

State of Misconsin 2009 - 2010 LEGISLATURE

LRB-2029/1 ARG:nwn:md

2009 SENATE BILL 173

April 23, 2009 – Introduced by Senators KREITLOW, TAYLOR, GROTHMAN, KAPANKE, LEIBHAM, OLSEN, PLALE and HANSEN, cosponsored by Representatives STASKUNAS, FIELDS, FRISKE, GUNDERSON, HONADEL, SMITH, SOLETSKI, SPANBAUER, VAN ROY, VOS and ZEPNICK. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

1 AN ACT to amend 84.30 (5) (bm); and to create 84.30 (5) (e) of the statutes;

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relating to: the removal of nonconforming outdoor advertising signs.

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 otherwise visible (and intended to be visible) from, the main-traveled way of an interstate or federal-aid primary highway. The Department of Transportation may remove signs that do not conform to applicable requirements but, for each sign removed, must pay just compensation to the owner of the sign and to the owner of the land on which the sign is located. Current law permits customary maintenance of certain nonconforming signs but, if the nonconforming sign is enlarged, replaced, or relocated, the sign may be removed without compensation.

This bill provides that any nonconforming sign may be removed without compensation if the costs of repairing and maintaining the sign within any 36 consecutive months exceed 50 percent of the replacement costs of the sign and that such repairs and maintenance do not constitute customary maintenance.

For further information see the *state* 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:

2009 – 2010 Legislature

SENATE BILL 173

1	SECTION 1. 84.30 (5) (bm) of the statutes is amended to read:
2	84.30 (5) (bm) Signs lawfully erected, but which do not conform to the
3	requirements of sub. (3) (c), are declared nonconforming but are not subject to
4	removal, except as otherwise provided in this paragraph <u>and par. (e)</u> . To allow such
5	signs to exist, to perform customary maintenance thereon or to change the
6	advertising message thereof, does not constitute a violation of sub. (3), but to enlarge,
7	replace or relocate such signs, or to erect additional signs, shall constitute a violation
8	subjecting the sign to removal without compensation, unless upon completion of such
9	work all signs upon the property conform to the requirements of sub. (3).
10	SECTION 2. 84.30 (5) (e) of the statutes is created to read:
11	84.30 (5) (e) Notwithstanding sub. (6), any sign declared nonconforming under
12	this subsection shall be subject to removal without compensation if the costs of
13	repairs and maintenance to the sign within any 36-consecutive-month period
14	exceed 50 percent of the replacement costs of the sign. Such repairs and maintenance
15	do not constitute customary maintenance for the purposes of this subsection.
16	SECTION 3. Initial applicability.
17	(1) This act first applies to the 36-consecutive-month period immediately
18	preceding the effective date of this subsection.
19	SECTION 4. Effective date.
20	(1) This act takes effect on the first day of the first month beginning after
21	publication.

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(END)