

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2701

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WORRELL, SYPOLT, HOTT, MARTIN, C., CADLE, DEAN AND
HAMRICK

[Introduced January 28, 2019; Referred
to the Committee on Technology and Infrastructure
then Government Organization.]

1 A BILL to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating
 2 to general restrictions for outdoor advertising; and providing that advertising signs,
 3 displays or devices may be erected by businesses, industrial parks or points of interest up
 4 to 1000 feet from the premises of the businesses, industrial parks or points of interest that
 5 may not be seen from the roadway due to terrain or other obstructions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. OUTDOOR ADVERTISING.

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

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

4 (1) No advertising sign shall be erected or maintained which involves rapid motion or
 5 rotation of the structure or any part thereof: *Provided*, That an advertising sign that does involve
 6 motion or rotation which is not rapid to effect changeable messages shall be permitted in
 7 accordance with legislative rules to be proposed by the Division of Highways of the Department
 8 of Transportation in accordance with ~~the provisions of~~ §29A-3-1 *et seq.* of this code;

9 (2) No advertising display or device shall use the word “stop” or “danger” or present or
 10 imply the need or requirement of stopping or the existence of danger;

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

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

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

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

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

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

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

25 (10) No advertising sign, display or device shall be erected, outside of any municipality,
26 within five hundred feet of any church, school, cemetery, public park, public reservation, public
27 playground or state or national forest except markers for underground utility facilities;

28 (11) No advertising sign, the permit for which has been applied for subsequent to
29 December 31, 2003, that is composed of stacked sign faces, one on top of the other, on the same
30 structure, facing the same direction, each having more than three hundred square feet is
31 permitted;

32 (12) No advertising device which is composed of separate sign faces in a side by side
33 formation, on the same structure, facing the same direction, each having an area of more than
34 three hundred square feet is permitted;

35 (13) No advertising device, the permit for which has been applied for subsequent to
36 December 31, 2003, which contains a sign facing a single direction may have an area greater
37 than six hundred seventy-two square feet: *Provided*, That cutouts and extensions which expand
38 the area may be allowed to the extent the area is expanded by no more than thirty percent of its
39 original permitted configuration;

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

41 (b) Notwithstanding any provision of this code to the contrary, advertising signs, displays
42 or devices may be erected up to 1000 feet from the premises of a business, industrial park or

43 other points or places of interest that may not be seen from the roadway by motorists due to
44 terrain or other obstructions. The Division of Highways of the Department of Transportation shall
45 propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code to effect
46 the purpose of this subsection.

NOTE: The purpose of this bill is to permit advertising signs, displays or devices to be erected by businesses, industrial parks or points of interest up to 1000 feet from the premises of the businesses, industrial parks or points of interest that may not be seen from the roadway due to terrain or other obstructions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.