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CERTIFICATE


STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Secretary of the Highway Commission, and custodian of the official records of said commission do hereby certify that the annexed rules relating to the control of outdoor advertising signs, were duly approved and adopted by this commission on September 20, 1976.

I further certify that said copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have set my hand at the Hill Farms State Office Building in the City of Madison, this 20 day of September A.D. 1976.



John W. Fuller, Secretary
Highway Commission

ORDER OF THE HIGHWAY COMMISSION
ADOPTING, AMENDING AND REPEALING RULES

Pursuant to authority vested in the Highway Commission by section 84.30 (14), Wis. Stats., the Highway Commission hereby repeals, amends, and adopts rules as follows:

1. Section Hy 19.001 of the Wis. Adm. Code is amended to read:

Hy 19.001 GENERAL. Pursuant to authority contained in ~~section-84-30~~ sections 84.30 and 86.19, Wis. Stats., ~~as recreated-by-chapter-1977-laws-of-1971~~ the highway commission adopts the following rules ~~(Wis.-Adm.-Code-sections-19-001 through-19-14)~~ to apply to signs along and visible from the interstate or federal-aid primary systems of highways in Wisconsin. ~~In-these-rules,-commission-means-highway-commission-~~ These rules are so closely associated with the Wisconsin statutes, and make such extensive reference to section 84.30, Wis. Stats., that it is essential to refer to both these rules and the law in order to apply the controls. ~~References-to section-84-30,-Wis.-Stats.-refer-to-section-84-30-thereof as-repealed-and-re-created-by-chapter-1977-laws-of-1971-~~

2. Section Hy 19.005 of the Wis. Adm. Code is adopted to read:

Hy 19.005 DEFINITIONS. (1) "Back-to-back", "side-by-side", "bottom-on-top" and "V-shaped" signs means signs which are physically contiguous and which share a common structure, in whole or in part, or are located not more than 15 feet apart at their nearest point in cases of "back-to-back" or "V-shaped" signs.

(2) "Commission" means the highway commission.

(3) A sign shall be presumed to be designed, erected or intended to be read from the main-traveled way if an advertising message on the sign is readable from the main-traveled way by a person having normal visual acuity traveling at the speed limit.

(4) "Zoned" includes the establishment of districts without restrictions on use.

3. Section Hy 19.006 of the Wis. Adm. Code is adopted to read:

Hy 19.006 LICENSING. The licensing requirement under section 84.30 (10), Wis. Stats., applies to persons who erect or maintain on-property signage as well as to persons who erect or maintain off-premise advertising signs. Persons who erect or maintain signs for the purpose of advertising their own business are not subject to the licensing requirement. The licensing requirement does not apply to persons who erect 2 or less signs during the calendar year. Any person who violates the licensing requirement shall be required to forfeit not less than \$500 nor more than \$1000. Violations shall be referred to the proper district attorney for prosecution.

4. Section Hy 19.03 (title) and (intro.) of the Wis. Adm. Code is amended to read:

Hy 19.03 (title) DIRECTIONAL AND OFFICIAL SIGNS. (intro.) The following standards apply to directional and ~~other~~ official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right of way of a highway on the interstate or federal-aid primary systems, and which are visible from the main traveled way of such an interstate or primary highway. These standards do not apply to directional and ~~other~~ official signs erected on the highway right-of-way.

5. Section Hy 19.03 (1) (g) 2 of the Wis. Adm. Code is amended to read:

Hy 19.03 (1) (g) 2. Contain ~~safety-slogans-or~~ public service messages, which shall occupy not less than 60% 50% of the area of the signs;

6. Sections Hy 19.05 and 19.06 of the Wis. Adm. Code are repealed.

7. Section 19.08 (1) of the Wis. Adm. Code is amended to read:

Hy 19.08 (1) No change shall result in signing which violates ~~any-of-the-criteria-in~~ section 84.30 (~~rev.--1971~~), Wis. Stats., or these rules. Any sign which is found to be in non-compliance will be required to be altered to conform, or removed, at the expense of the owner thereof.

8. Section 19.09 of the Wis. Adm. Code is repealed and recreated to read:

Hy 19.09 REMOVAL OF ILLEGAL SIGNS. Any sign erected after October 1, 1972, without a permit having been granted therefor, and any nonconforming sign which subsequently violates section 84.30, Wis. Stats., or these rules, shall be subject to removal as an illegal sign. Upon removal of an illegal sign, the owner of the sign shall be given 30 days in which to salvage the sign upon payment of actual reasonable costs incurred in removing the sign. If not salvaged, the sign may be disposed of as the commission deems appropriate.

9. Section 19.10 of the Wis. Adm. Code is repealed and recreated to read:

Hy 19.10 REMOVAL OF NONCONFORMING SIGNS. (1) Nonconforming signs, as defined by section 84.30 (5), Wis. Stats., shall be eliminated in accordance with section 84.30, Wis. Stats., and these rules. Compensation for removal of a nonconforming sign shall be paid in accordance with sections 84.30 (6) to (8), Wis. Stats., provided the sign has complied with the conditions in sub. (2).

(2) In order to lawfully maintain and continue a nonconforming sign, or a so-called grandfathered sign under sec. 84.30 (3) (d), Stats., the following conditions apply:

(a) The sign must have been actually in existence at the time the applicable state law became effective, except where a permit for the construction of a sign was granted by the state prior to the effective date of the state law and the sign owner acted in good faith and expended sums in reliance thereon. This exception shall not apply in instances where large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a state control law.

(b) There must be existing property rights in the sign affected by the state law.

(c) The sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be re-established at a new location as a nonconforming use.

(d) The sign must have been lawful on the effective date of the state law and must continue to be lawfully maintained.

(e) The sign must remain substantially the same as it was on the effective date of the state law, and may not be enlarged. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would terminate nonconforming rights. Customary maintenance ceases and a substantial change occurs if repairs or maintenance, excluding message changes, on a sign exceeds 50% of the replacement costs of the sign.

(f) The sign may continue as long as it is not destroyed, abandoned or discontinued. A sign shall be considered destroyed if it is damaged in excess of 50% of its replacement cost. Any sign destroyed by criminal or tortious acts may be replaced upon a showing by the sign owner that the sign was so destroyed and upon written approval from the district office. Applications for replacement signs shall be submitted to the district office. If the district office fails to send notice of its decision within 10 days after it receives an application, the sign owner may assume that replacement has been approved. As an alternative to replacement, the district office and sign owner may negotiate for the acquisition of the sign which was so destroyed. Approvals of replacements shall contain such terms and conditions as are necessary to ensure that the replacement sign is essentially the same as the sign destroyed. A sign is abandoned or discontinued if for a period of 12 months or longer it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair, provided that any period of involuntary discontinuance which occurs during the period a highway is closed shall not be considered. A sign is abandoned if the name of the owner does not appear thereon and if the name and address of the current owner are not readily ascertainable from records on file with the commission.

(3) Since the provisions of sub. (2) reflect the law of this state with respect to the treatment of nonconforming uses and the derivative policy of the commission with respect to nonconforming signs, the adoption of sub (2) shall not be construed to affect the applicability or validity of such state law or derivative policy prior to the adoption of sub. (2).

10. Section Hy 19.14 (intro.) of the Wis. Adm. Code is amended to read:

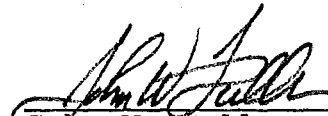
Hy 19.14 PERMITS FEES. Signs erected after March 18, 1972 and found to comply with section 84.30 ~~(Rev.--1971)~~ Wis. Stats., and with these rules, will be permitted upon payment of a permit issuance fee. This permit issuance fee schedule may be adjusted by the commission as necessary to offset administrative costs, but is initially established as follows:

11. Section Hy 19.20 of the Wis. Adm. Code is adopted to read:

Hy 19.20 HEARINGS; TRANSCRIPTS. Hearings concerning sign removal notices under section 84.30 (11), Wis. Stats., or the denial or revocation of a sign permit or license shall be conducted as are hearings in contested cases under chapter 227, Wis. Stats. The decision of the hearing examiner in such matters shall be considered the decision of the highway commission, and is subject to judicial review under chapter 227, Wis. Stats. Any person requesting a transcript of the proceedings from the commission shall pay \$1.00 per page for the transcript.

The rules, amendments and repeals contained herein shall take effect as provided in sec. 227.026 (1) (intro.), Wis. Stats.

Dated this 20 day of September, 1976.



John W. Fuller, Secretary
Highway Commission