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HOUSE BILL NO. 756

Offered January 8, 2014
Prefiled January 7, 2014

A BILL to amend and reenact § 33.1-370.2 of the Code of Virginia, relating to maintenance and repair of nonconforming billboard signs.

Patrons—Rust and Hugo

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-370.2 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-370.2. Maintenance and repair of nonconforming billboard signs.

A. Notwithstanding any other provision of law, *general or special,* maintenance of and repairs to nonconforming billboard signs shall be governed by this section and any applicable regulations promulgated by the Commissioner of Highways, known as the "Control and Continuance of Nonconforming Signs, Advertisements and Advertising Structure." Nonconforming billboard signs shall be maintained in a good state of repair and shall be subject to removal for failure to do so, in accordance with § ~~33.1-375~~ *33.1-377.1. A billboard owner shall not be required to obtain approval from the Commissioner of Highways to perform maintenance on a billboard sign. For purposes of this section, "maintenance" means work performed on a billboard structure that does not require a structural alteration, as provided in the Uniform Statewide Building Code (§ 36-97 et seq.).*

B. In order to make repairs to a nonconforming billboard sign, the owner shall make a written request to the Commissioner and submit the documentation required by 24 VAC 30-120-170. The Commissioner shall review the written request and if the Commissioner determines that the cost of requested repairs does not exceed a dollar amount greater than 50 percent of the current replacement cost of the entire billboard sign or structure, the Commissioner shall provide the owner of the billboard sign with a letter approving the billboard sign repairs. *In making such determination, the Commissioner shall consider only whether the request satisfies the 50 percent of replacement cost new standard and shall not (i) consider any change in the components, types, or sizes of building materials so long as the square footage of the overall structure or sign face is not enlarged, as provided in § 15.2-2307; (ii) require engineered drawings or a site plan of any kind; or (iii) prohibit the billboard owner from utilizing used building components or materials in making a repair.* However, in no case shall a nonconforming billboard sign be replaced or rebuilt if the cost of the replacement or rebuilding exceeds 50 percent of the current replacement cost.

C. The Commissioner shall review such request and shall issue his approval letter for the repairs to be made within 30 days of submission by the billboard owner. Simultaneously with issuance of its approval letter, the Commissioner shall send a copy of the approval letter with the repair application package submitted by the billboard owner to the building official in the locality where the billboard sign is located. The *billboard* owner ~~of the billboard sign~~ shall *thereafter request to* apply for a building permit from ~~the~~ *such* locality ~~in which the billboard sign is located and provide a copy of the approval letter from the Commissioner as part of the application for the building permit~~. *If the building official advises the billboard owner that no building permit is necessary, the billboard owner shall so advise the Commissioner in writing.*

D. The Commissioner's determination as to whether the owner of the billboard sign has complied with this section shall be binding upon the locality, unless the building official, for good cause shown, submits to the Commissioner documentation objecting to the Commissioner's determination, within 30 days of the building permit application, with a copy of such documentation being provided to the billboard sign owner. ~~The~~ *Upon receipt of a timely objection from the building official, the* Commissioner shall consider any documentation submitted by the building official and shall reissue a *final* determination in accordance with this section, which determination shall be binding upon the locality. *If the locality or the billboard owner disagrees with the Commissioner's final determination, an appeal may be filed under the Administrative Process Act (§ 2.2-4000 et seq.).*