



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0338/1
EVM:wlj&ahe

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 595**

February 14, 2018 - Offered by Representative VORPAGEL.

1 **AN ACT** *to create* 84.30 (5) (br) of the statutes; **relating to:** the removal of
2 nonconforming outdoor advertising signs along highways.

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

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

4 84.30 (5) (br) 1. In this paragraph:

5 a. "Copy" means the advertising or other information or images on a sign face
6 created to communicate to the public.

7 b. "Copy change" means the process of substituting copy on a sign face, which
8 may include removing a face and substituting another face or other processes such
9 as painting on wood, metal, or vinyl, affixing printed paper or vinyl to the face,
10 changing the message mechanically, or electronically changing the copy from a
11 remote location.

1 c. “Customary maintenance” on a sign includes nailing, bolting, fastening,
2 cleaning, and painting; replacing its components with equivalent or similar
3 components; except as provided in this subd. 1. c., replacing structural components,
4 including upright supports; making copy changes; upgrading existing illumination
5 for energy efficiency or worker safety; adding catwalks or handrails to address
6 safety; installing an apron to a sign structure to display identification of the sign
7 owner; or replacing the sign face. “Customary maintenance” does not include repairs
8 that involve, within a period of 36 consecutive months, replacing more than 60
9 percent of the wooden upright supports of a sign or replacing more than 30 percent
10 of the length above ground of each broken, bent, or twisted upright metal support of
11 a sign.

12 d. “Destroyed,” with respect to a nonconforming sign, means that upright
13 supports are physically damaged such that, within a period of 36 consecutive
14 months, in the case of a sign structure with wooden upright supports, more than 60
15 percent of the supports are broken and, under normal repair practices, would need
16 to be replaced or, in the case of a sign structure with metal upright supports, more
17 than 30 percent of the length above ground of each broken, bent, or twisted support
18 would, under normal repair practices, need to be replaced.

19 e. “Sign face” or “face” means the material components of a sign on which the
20 advertising or other information is displayed including any trim, border, or molding.

21 f. “Substantial change,” with respect to a nonconforming sign, includes
22 increasing the number of upright supports; changing the physical location;
23 increasing the square footage or area of the sign face; adding changeable message
24 capability; or adding illumination, either attached or unattached, to a sign that was

1 previously not illuminated. “Substantial change” does not include customary
2 maintenance.

3 g. “Substantially the same,” with respect to a nonconforming sign, means that
4 no substantial change has been made to the sign since it became nonconforming.

5 2. Notwithstanding par. (a) or (b), signs described in sub. (3) (a), (d), (e), (f), or
6 (h) that were lawfully erected but that no longer conform to applicable requirements
7 are, upon notice by registered mail from the department to the sign owner, declared
8 nonconforming but are not subject to removal, except as provided in subds. 4. and 5.

9 3. Subject to subd. 4., a sign described in subd. 2. shall remain substantially
10 the same as it was on the date it became nonconforming. To allow a sign described
11 in subd. 2. to exist, to perform customary maintenance on such a sign, or to change
12 the advertising message on such a sign, does not constitute a violation of sub. (3) or
13 (4).

14 4. Except as provided in this subdivision, to make a substantial change to a sign
15 described in subd. 2. or to erect additional signs shall constitute a violation of subs.
16 (3) and (4). In determining whether a change to a sign constitutes a violation of sub.
17 (3) or (4), the department may not consider any changes to that sign that no longer
18 exist. If the department determines that a change to a sign constitutes a violation
19 of sub. (3) or (4), the department shall notify by registered mail the sign owner and
20 the owner of the property upon which the sign is located of the alleged violation. If
21 the alleged violation is remedied within 60 days of receipt of the notice under this
22 subdivision, the activity does not constitute a violation of sub. (3) or (4).

23 5. a. Except as provided in subd. 5. b., and notwithstanding subd. 3., a sign
24 described in subd. 2. that is destroyed is subject to removal without compensation.

