

No. 684, A.]

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CHAPTER 458

AN ACT to create 20.420 (85) and 84.30 of the statutes, relating to the restriction, regulation, control and licensing of billboards and other outdoor advertising devices on certain lands adjoining the national system of interstate and defense highways in Wisconsin, and granting authority to the state highway commission to enter into contracts with the federal government to secure certain highway funds granted for outdoor advertising control, granting rule-making power and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.420 (85) of the statutes is created to read:

20.420 (85) OUTDOOR ADVERTISING. All moneys received from licenses imposed by ss. 84.30 and 84.31 shall be paid within one week into the highway fund, and are appropriated therefrom to the highway commission for the execution of its functions under ss. 84.30 and 84.31.

SECTION 2. 84.30 of the statutes is created to read:

84.30 REGULATION OF BILLBOARDS AND OTHER OUTDOOR ADVERTISING DEVICES ADJACENT TO THE INTERSTATE SYS-

TEM. (1) LEGISLATIVE FINDINGS AND PURPOSE. To promote the safety, convenience and enjoyment of public travel, to preserve the natural beauty of Wisconsin, to aid in the free flow of interstate commerce, to protect the public investment in highways, and to conform to the expressed intent of congress to control the erection and maintenance of outdoor advertising signs, displays and devices adjacent to the national system of interstate and defense highways, it is hereby declared to be necessary in the public interest to control the erection and maintenance of billboards and other outdoor advertising devices adjacent to said national system of interstate and defense highways.

(2) DEFINITIONS. (a) "Center line of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided interstate highway, or the center line of the main-traveled way of a nondivided interstate highway.

(b) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

(c) "Interstate highway" means a portion of the national system of interstate and defense highways.

(d) "Maintain" means to allow to exist.

(e) "National policy" means the provisions of P.L. 85-381, the federal-aid highway act of 1958, and the rules promulgated by the secretary of commerce under said act and all provisions amendatory or supplementary to either said act or rules.

(f) "Scenic area" means any area of natural or man-made scenic beauty or historical significance designated by or pursuant to state law as a scenic area.

(g) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform.

(h) "Trade name" includes brand name, trade-mark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(3) ZONE OF REGULATION AND PERMITTED SIGNS THEREIN. A zone of regulation is hereby established extending 660 feet from the edge of the highway easement or property measured horizontally along a line normal or perpendicular to the center of the highway. Within such zone only the following signs may be erected and maintained subject to rules adopted by the state highway commission which are consistent with the national policy and this section:

(a) Directional or other official signs or notices required or authorized by law.

(b) Signs advertising the sale or lease of the property upon which they are located and signs advertising on-premise activities, provided not more than one such sign visible to traffic proceeding in any one direction on any one interstate highway may be erected and all signs advertising on-premise activities must be located within 50 feet of such activities and no sign advertising on-premise activities that displays any trade name which refers to or identifies any service rendered or product sold shall be permitted unless the name of the advertised activity is displayed as conspicuously as such trade name.

(c) Signs which provide essential information in the public interest relative to lodging, food, outdoor recreational, or automotive service facilities located immediately adjacent to, visible from, and readily accessible from interstate highways. No more than one such sign may be erected advertising any one such facility in such manner as to be visible to traffic moving in any one direction on any one interstate highway and all such signs must be located within 12 miles of the facility they advertise.

(d) Directional signs in the public interest which aid travelers in locating lodging, food, outdoor recreational, or automotive service facilities which are not adjacent to or visible from interstate highways, provided such facilities are located within 12 miles of such signs.

(e) Signs in the public interest which provide information about public places operated by federal, state, county and local governments and information about natural phenomena, scenic areas and historic sites.

(4) STATE HIGHWAY COMMISSION SHALL ESTABLISH RULES. The state highway commission shall establish rules relative to the size, type, spacing, location and color of permitted signs, among other things, which are otherwise consistent with this section and the national policy and which are necessary to carry out the purposes of this section. Such rules shall provide for, among other things, the prohibition of signs which endanger safety, are obsolete, untidy, or are maintained or erected upon trees, rocks or other natural objects.

(5) ANNUAL PERMITS. No signs may be constructed, maintained, or allowed to exist along any interstate highway except upon the payment of the following annual fees: Signs not exceeding 50 square feet in size, \$1; signs over 50 square feet but not exceeding 300 square feet in size, \$2; signs over 300 square feet in size shall pay \$1 additional for each 200 square feet or fraction thereof. Such fees shall be paid to the state highway commission on the forms and in the manner provided by the commission and shall thereafter be paid within one week into the highway fund. The commission shall by order adjust the annual fees to cover the costs of administering this section. Suitable permits shall be issued by the commission and shall include a metal tag which shall be affixed by the owner to the lower right hand corner of the sign.

(6) ZONE OF REGULATION NOT TO EXTEND TO CERTAIN AREAS. Subject to the approval of the secretary of commerce as provided in P. L. 85-381 (1958), the provisions of this section other than sub. (5) shall not apply to areas within incorporated limits of any city or village which are zoned for industrial or commercial use.

(7) DUTIES OF THE STATE HIGHWAY COMMISSION AS TO NONCONFORMING SIGNS. The state highway commission shall enforce this section and the regulations authorized herein. All authorized signs located within the said 660 foot zoned-width on January 1, 1960, or subsequently erected therein, shall have stated in the lower right hand corner the name and address of the owner. All signs not conforming to this section and the rules established hereunder are hereby declared a public nuisance and shall, subject to the effective date of this section (1959), be removed by the state highway commission upon 30 days' notice by mail to the owner. Such notice shall be computed from the date of mailing. If the sign is not taken down or removed after such notice has been duly given it shall become the property of the state and may be removed by the state highway commission and disposed of as the commission determines. Where a sign consists of a painting or posting on a building wall, the state highway commission may enter upon such property and paint over or remove posters upon notice as aforesaid. If the name and address of the owner is not shown on the sign and cannot be ascertained by inquiry at the premises where the sign exists, the sign shall become the property of the state and may be removed as aforesaid. If such sign is on a building wall it may be painted over.

(8) CONTRACTS UNDER FEDERAL-AID HIGHWAY ACT OF 1958. The state highway commission may enter into agreements with the secretary of commerce of the United States as provided by section 122 of P. L. 85-381, the "Federal-Aid Highway Act of 1958," or acts supplementary or amendatory thereto.

(9) ACCEPTANCE OF FEDERAL AID. The state highway commission may accept any allotment of funds by the United States, or any department or agency thereof, appropriated under the "Federal-Aid Highway Act of 1958" and any subsequent federal legislation supplementary to or amending such act.

(10) EFFECTIVE DATE. Owners of signs which do not conform to this section or the rules promulgated hereunder shall remove all such signs from the zone of regulation not later than one year from the date of publication of this section. Nonconforming signs not so removed shall be removed by the state highway commission as provided in this section. No new signs, not conforming to this section, may be erected subsequent to the date of publication of the rules of the state highway commission promulgated under the authority of this section.

Approved September 14, 1959.
