



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 594

Assembly Amendment 3

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2017 ASSEMBLY BILL 594

Assembly Bill 594 concerns outdoor advertising signs that do not conform to local ordinances (nonconforming signs) and are affected by certain transportation projects. Under current law, if a highway project of the Department of Transportation (DOT) causes the realignment of a nonconforming sign, the realignment does not affect the sign's nonconforming status under the ordinance. Current law defines "realignment" as relocation on the same site.

Under current law, if DOT proposes realignment of a nonconforming sign in connection with a DOT highway project, DOT must notify the governing body of the municipality or county where the sign is located and which adopted the ordinance of the sign's proposed realignment. Upon receiving the notice, the governing body may petition DOT to acquire the sign and any real property interest of the owner. If DOT succeeds in condemning the sign, the petitioning governing body must pay DOT an amount equal to the condemnation award, less relocation costs for the sign that would have been paid by DOT if the sign had been realigned rather than condemned.

Assembly Bill 594 replaces the term "realignment" with the terms "reposition" and "transfer." "Reposition" is defined as removing a sign and erecting the sign or a replacement sign on the same parcel not more than 25 feet in either direction, measured parallel to the roadway, and not more than 660 feet, measured perpendicular to the roadway, from the location from which the sign is removed. "Transfer" is defined as removing a sign and erecting the sign or a replacement sign within the same municipality.

Under the bill, if, in connection with a transportation project for which DOT has allocated state or federal funds (state project), DOT proposes the repositioning or transfer of a nonconforming sign and the sign owner elects to reposition or transfer the sign, DOT must notify the governing body of the municipality or county where the sign is located and which adopted the ordinance of the sign's proposed repositioning or transfer. The bill retains the remaining process that exists under

current law, which allows the governing body to, upon receiving the notice, petition DOT to acquire the sign and any real property interest of the owner. If DOT succeeds in condemning the sign, the petitioning governing body must pay DOT an amount equal to the condemnation award, less relocation costs for the sign that DOT would have paid had the sign been repositioned or transferred rather than condemned.

The bill provides that a sign's nonconforming status under an ordinance is not affected, if any of the following applies:

- The sign is repositioned.
- If the sign cannot be repositioned, the sign is transferred to a parcel on the same highway within the municipality.
- If the sign cannot be transferred to a parcel on the same highway, the sign is transferred to another parcel to which the sign owner and the municipality agree the sign may be transferred.

The bill further provides that if a state project reduces the visibility of a nonconforming sign, the sign's nonconforming status under an ordinance is not affected, if any of the following applies:

- The sign is repositioned.
- If the sign cannot be repositioned, the sign face is raised, lowered, or rotated so as to provide substantially the same view of the sign from the roadway from which motorists are intended to view the sign as existed before the project.
- If the sign cannot be repositioned and the sign face cannot be adjusted to provide substantially the same view, the sign is transferred.

Finally, under the bill, if a sign is repositioned or transferred, the size of the sign face and the number of sign faces must be the same as on the sign before repositioning or transfer, but the sign's height may be different, at the option of the sign owner.

ASSEMBLY AMENDMENT 3

Assembly Amendment 3 provides that if, in connection with a state project, a nonconforming sign is adjusted, repositioned, or transferred, DOT must pay the sign owner the costs of adjusting, repositioning, or transferring the sign.

BILL HISTORY

Representative Vorpagel offered Assembly Amendment 3 on February 13, 2018. On February 15, 2018, the Assembly Committee on Transportation recommended adoption of Assembly Amendment 3 on a vote of Ayes, 9; Noes, 4; and passage of Assembly Bill 594, as amended, on a vote of Ayes, 9; Noes, 4.

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