.
  - A location that is part of a known habitat of an endangered species.
  - A location where the vegetation serves as a junkyard screen.
- Allows the DOT to deny an application to trim or remove vegetation if the DOT has issued an order to remove a sign and the removal order was received by the sign owner prior to the DOT's receipt of the application.
- Eliminates the distinction under prior law between "planted vegetation," "natural vegetation," and "specimen trees." Under the Act, the term "vegetation" encompasses each of them.
- Expands the definition of "vegetation," for the purposes of the Act, to include grass.

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