



2005 ASSEMBLY BILL 1040

February 20, 2006 - Introduced by Representatives MURSAU, ALBERS, GUNDERSON, HINES, KESTELL, LOTHIAN, MUSSER and PETTIS, cosponsored by Senators BRESKE, A. LASEE, GROTHMAN, LASSA and PLALE. Referred to Committee on Transportation.

- 1 **AN ACT** *to create* 84.30 (3) (em) of the statutes; **relating to:** the erection of
2 outdoor advertising signs in areas zoned for commercial or industrial activity.

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 beyond 660 feet but visible (and erected for the purpose of being visible) from, the main-traveled way of an interstate or federal-aid primary highway. Exceptions to this prohibition include (with some restrictions):

1. Directional and other official signs, including signs relating to natural wonders and scenic and historical attractions.
2. Landmark signs.
3. Signs advertising the sale or lease of property on which the signs are located.
4. Signs advertising activities conducted on the property on which the signs are located.
5. Signs located beyond 660 feet of the highway in urban areas.
6. Signs located in "business areas," which generally are areas within 660 feet of the highway that are zoned for business, industrial, or commercial activities or are unzoned and used for commercial or industrial activities.

Under the exception identified in item 6., above, a sign erected in a business area after March 18, 1972, must comply with restrictions as to its size, lighting, and location, while a sign erected in a business area prior to this date is not required to

ASSEMBLY BILL 1040

comply with these restrictions. These restrictions are generally established by statute and by Department of Transportation rule, except that in a zoned commercial or industrial area certain determinations by a local zoning authority may be accepted in lieu of these restrictions.

This bill creates a new exception to allow signs erected in business areas after March 18, 1972, and before the effective date of the bill if, with respect to any such sign, all of the following apply:

1. The sign is located within a stadium, racetrack, or other sporting event arena in a zoned commercial or industrial area.

2. The sign is erected with the purpose of its message being read by spectators in the stadium, racetrack, or other arena.

3. The sign is consistent in size, lighting, and location with customary use in the zoned area as determined by the local zoning authority.

4. Allowing the sign will not result in reduction of federal highway aid to the state.

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 (3) (em) of the statutes is created to read:

2 84.30 **(3)** (em) Notwithstanding par. (e) and sub. (4), signs erected in business

3 areas after March 18, 1972, but before the effective date of this paragraph [revisor

4 inserts date], that are located within a stadium, racetrack, or other sporting event

5 arena in a zoned commercial or industrial area, are erected with the purpose of their

6 message being read by the spectators in the stadium, racetrack, or other arena, and

7 are consistent in size, lighting, and spacing with customary use in the zoned

8 commercial or industrial area as determined by the local zoning authority,

9 notwithstanding any determination or rule of the department or any agreement

10 between the department and the federal highway administration to the contrary,

11 unless the signs do not conform to federal requirements such that erection or

12 maintenance of the signs would result in the reduction of federal aid to this state

13 under 23 USC 131 (b). A determination by a local zoning authority under this

ASSEMBLY BILL 1040

1 paragraph is not required to be in the form of an ordinance and may be made in any
2 manner considered appropriate by the local zoning authority.

3 (END)