



General Assembly

January Session, 2005

**Raised Bill No. 6722**

LCO No. 3644

\*03644\_\_\_\_\_TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

***AN ACT CONCERNING OUTDOOR ADVERTISING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21-50 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) No person, firm or corporation shall erect or maintain any  
4 outdoor advertising structure, device or display until a permit for the  
5 erection of such structure, device or display has been obtained from  
6 the Commissioner of Transportation. Application for such permit shall  
7 be in writing, signed by the applicant or [his] the applicant's  
8 authorized agent, upon blanks furnished by the commissioner in such  
9 form and requiring such information as [he] the commissioner  
10 prescribes. Each application shall have attached thereto the written  
11 consent of the owners of the property on which such structure, device  
12 or display is to be erected or maintained. Each application shall be  
13 accompanied by a fee as provided in subsection (a) of section 21-52.  
14 The fee for such permit shall be as provided in subsection (b) of said  
15 section and shall be payable upon the granting of such permit and  
16 annually thereafter on the first day of August.

17       (b) The grantee of a permit to erect an outdoor advertising structure  
18 pursuant to subsection (a) of this section shall complete construction of  
19 the structure and have it ready to display advertising no later than six  
20 months after the date the permit was issued. The grantee of the permit  
21 shall notify the commissioner, on a form and containing such  
22 information as the commissioner requires, that the structure is  
23 complete and ready to display advertising. If the notice is received by  
24 the commissioner later than six months after the permit was issued or  
25 if the commissioner finds that the information in the notice is  
26 inaccurate or incomplete or that such information is insufficient to  
27 allow a determination that the structure is complete and ready to  
28 display advertising, the permit will be deemed revoked.

29       Sec. 2. Section 21-63 of the general statutes is repealed and the  
30 following is substituted in lieu thereof (*Effective July 1, 2005*):

31       Any person who erects, maintains, displays or allows to remain in  
32 view an advertisement, sign or billboard or any structure designed for  
33 the display of advertising matter contrary to any provision of this  
34 chapter shall be [fined not more than one hundred dollars for each sign  
35 so displayed] in violation of a provision of this chapter. The  
36 Commissioner of Transportation shall impose a civil penalty in an  
37 amount not less than twenty-five dollars and not more than one  
38 thousand dollars for each day on which the violation occurs. Any such  
39 violation that continues for more than sixty consecutive days shall be  
40 cause for revocation of the permit granted pursuant to this chapter  
41 with which the violation is associated.

42       Sec. 3. Section 13a-123 of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective July 1, 2005*):

44       (a) The erection of outdoor advertising structures, signs, displays or  
45 devices within six hundred sixty feet of the edge of the right-of-way,  
46 the advertising message of which is visible from the main traveled way  
47 of any portion of the National System of Interstate and Defense  
48 Highways, hereinafter referred to as interstate highways, the primary

49 system of federal-aid highways or other limited access state highways,  
50 is prohibited except as otherwise provided in or pursuant to this  
51 section, and except that those outdoor advertising signs, displays and  
52 devices which are more than six hundred sixty feet off the nearest edge  
53 of the right-of-way, located outside of urban areas, visible from the  
54 main traveled way of the system and erected with the purpose of their  
55 message being read from such main traveled way are prohibited.

56 (b) The Commissioner of Transportation may enter into agreements  
57 with the Secretary of Commerce on behalf of the state or any of its  
58 agencies to comply with Title I of the Highway Beautification Act of  
59 1965 and do such things as are necessary to enable the state to be  
60 eligible for the bonus payments as set forth in an agreement between  
61 the state and the Secretary of Commerce dated June 23, 1961.

62 (c) The commissioner may promulgate regulations for the control of  
63 outdoor advertising structures, signs, displays and devices along  
64 interstate highways, the primary system of federal-aid highways and  
65 other limited access state highways. Such regulations shall be as, but  
66 not more, restrictive than the controls required by Title I of the  
67 Highway Beautification Act of 1965 and any amendments thereto with  
68 respect to the interstate and primary systems of federal-aid highways  
69 or the national standards of the Secretary of Commerce in respect to  
70 the interstate highways, in effect November 13, 1958, and any  
71 amendments thereto.

72 (d) The regulations promulgated by the commissioner shall, in the  
73 case of such other limited access state highways, exclude any area  
74 along either side of such highways which is zoned for industrial or  
75 commercial use under local ordinance or zoning regulation and which,  
76 upon application, is determined by the commissioner to be in actual  
77 use as an industrial or commercial area at the time of application,  
78 provided such exclusion shall remain operative only so long as such  
79 area remains so zoned.

80 (e) The following types of signs, displays and devices may, with the

81 approval of and subject to regulations promulgated by the  
82 commissioner, be permitted within the six-hundred-sixty-foot area of  
83 interstate, primary and other limited access state highways, except as  
84 prohibited by state statute, local ordinance or zoning regulation: (1)  
85 Directional and other official signs or notices, which signs and notices  
86 shall include, but not be limited to, signs and notices pertaining to  
87 natural wonders and scenic and historical attractions which are  
88 required or authorized by law; (2) signs, displays and devices  
89 advertising the sale or lease of the property upon which they are  
90 located; (3) signs, displays and devices advertising activities conducted  
91 on the property on which they are located. Subject to regulations  
92 promulgated by the commissioner and except as prohibited by state  
93 statute, local ordinance or zoning regulation signs, displays and  
94 devices may be erected and maintained within six hundred and sixty  
95 feet of primary and other limited access state highways in areas which  
96 are zoned for industrial or commercial use under authority of law or  
97 located in unzoned commercial or industrial areas which areas shall be  
98 determined from actual land uses and defined by regulations of the  
99 commissioner. The regulations of the commissioner in regard to size,  
100 spacing and lighting shall apply to any segments of the interstate  
101 system which traverse commercial or industrial zones wherein the use  
102 of real property adjacent to the interstate system is subject to municipal  
103 regulation or control, or which traverse other areas where the land use,  
104 as of September 21, 1959, was clearly established under state law as  
105 industrial or commercial.

106 (f) Notwithstanding the provisions of subsections (a) and (e) of this  
107 section, signage that may be changed at intervals by electronic or  
108 mechanical process or by remote control shall be permitted within six  
109 hundred sixty feet of the edge of the right-of-way of any interstate,  
110 federal-aid primary or other limited access state highway, except as  
111 prohibited by state statute, local ordinance or zoning regulation,  
112 provided such signage (1) has a static display lasting no less than six  
113 seconds, (2) achieves a message change with all moving parts or  
114 illumination moving or changing simultaneously over a period of

115 three seconds or less, and (3) does not display any illumination that  
116 moves, appears to move or changes in intensity during the static  
117 display period.

118 (g) (1) Whenever the commissioner deems it in the best interest of  
119 the state, the commissioner may acquire by purchase, gift or  
120 condemnation, in accordance with part IV of this chapter, the right to  
121 advertise or regulate advertising in an area adjacent to the right-of-  
122 way of a project on the interstate or primary system or any limited  
123 access state highway. (2) The commissioner may also acquire by  
124 purchase, gift or condemnation, and shall pay just compensation upon  
125 the removal of the following outdoor advertising structures, signs,  
126 displays and devices adjacent to interstate and federal-aid primary  
127 highways which (A) were lawfully in existence on October 22, 1965, (B)  
128 were lawfully on a highway made part of the interstate or primary  
129 system on or after October 22, 1965, and before January 1, 1968, and (C)  
130 were lawfully erected on or after January 1, 1968. Just compensation  
131 for the removal of structures, signs, displays and devices along the  
132 interstate and primary systems shall be paid only for the following: (i)  
133 The taking from the owner of such sign, display or device of all right,  
134 title, leasehold and interest in such structure, sign, display or device;  
135 and (ii) the taking, from the owner of the real property on which the  
136 structure, sign, display or device is located, of the right to erect and  
137 maintain such structures, signs, displays and devices thereon.

138 (h) Licenses or permits for outdoor structures, signs, displays or  
139 devices adjacent to interstate, primary federal-aid or other limited  
140 access state highways issued by the Commissioner of Public Safety in  
141 accordance with chapter 411 shall be consistent with regulations and  
142 standards adopted under this section.

143 (i) In order to provide information in the specific interest of the  
144 traveling public the Commissioner of Transportation may maintain  
145 maps and may permit informational directories and advertising  
146 pamphlets to be made available at safety areas, and, subject to the

147 approval of the Secretary of Commerce, may establish information  
148 centers at safety rest areas for the purpose of informing the public of  
149 places of interest within the state and providing such other  
150 information as the commissioner may consider desirable. In addition  
151 to being subject to the provisions of this section, all outdoor  
152 advertising structures, signs, displays or devices shall continue to be  
153 subject to the provisions of any municipal ordinance or regulation.

154 (j) The commissioner may order the removal of any advertising  
155 structure, sign, display or device along any interstate, federal-aid  
156 primary, or other limited access state highway erected in violation of  
157 this section. Any advertising structure, sign, display or device in  
158 existence on September 1, 1965, within six hundred and sixty feet of  
159 the right-of-way of any interstate, federal-aid primary, or other limited  
160 access state highway may continue to be maintained until July 1, 1970,  
161 but may not be replaced or relocated on such highway except (1) in  
162 areas where otherwise allowed by statute or regulations adopted  
163 thereunder, or (2) if such sign is removed from a building to which it is  
164 attached for purposes of repair or reconstruction of the building, the  
165 identical sign may be returned to its original position. Any advertising  
166 structure, sign, display or device lawfully erected since September 1,  
167 1965, within six hundred sixty feet of the right-of-way of any interstate,  
168 federal-aid primary, or other limited access state highway and before  
169 June 21, 1967, may continue to be maintained until the end of the fifth  
170 year after it becomes nonconforming, but may not be replaced or  
171 relocated on such highway except in areas where otherwise allowed by  
172 statute or regulations adopted thereunder. If the person, firm or  
173 corporation in control of or owning a structure, sign, display or device  
174 or whose name appears thereon does not remove it within fourteen  
175 days after an order of removal has been sent to such person, firm or  
176 corporation by registered or certified mail, said commissioner may  
177 cause such structure, sign, display or device to be removed and the  
178 expense of such removal may be collected from the person, firm or  
179 corporation owning or controlling the same in an action based on the  
180 provisions of this section, or from the sureties on the bond filed by a

181 nonresident person, firm or corporation pursuant to section 21-54.

182 (k) Any person violating any provision of this section [shall be fined  
183 not more than one hundred dollars for each such violation] or of any  
184 regulation, license, permit or order adopted or issued pursuant to this  
185 section shall be subject to a civil penalty by the Commissioner of  
186 Transportation in an amount not less than twenty-five dollars and not  
187 more than one thousand dollars for each day on which the violation  
188 occurs. Any such violation that continues for more than sixty  
189 consecutive days shall be cause for revocation of the permit granted  
190 pursuant to this chapter with which the violation is associated.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	21-63
Sec. 3	<i>July 1, 2005</i>	13a-123

**Statement of Purpose:**

To require structure for outdoor advertising signs to be completed and ready for use within six months of issuance of the sign permit and to increase the penalty for noncompliance with outdoor advertising laws.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*