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LRB-2260/1 ARG:nwn:jf

# 2009 ASSEMBLY BILL 242

April 30, 2009 – Introduced by Representatives Staskunas, Fields, Friske, Gunderson, Honadel, Smith, Soletski, Spanbauer, Van Roy, Vos and Zepnick, cosponsored by Senators Kreitlow, Taylor, Grothman, Hansen, Kapanke, Leibham, Olsen and Plale. Referred to Committee on Transportation.

1 AN ACT *to amend* 84.30 (5) (bm); and *to create* 84.30 (5) (e) of the statutes;

**relating to:** the removal of nonconforming outdoor advertising signs.

## Analysis by the Legislative Reference Bureau

The federal Highway Beautification Act requires states to restrict advertising along interstate and federal—aid 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 otherwise visible (and intended to be visible) from, the main—traveled way of an interstate or federal—aid primary highway. The Department of Transportation may remove signs that do not conform to applicable requirements but, for each sign removed, must pay just compensation to the owner of the sign and to the owner of the land on which the sign is located. Current law permits customary maintenance of certain nonconforming signs but, if the nonconforming sign is enlarged, replaced, or relocated, the sign may be removed without compensation.

This bill provides that any nonconforming sign may be removed without compensation if the costs of repairing and maintaining the sign within any 36 consecutive months exceed 50 percent of the replacement costs of the sign and that such repairs and maintenance do not constitute customary maintenance.

For further information see the *state* 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:

#### **ASSEMBLY BILL 242**

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**SECTION 1.** 84.30 (5) (bm) of the statutes is amended to read:

84.30 **(5)** (bm) Signs lawfully erected, but which do not conform to the requirements of sub. (3) (c), are declared nonconforming but are not subject to removal, except as otherwise provided in this paragraph and par. (e). To allow such signs to exist, to perform customary maintenance thereon or to change the advertising message thereof, does not constitute a violation of sub. (3), but to enlarge, replace or relocate such signs, or to erect additional signs, shall constitute a violation subjecting the sign to removal without compensation, unless upon completion of such work all signs upon the property conform to the requirements of sub. (3).

**Section 2.** 84.30 (5) (e) of the statutes is created to read:

84.30 **(5)** (e) Notwithstanding sub. (6), any sign declared nonconforming under this subsection shall be subject to removal without compensation if the costs of repairs and maintenance to the sign within any 36–consecutive–month period exceed 50 percent of the replacement costs of the sign. Such repairs and maintenance do not constitute customary maintenance for the purposes of this subsection.

### **SECTION 3. Initial applicability.**

(1) This act first applies to the 36-consecutive-month period immediately preceding the effective date of this subsection.

#### **SECTION 4. Effective date.**

(1) This act takes effect on the first day of the first month beginning after publication.

22 (END)