

Description of Senate Bill 1760 & Summary of Municipal Concerns

What Does This Bill Do?

Under the guise of “clarifying” legislation, the bill seeks to:

- Grants new authority to convert nonconforming off-site signs from static display to digital display (LED billboard). Not just a one-time conversion because allows conversions to occur without limit and to accommodate transition to any other lighting or structural technology that may be developed in the future.
- Substitutes limited one-size-fits-all state lighting (brightness) standard for any local lighting ordinance.
- Seemingly preempts application of any other relevant, non-zoning, ordinance to such conversions; negating standards established the court and used to analyze the conversion of nonconforming signs in several cases.
- Substitutes “outdoor advertising device” for the established and tested “off-site sign;” applies law intended for interstates and highways to municipal streets, expands what constitutes a sign, creates uncertainty surrounding an abundance of settled case law, and invites litigation

Summary of Municipal Concerns:

1. Eliminates local-decision making authority by requiring local governments to allow nonconforming signs to convert from static display to digital display (LED billboard) in every instance regardless of the local situation, circumstance or impact. It should also be noted that local-decision making authority is not removed simply for a single conversion, rather this bill ensures that such conversions may occur without limit and years into the future. Who knows what this may allow an owner of a nonconforming sign to erect in 5 years, 10 years, 30 years.
2. Needlessly substitutes new term and definition (outdoor advertising device) from the law related to interstates and highways for established and tested term and definition (off-site sign) used in laws related to local zoning; resulting in significantly expanding the scope of what is considered a sign—i.e. figure, drawing, painting, placard, poster, etc.
3. Substituting “outdoor advertising device” in place of “off-site sign” also calls into question settled case law and invites litigation
4. Applies one-size-fits-all lighting (brightness) standard intended for interstates and highways to municipalities regardless of local circumstance or scenario— doesn’t allow for lesser or stronger local standards
5. Precludes local ability to review such conversions to ensure compliance with any other relevant, non-zoning ordinances that may be applicable to all other signs or similar structures in the municipality, including ordinances intended to ensure the public’s safety. This is direct conflict with several court rulings
6. As referenced above, this bill replaces terms, definitions and a lighting standard in the laws governing local zoning with terms, definitions and a lighting standard from the laws governing interstates and highways that are under TDOT’s jurisdictions. Bill proponents argue the

replacement of terms, definitions and lighting standard is necessary to conform the provisions of law relating to signs. It is worth pointing out that under the law governing signs on interstates and highways where one may find the terms, definitions and standard that they are seeking to insert into the law governing local zoning, you will find that the conversion of a nonconforming sign to digital is strictly prohibited. If the intent is truly to conform sign laws, then why the double standard?

For more detailed explanation of municipal concerns please refer to the document titled, "Effects of SB1760 on Municipalities."