



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4488/1
EVM:emw

2017 ASSEMBLY BILL 594

October 27, 2017 - Introduced by Representatives VORPAGEL, ALLEN, BALLWEG, R. BROOKS, CONSIDINE, FELZKOWSKI, FIELDS, HORLACHER, JACQUE, KULP and THIESFELDT, cosponsored by Senators FEYEN, OLSEN and WANGGAARD. Referred to Committee on Transportation.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 84.30 (5r) (a); *to amend* 84.30 (5r) (title) and
2 84.30 (5r) (c); *to repeal and recreate* 84.30 (5r) (b); and *to create* 84.30 (5r)
3 (a) 1., 84.30 (5r) (a) 2., 84.30 (5r) (a) 3., 84.30 (5r) (be) and 84.30 (5r) (bs) of the
4 statutes; **relating to:** outdoor advertising signs that do not conform to local
5 ordinances and that are affected by certain transportation-related projects.

Analysis by the Legislative Reference Bureau

This bill revises the standards governing the treatment of outdoor advertising signs that do not conform to local ordinances (signs) and that are affected by certain transportation-related public projects.

Under current law, if a highway project of the Department of Transportation causes the realignment of a sign, the realignment does not affect the sign's nonconforming status under the ordinance. "Realignment" is defined as relocation on the same site. If DOT proposes the realignment of a sign in connection with a highway project, DOT must notify the municipality or county that adopted the ordinance to which the sign does not conform of the sign's proposed realignment. The municipality or county may then petition DOT to condemn the sign instead of realigning the sign, but must pay DOT for certain costs of condemnation if DOT succeeds in condemning the sign.

This bill expands the types of projects covered, eliminates the realignment provision, and creates provisions related to signs that are removed and signs whose visibility is reduced. Under this bill, if a transportation project for which DOT has

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allocated state or federal funds (state project) causes the removal of a sign, the sign's nonconforming status under the ordinance is not affected if the sign is repositioned or, if the sign cannot be repositioned, the sign is transferred to a parcel on the same highway or, if the sign cannot be transferred to a parcel on the same highway, to another parcel to which the sign owner and the municipality agree the sign may be transferred. If a state project reduces the visibility of a sign, the sign's nonconforming status under the ordinance is not affected if the sign is repositioned, or, 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 state project, or, if the sign cannot be repositioned and the sign face cannot be adjusted, the sign is transferred. "Reposition" under this bill means to remove a sign and erect the sign or a replacement sign on the same parcel and 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" under this bill means to remove a sign and erect the sign or a replacement sign within the same municipality.

Also under this bill, if DOT proposes the repositioning or transfer of a sign in connection with a state project, DOT must notify the municipality or county that adopted the ordinance to which the sign does not conform of the sign's proposed repositioning or transfer. The municipality or county may then petition DOT to condemn the sign instead of repositioning or transferring the sign, but must pay DOT for certain costs of condemnation if DOT succeeds in condemning the sign.

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 (5r) (title) of the statutes is amended to read:

2 84.30 (**5r**) (title) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE
3 ~~REALIGNED BECAUSE OF~~ AFFECTED BY CERTAIN STATE HIGHWAY PROJECTS.

4 **SECTION 2.** 84.30 (5r) (a) of the statutes is renumbered 84.30 (5r) (a) (intro.) and
5 amended to read:

6 84.30 (**5r**) (a) (intro.) In this subsection, "~~realignment~~" means relocation on the
7 same site.;

8 **SECTION 3.** 84.30 (5r) (a) 1. of the statutes is created to read:

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1 84.30 (5r) (a) 1. “Reposition” means to remove a sign and erect the sign or a
2 replacement sign on the same parcel and not more than 25 feet in either direction,
3 measured parallel to the roadway, and not more than 660 feet, measured
4 perpendicular to the roadway, from the location from which the sign is removed.

5 **SECTION 4.** 84.30 (5r) (a) 2. of the statutes is created to read:

6 84.30 (5r) (a) 2. “State project” means a transportation project for which the
7 department has allocated state or federal funds.

8 **SECTION 5.** 84.30 (5r) (a) 3. of the statutes is created to read:

9 84.30 (5r) (a) 3. “Transfer” means to remove a sign and erect the sign or a
10 replacement sign within the same municipality.

11 **SECTION 6.** 84.30 (5r) (b) of the statutes is repealed and recreated to read:

12 84.30 (5r) (b) If a sign does not conform to a local ordinance and a state project
13 causes the removal of the sign, the sign’s nonconforming status under the ordinance
14 is not affected if any of the following applies:

15 1. The sign is repositioned.

16 2. If the sign cannot be repositioned, the sign is transferred to a parcel on the
17 same highway or, if the sign cannot be transferred to a parcel on the same highway,
18 to another parcel to which the sign owner and the municipality agree the sign may
19 be transferred.

20 **SECTION 7.** 84.30 (5r) (be) of the statutes is created to read:

21 84.30 (5r) (be) If a state project reduces the visibility of a sign that does not
22 conform to a local ordinance, the sign’s nonconforming status is not affected under
23 the ordinance, if any of the following applies:

24 1. The sign is repositioned.

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1 2. If the sign cannot be repositioned, the sign face is raised, lowered, or rotated
2 so as to provide substantially the same view of the sign from the roadway from which
3 motorists are intended to view the sign as existed before the state project.

4 3. If the sign cannot be repositioned and the sign face cannot be adjusted under
5 subd. 2., the sign is transferred.

6 **SECTION 8.** 84.30 (5r) (bs) of the statutes is created to read:

7 84.30 (5r) (bs) All of the following apply to a sign that is repositioned or
8 transferred under this subsection:

9 1. The size of the sign face and the number of sign faces on the sign after
10 transfer shall be the same as on the sign before repositioning or transfer.

11 2. The height of the sign after repositioning or transfer may be different than
12 the height of the sign before repositioning or transfer at the option of the sign owner.

13 **SECTION 9.** 84.30 (5r) (c) of the statutes is amended to read:

14 84.30 (5r) (c) If in connection with a highway state project of the department
15 the department proposes the realignment repositioning or transfer of a sign that
16 does not conform to a local ordinance and the sign owner elects to reposition or
17 transfer the sign, the department shall notify the governing body of the municipality
18 or county where the sign is located and which adopted the ordinance of the sign's
19 proposed realignment repositioning or transfer. Upon receiving this notice, the
20 governing body may petition the department to acquire the sign and any real
21 property interest of the sign owner. If the department succeeds in condemning the
22 sign, the governing body that made the petition to the department shall pay to the
23 department an amount equal to the condemnation award, less relocation costs for the
24 sign that would have been paid by the department if the sign had been realigned
25 repositioned or transferred rather than condemned. Notwithstanding s. 86.30 (2) (a)

