



2011 SENATE BILL 493

February 20, 2012 – Introduced by Senator LASEE, cosponsored by Representatives JACQUE, BERNIER, CRAIG, STEINEKE, THIESFELDT, VAN ROY and WYNN. Referred to Committee on Transportation and Elections.

1 **AN ACT** *to renumber and amend* 84.30 (5r) (a); *to amend* 84.30 (5r) (title),
2 84.30 (5r) (b) and 84.30 (5r) (c); and *to create* 84.30 (5r) (a) 1. and 84.30 (5r) (e)
3 of the statutes; **relating to:** outdoor advertising signs that are relocated
4 because of state highway projects.

Analysis by the Legislative Reference Bureau

Under current law, if a highway project of the Department of Transportation (DOT) causes the realignment of an outdoor advertising sign that does not conform to a local ordinance (sign), the realignment does not affect the sign's nonconforming status under the ordinance. "Realignment" is defined as relocation on the same site. If DOT proposes the realignment of a sign in connection with a highway project, DOT must notify the municipality or county that adopted the ordinance to which the sign does not conform of the sign's proposed realignment. The municipality or county may then petition DOT to condemn the sign instead of realigning the sign, but must pay DOT for certain costs of condemnation if DOT succeeds in condemning the sign.

This bill expands these provisions to relocation of a sign to a new location within the same municipality, not just on the same site. The bill also specifies that relocation of a sign means either the dismantling and moving of the sign or the removal of the sign and erection of a replacement sign constructed of new materials. The bill also requires all of the following with respect to relocation of a sign caused by a DOT highway project: 1) that the size of the sign face, and the number of sign faces on the sign, after relocation must be the same as prior to relocation; 2) that the height of the sign, as measured from road-grade level, after relocation must be equal

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to or greater than prior to relocation; and 3) that the new location for the sign must meet all requirements for a sign permit.

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 (5r) (title) of the statutes, as created by 2011 Wisconsin Act
2 32, is amended to read:

3 **84.30 (5r) (title)** SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE
4 ~~REALIGNED~~ RELOCATED BECAUSE OF STATE HIGHWAY PROJECTS.

5 **SECTION 2.** 84.30 (5r) (a) of the statutes, as created by 2011 Wisconsin Act 32,
6 is renumbered 84.30 (5r) (a) (intro.) and amended to read:

7 **84.30 (5r) (a) (intro.)** In this subsection, “~~realignment~~” means relocation on the
8 same site:

9 2. “Relocation” means the dismantling and moving of a sign to a new location
10 within the same municipality or the removal of a sign and erection of a replacement
11 sign, constructed of new materials, at a new location within the same municipality.

12 **SECTION 3.** 84.30 (5r) (a) 1. of the statutes is created to read:

13 **84.30 (5r) (a) 1.** “Municipality” means a city, village, or town.

14 **SECTION 4.** 84.30 (5r) (b) of the statutes, as created by 2011 Wisconsin Act 32,
15 is amended to read:

16 **84.30 (5r) (b)** If a highway project of the department causes the ~~realignment~~
17 relocation of a sign that does not conform to a local ordinance, the ~~realignment~~
18 relocation shall not affect the sign’s nonconforming status under the ordinance.

19 **SECTION 5.** 84.30 (5r) (c) of the statutes, as created by 2011 Wisconsin Act 32,
20 is amended to read:

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1 **84.30 (5r) (c)** If in connection with a highway project of the department the
2 department proposes the ~~realignment~~ relocation of a sign that does not conform to
3 a local ordinance, the department shall notify the governing body of the municipality
4 or county where the sign is located and which adopted the ordinance of the sign's
5 proposed ~~realignment~~ relocation. Upon receiving this notice, the governing body
6 may petition the department to acquire the sign and any real property interest of the
7 sign owner. If the department succeeds in condemning the sign, the governing body
8 that made the petition to the department shall pay to the department an amount
9 equal to the condemnation award, less relocation costs for the sign that would have
10 been paid by the department if the sign had been ~~realigned~~ relocated rather than
11 condemned. Notwithstanding s. 86.30 (2) (a) 1. and (b) 1., 1g., and 1r., if the
12 governing body fails to pay this amount, the department may reduce the
13 municipality's or county's general transportation aid payment under s. 86.30 by an
14 equal amount.

15 **SECTION 6.** 84.30 (5r) (e) of the statutes is created to read:

16 **84.30 (5r) (e)** If a highway project of the department causes the relocation of
17 a sign that does not conform to a local ordinance, all of the following shall apply with
18 respect to relocation of the sign:

19 1. The size of the sign face, and the number of sign faces on the sign, after
20 relocation shall be the same as prior to relocation.

21 2. The height of the sign, as measured from road-grade level of the highway
22 from which motorists are intended to view the sign, after relocation shall be equal
23 to or greater than prior to relocation.

24 3. The new location for the sign shall meet all requirements for a sign permit
25 under this section, to the extent the department issues permits for signs.

