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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

SENATE BILL NO. 430

(By Senators Ross, Sharpe and Oliverio)

PASSED March 7, 2003

In Effect 90 days from **Passage**

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

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Senate Bill No. 430

(BY SENATORS ROSS, SHARPE AND OLIVERIO)

[Passed March 7, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article twenty-two, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing certain restrictions on outdoor advertising in addition to existing restrictions.

Be it enacted by the Legislature of West Virginia:

That section four, article twenty-two, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 22. OUTDOOR ADVERTISING.

§17-22-4. General restrictions as to outdoor advertising.

- 1 The following restrictions shall apply to all advertising
- 2 signs, displays and devices erected and maintained adja-
- 3 cent to any roads within the state road system, including
- 4 federal-aid interstate and primary roads.

5 (1) No advertising sign shall be erected or maintained
6 which involves rapid motion or rotation of the structure or
7 any part thereof: *Provided*, That an advertising sign that
8 does involve motion or rotation which is not rapid to effect
9 changeable messages shall be permitted in accordance
10 with legislative rules to be proposed by the division of
11 highways of the department of transportation in accor-
12 dance with the provisions of article three, chapter twenty-
13 nine-a of this code;

14 (2) No advertising display or device shall use the word
15 "stop" or "danger" or present or imply the need or re-
16 quirement of stopping or the existence of danger;

17 (3) No advertising sign, display or device shall be a copy
18 or imitate a traffic sign or other official sign;

19 (4) No advertising display or device shall attempt or
20 purport to direct traffic;

21 (5) No advertising sign shall contain lighting which is
22 not shielded and any lighting shall be of such low intensity
23 as not to cause glare or impair the vision of the operator of
24 any motor vehicle;

25 (6) No advertising display or device shall be illuminated
26 by any rapid flashing, intermittent light or lights;

27 (7) No advertising display or device shall be painted,
28 affixed or attached to any natural feature;

29 (8) No advertising sign, display or device shall hinder the
30 clear, unobstructed view of approaching or merging traffic
31 or obscure from view any traffic sign or other official sign;

32 (9) No advertising sign, display or device shall be so
33 located as to obscure the view of any connecting road or
34 intersection;

35 (10) No advertising sign, display or device shall be
36 erected, outside of any municipality, within five hundred
37 feet of any church, school, cemetery, public park, public

38 reservation, public playground or state or national forest
39 except markers for underground utility facilities;

40 (11) No advertising sign, the permit for which has been
41 applied for subsequent to the thirty-first day of December,
42 two thousand three, that is composed of stacked sign faces,
43 one on top of the other, on the same structure, facing the
44 same direction, each having more than three hundred
45 square feet is permitted;

46 (12) No advertising device which is composed of separate
47 sign faces in a side by side formation, on the same struc-
48 ture, facing the same direction, each having an area of
49 more than three hundred square feet is permitted;

50 (13) No advertising device, the permit for which has been
51 applied for subsequent to the thirty-first day of December,
52 two thousand three, which contains a sign facing a single
53 direction may have an area greater than six hundred
54 seventy-two square feet: *Provided*, That cutouts and
55 extensions which expand the area may be allowed to the
56 extent the area is expanded by no more than thirty percent
57 of its original permitted configuration;

58 (14) No more than one sign structure is permitted at a
59 location.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Chairman Senate Committee

Greg Butcher
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David E. Johns
.....
Clerk of the Senate

Betsy M. Scaf
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Arthur Skiss
.....
Speaker House of Delegates

The within is approved this the 2nd
Day of April, 2003.

Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3.20.03

Time 9:50 AM