

1 **H. B. 3045**

2  
3 (By Delegates Hamrick, Gearheart, Campbell, Howell,  
4 Shott and J. Nelson)

5  
6 [Introduced March 22, 2013; referred to the  
7 Committee on the Judiciary then Finance.]

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9  
10 A BILL to amend and reenact §17-22-4 of the Code of West Virginia,  
11 1931, as amended, relating to the removal of specific  
12 statutory restrictions on outdoor advertisement.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §17-22-4 of the Code of West Virginia, 1931, as amended,  
15 be amended and reenacted to read as follows:

16 **ARTICLE 22. OUTDOOR ADVERTISING.**

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

18 The following restrictions ~~shall~~ apply to all advertising  
19 signs, displays and devices erected and maintained adjacent to any  
20 roads within the state road system including federal-aid interstate  
21 and primary roads.

22 (1) No advertising sign ~~shall~~ may be erected or maintained  
23 which involves rapid motion or rotation of the structure or ~~any a~~  
24 part thereof. ~~Provided, That~~ An advertising sign that ~~does involve~~  
25 involves motion or rotation which is not rapid to effect changeable

1 messages ~~shall be~~ are permitted in accordance with legislative  
2 rules to be proposed by the Division of Highways of the Department  
3 of Transportation in accordance with the provisions of article  
4 three, chapter twenty-nine-a of this code;

5 (2) No advertising display or device ~~shall~~ may use the word  
6 "stop" or "danger" or present or imply the need or requirement of  
7 stopping or the existence of danger;

8 (3) No advertising sign, display or device ~~shall~~ may be a copy  
9 or imitate a traffic sign or other official sign;

10 (4) No advertising display or device ~~shall~~ may attempt or  
11 purport to direct traffic;

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

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

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

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

23 (9) No advertising sign, display or device ~~shall be so located~~  
24 ~~as to obscure~~ may be located where it obscures the view of ~~any~~ a

1 connecting road or intersection.

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

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

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

16 ~~(13) No advertising device, the permit for which has been~~  
17 ~~applied for subsequent to December 31, 2003, which contains a sign~~  
18 ~~facing a single direction may have an area greater than six hundred~~  
19 ~~seventy-two square feet. *Provided,* That Cutouts and extensions~~  
20 ~~which expand the area may be allowed to the extent the area is~~  
21 ~~expanded by no more than thirty percent of its original permitted~~  
22 ~~configuration;~~

23 ~~(14) No more than one sign structure is permitted at a~~  
24 ~~location.~~

NOTE: The purpose of this bill is to eliminate specific statutory restrictions on outdoor advertisement.

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