



2005 SENATE BILL 77

February 22, 2005 - Introduced by Senators **RISSER**, **CARPENTER** and **MILLER**, cosponsored by Representatives **BLACK**, **BOYLE**, **BENEDICT**, **LEHMAN** and **POPE-ROBERTS**. Referred to Committee on Natural Resources and Transportation.

- 1 **AN ACT to amend** 84.30 (3) (e) and 84.30 (4) (intro.) of the statutes; **relating to:**
2 prohibiting the erection of certain new off-premises outdoor advertising signs
3 along interstate and federal-aid primary highways.

Analysis by the Legislative Reference Bureau

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal-aid primary (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 beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or primary highway. The exceptions to this prohibition include (with some restrictions):

1. Directional and other official signs, including signs relating to natural wonders and scenic and historical attractions.
2. Landmark signs.
3. Signs advertising the sale or lease of property on which the signs are located.
4. On-premises signs, which are signs advertising activities conducted on the property where the signs are located.
5. Signs located beyond 660 feet of the highway in urban areas.
6. Signs located within 660 feet of the highway in areas zoned for business, industrial, or commercial activities, or in unzoned areas used for commercial or industrial activities, that were in existence on March 18, 1972.
7. Signs located within 660 feet of the highway in areas zoned for business, industrial, or commercial activities, or in unzoned areas used for commercial or

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industrial activities, that were erected after March 18, 1972. These signs must comply with certain size, lighting, and spacing requirements.

8. Certain signs erected on farm buildings.

This bill freezes, as of the effective date of the bill, the application of the exception under item 7., identified above, to signs in existence on the bill's effective date, thereby prohibiting the erection of signs under that exception after the bill's effective date. Signs erected under this exception prior to the bill's effective date may continue to be maintained and to vary their advertising and informative displays.

For further information see the *state and local* 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 (3) (e) of the statutes is amended to read:

2 84.30 (3) (e) Signs ~~to be~~ erected in business areas subsequent to March 18, 1972
3 ~~which when erected will, but before the effective date of this paragraph~~ [revisor
4 inserts date], that comply with sub. (4).

5 **SECTION 2.** 84.30 (4) (intro.) of the statutes is amended to read:

6 84.30 (4) SIGN CRITERIA. (intro.) The department shall effectively control or
7 cause to be controlled, the erection and maintenance of outdoor advertising signs,
8 displays, and devices that are erected subsequent to March 18, 1972, but before the
9 effective date of this subsection [revisor inserts date], in all business areas.
10 Whenever a bona fide county or local zoning authority has made a determination of
11 customary use, as to size, lighting, and spacing such determination may be accepted
12 in lieu of controls by agreement in the zoned commercial and industrial areas within
13 the geographical jurisdiction of such authority. In all other business areas, the
14 criteria set forth below shall apply:

15 **SECTION 3. Effective date.**

