

DEPT. OF TRANSPORTATION—DIV. OF HIGHWAYS 133

Chapter Hy 19

RULES FOR CONTROL OF OUTDOOR ADVERTISING  
ALONG THE NATIONAL SYSTEM OF INTERSTATE  
AND DEFENSE HIGHWAYS

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Hy 19.001 General. Pursuant to authority contained in section 84.30 (4), Wis. Stats., the state highway commission adopts the following rules (sections Hy 19.001 through Hy 19.05, Wis. Adm. Code) to apply to outdoor advertising and other signs along the national system of interstate and defense highways in Wisconsin. In these rules, commission means state highway commission and sign means any visible part of the sign structure including its back. These rules are so closely associated with the Wisconsin statutes, and make such extensive reference to section 84.30 (Chapter 458, Laws of 1959) that it is desirable to obtain a copy of the section for use with them.

**History:** Cr. Register, April, 1960, No. 52, eff. 5-1-60.

Hy 19.01 Effective date of rules. Pursuant to directive contained in section 227.026, Wis. Stats., these rules are effective the first day of the month following publication. They become operative on specific sections of highway by order of the commission and publication thereof in a newspaper having general circulation in the area served by the section of highway.

**History:** Cr. Register, April, 1960, No. 52, eff. 5-1-60.

Hy 19.02 Prohibited signs. Within the zone of regulation prescribed by section 84.30 (3), Wis. Stats., and of the classes defined by paragraphs (b) (unless otherwise exempt), (c), (d), and (e) of said section no sign is permitted which:

- (1) Attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device;
- (2) Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;
- (3) Contains, includes, or is illuminated by any flashing, intermittent or moving light or lights;
- (4) Uses lighting in any way unless so effectively shielded as to prevent beams or rays from being directed at any portion of the main-traveled way of the interstate system, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle;
- (5) Moves or has any animated or moving parts;
- (6) Is erected or maintained upon trees or painted or drawn upon rocks or other natural features;

(7) Exceeds 20 feet in length, width or height, or 150 square feet in area, including border and trim but excluding supports, except on-premise signs as defined by section 84.30 (3) (b), Wis. Stats., that advertise activities being conducted upon the real property where the sign is located;

(8) Advertises activities that are illegal under local, state, or federal laws or regulations in effect at the location of such sign or at the location of such activity; or

(9) In the judgment of the commission is obsolete, untidy, not in good repair, or not securely affixed to a substantial structure.

**History:** Cr. Register, April, 1960, No. 52, eff. 5-1-60.

**Hy 19.03 Location and spacing of signs.** Within the zone of regulation prescribed by section 84.30 (3), Wis. Stats., and of the classes defined by paragraphs (c), (d), and (e) of said section, and considered independently for each of the two directions of travel on each interstate system highway, no sign visible to interstate system travel is permitted which is:

(1) Within 2 miles in advance of an intersection of the through roadway with an exit roadway or within 1,000 feet beyond the farthest point of intersection with an entrance roadway;

(2) Within 1,000 feet of another sign or in excess of 2 signs within any mile distance measured from any point;

(3) In excess of 6 signs located between 2 and 5 miles in advance of an intersection of the main traveled way of an interstate highway and an exit roadway;

(4) In excess of an average of one sign per mile in the space which is more than 5 miles in advance of an intersection as described in subsection (3) preceding;

(5) Within a scenic area determined as such by the commission pursuant to law;

(6) Displaying a trade name referring to or identifying a service rendered or product sold, used or otherwise handled more than 12 miles from such sign unless the name of the advertised activity which is within 12 miles of such sign is displayed as conspicuously as such trade name and unless such trade name identifies the place or the services or products being offered for sale at such place;

(7) Adjacent to any interstate system highway right of way opposite any part of the width on which is constructed an entrance or exit roadway or frontage road that forms any part of an interchange;

(8) In excess of one sign advertising activities being conducted as a single enterprise or giving information about a single place;

(9) Considered a directional sign as permitted under section 84.30 (3) (d), Wis. Stats., unless clear and precise directions to the place are displayed at least as prominently as any other feature on the sign;

(10) Unacceptable to the commission in lateral positioning or distance from the right of way line; or

(11) Erected, maintained or serviced from within the interstate highway right of way.

**History:** Cr. Register, April, 1960, No. 52, eff. 5-1-60.

**Hy 19.04 Measurement of distances.** (1) Distance from edge of right of way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

(2) All distances under section Hy 19.03 (1) (2) (3) (4) shall be measured along the centerline of the highway between two vertical planes which are normal or perpendicular to and intersect the centerline of the highway, and which pass through the termini of the measured distance.

(3) Specified distances under section Hy 19.03 (1) (3) (4) shall be measured either to the nearest point of widening for an exit lane or to the farthest end of taper of an acceleration lane, whichever is applicable.

(4) All references to 12-mile distances in these rules and in section 84.30, Wis. Stats., shall mean air miles.

**History:** Cr. Register, April, 1960, No. 52, eff. 5-1-60.

**Hy 19.05 Annual permits.** Within the zone of regulation prescribed by section 84.30 (3), Wis. Stats., and of the class defined by paragraphs (b), (c), (d), and (e) of said section, no sign may be erected or maintained unless it is covered by an annual permit issued by the commission under authority of section 84.30 (5), Wis. Stats. In issuing and regulating such permits:

(1) Application shall be made as directed upon forms provided by the commission. Such forms may be secured at the commission's offices.

(2) Annual permits will expire March 31 each year.

(3) The annual permit fee for all or any part of the permit year is initially established to be \$1 for signs up to 50 square feet, \$2 for signs up to and including 300 square feet, and over 300 square feet, \$1 additional for each 200 square feet or fraction thereof. Cost of permits, both renewal and new, shall be established by order of the commission for each succeeding permit year on the basis of an estimated cost of administering the permit procedure in the previous calendar year.

(4) Except as provided in sub-section (9) following, a permit for an eligible sign location shall be issued to the first applicant to submit to the commission's main office at Madison a proper and satisfactory application as determined by the commission. All applications received during the commission's normal office hours during the same day shall be construed as having been received simultaneously. In the case of a tie between applicants and upon notification thereof by the commission they shall determine by lot which shall receive the permit.

(5) Issuance of permit and assignment of location are grants of only those rights of control assigned by the statutes to the commission. Sign owners will make their own arrangements with landowners and tenants. Proof of such arrangement will be required.

(6) Permits and assignment of location are transferable by the permittee upon notice in writing to the commission.

(7) Fees will not be prorated for a partial year and if a permit is issued, fees paid are not refundable.

(8) Erroneously located signs will be treated as nonconforming signs under section 84.30 (7), Wis. Stats.

(9) Holder of a permit who has complied with the applicable statutes and these rules shall have right of renewal for the following year provided that his application is filed before the old permit expires.

(10) The commission may enter private lands to carry out the provisions of section 84.30, Wis. Stats., and to administer these rules.

(11) Applications on file for permits not yet issued shall be void after 3 years from the date they were received by the commission.

(12) A permit issued under these rules does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

(13) Upon failure of the applicant or permittee to comply with these rules and the requirements of section 84.30, Wis. Stats., the commission after giving an opportunity to be heard may revoke or refuse to issue or renew any permit.

(14) Change in the size, shape, position, or copy of a permitted sign or replacement with a new sign shall be reported to the commission at Madison for approval at least 10 days before the change is to be made. Approved changes will not require a new permit. Payment of an additional fee will be required only for a change involving increase in size.

**History:** Cr. Register, April, 1960, No. 52, eff. 5-1-60.

**Hy 19.06 Exempted areas.** The areas exempted by section 84.30 (6), Wis. Stats., are those areas within the corporate limits of cities or villages, as such limits existed on September 21, 1959, which are zoned for industrial or commercial use.

**History:** Cr. Register, August, 1960, No. 56, eff. 9-1-60.