

## CHAPTER 21 - HIGHWAY SETBACKS AND SIGN REGULATION

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### **21.01 - STATUTORY AUTHORITY**

This chapter is adopted under §§59.97, 59.971 and 59.99, Wis. Stats.

### **21.02 - FINDING OF FACT**

Uncontrolled development and use of the right-of-ways areas, access to and areas specified within this chapter of the public roads of the unincorporated areas of the County would adversely affect the public health, safety convenience, general welfare and impair the tax base of the county.

### **21.03 - STATEMENT OF PURPOSE**

- (1) HIGHWAY SETBACK PROVISIONS. In order to promote the public safety, general welfare, and convenience and to permit the careful planning and efficient maintenance of the highway system, it is necessary that highway setback lines be established, and they are hereby established in the County outside the limits of incorporated villages and cities along all public highways, and the intersection of highways and highways with railroads.
- (2) SIGN PROVISIONS. The purpose of this code is to provide the minimum regulations, provisions, and requirements to insure public safety and the general welfare by regulating and controlling the quality of construction, illumination, installation, and maintenance of all outdoor signs and other advertising structures.

### **21.04 - TITLE**

This chapter shall be known as the Pepin County Highway Setback and Sign Regulations Code.

### **21.05 - GEOGRAPHICAL JURISDICTION**

- (1) AUTHORITY. The provision of this chapter of the County Code shall apply within those townships which have adopted this section pursuant to §59.97, Wis. Stats.
- (2) APPLICABILITY. Where a highway is located on a village or city boundary, this chapter is not intended to be effective on the side within the village or city nor on the side within another county where the highway is located on a county boundary.

### **21.06 - COMPLIANCE**

To insure compliance with the terms of this chapter and other applicable chapters, a County Land Use permit shall be obtained from the County Zoning Office before any structure is erected, moved or structurally altered. The term "Structure" shall include but is not limited to all signs as specified in §21.4 and physically erected, altered or constructed stick built buildings, agricultural structures, decks or other structures as defined throughout these chapters of the County Code.

## **21.1 - GENERAL HIGHWAY SETBACK PROVISIONS**

- (1) **SETBACK DISTANCES.** Along highways, generally the setback distance shall be from the centerline of the highway or from the right-of-way (R/W) line, whichever is greater. The following is the required setback from the designed roads as indicated:
  - (a) Class C Highways, Setback Distance: 63' from centerline or 30' from right-of-way (Town Road).
  - (b) Class B Highways, Setback Distance: 75' from centerline or 42' from right-of-way (County Road).
  - (c) Class A Highways, Setback Distance: 110' from centerline or 50' from right-of-way (State Highway).
  - (d) Platted Streets, Setback Distance: 48' from centerline or 30' from right-of-way.
- (2) **VISION TRIANGLES.** In each quadrant of every public street intersection, there shall be a visual clearance triangle that is bounded by the street center lines and a line connecting points on them 300' from a and state highway intersection, 200' from a county highway intersection, and 150' from a town road intersection.
- (3) **HIGHWAY INTERSECTIONS WITH TRANSITIONAL WIDENING.** At all intersections of highways with other highways provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width and the setback lines on the side which is widened shall be increased by an amount equal to the additional pavement.
- (4) **RAILROAD GRADE CROSSINGS.** At grade intersections of all highways with railroads, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points located on the setback lines along the highway and the railroad right-of-way lines and 100' back from the intersections of such highway setback lines and the railroad right of-way-lines.

## **21.2 - STRUCTURES PROHIBITED WITHIN SETBACK LINES**

- (1) No new building, sign, or part thereof shall be placed between the setback lines established by this chapter and the highway except as provided in §21.3.
- (2) No building, sign, or part thereof, except those complying with the above regulations which exists within the setback lines on the effective date of this chapter or any amendment thereto shall be altered or enlarged or reconstructed within such setback lines after having been destroyed by fire, storm, or other catastrophe to the extent of 50% or more of its actual current value.

### **21.3 - STRUCTURES PERMITTED WITHIN SETBACK LINES**

The following kinds of structures and signs may be placed between the setback line and the highway:

- (1) Open fences;
- (2) Telephone, telegraph and power transmission poles and lines, and micro-wave radio relay structures, together with all appurtenances thereto that are readily removable as a unit, including public utility equipment housings or structures; may be constructed within the setback lines and additions to and replacements of any such existing poles, lines, and structures may be made, provided the owner files with the County Zoning Administrator, an agreement in writing to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this chapter at his own expense, when necessary, for the improvement of the highway;
- (3) Wells and private sewage systems and other similar structures;
- (4) Access or service highways constructed according to plans as approved by the County Highway Committee. In giving such approval, the County Highway Committee shall give due consideration to highway safety and maximum sight distance;
- (5) This chapter shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery, or trees, provided, however, that no building or structures, trees, or shrubbery shall be so located and maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed;
- (6) Where buildings are proposed to be erected or moved between buildings existing at the time of the adoption of this chapter and having setback lines less than those established by this Code, which existing buildings are located not more than 100 feet apart, the Zoning Administrator may issue a permit for such proposed building, providing that the setback of such building shall not be less than the average of the setbacks of the nearest adjoining existing buildings on either side of the location of the proposed building;
- (7) Where additions are proposed to be attached to an existing structure and where the existing structure does not conform to the highway setback requirement, the Zoning Administrator may issue a permit for such proposed addition provided:
  - (a) The addition does not encroach any further onto the highway setback;
  - (b) The addition is less in total square feet than the existing structure; and
  - (c) No other setback requirements are violated.
  - (d) Signs as described in §21.4 (a)—(k).
- (8) Nonconforming structures which are damaged or destroyed by fire, flood, explosion or other calamity are exempt from the provisions of this chapter, provided reconstruction does not increase the structures' previous nonconformity. (Ord. No. 179, Am. #53, § 2, 8-18-04)

## **21.4 - REGULATION OF SIGNS**

- (1) SCOPE. The sections contained in this chapter shall be binding alike upon every owner of a building, every lessee, and every person in charge or responsible for or who causes the construction, repair, relocation, or alteration of any outdoor sign and other advertising structures.
- (2) APPLICABILITY. Section 21.4(1) through (7) of this chapter shall apply to all advertising signs affixed to a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institute, organization, or business except those excluded as follows:
  - (a) All signs which direct attention to use conducted, product produced, commodities sold, or a service provided on the same premises, provided the sign does not exceed 12 square feet;
  - (b) All signs not located on the same premise for which the sign is intended and which does not exceed 6 square feet;
  - (c) Real estate signs not exceeding 12 square feet which advertise the sale, rental, or lease of the premises upon which said signs are located only;
  - (d) Professional nameplates not exceeding one square foot;
  - (e) Occupational signs denoting only the name and profession of the occupant in a commercial building, public institutional building or dwelling, and not to exceed 6 square feet in area;
  - (f) Memorial signs or tables, names of buildings, and date of erection when cut into any masonry surface;
  - (g) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or nonadvertising signs as may be approved by the Committee;
  - (h) Temporary signs denoting owner, occupant, architect, engineer, or contractor located on a construction site;
  - (i) Christmas or holiday decorations;
  - (j) Signs erected by governmental bodies;
  - (k) Recreational directory signs indicating the direction to a cottage, resort, residence, or similar use. Such signs shall not be more than 6 sq. ft. Where a common posting standard is provided, all such signs shall be attached to the standard;
  - (l) Agricultural signs pertaining to sale of agricultural products on a farm or to membership in agricultural or agricultural related organizations not to exceed 32 sq. ft.;
  - (m) Crop demonstration signs not to exceed 8 sq. ft. and to be removed not later than 10 days following crop harvest; and

- (n) Political signs for both the primary and general election and shall be removed not later than 10 days following the general election for which they were posted.
- (3) PERMIT REQUIRED. A zoning permit shall be required from the Zoning Administrator for all signs not excluded in §21.4(2)(a)—(n).
- (4) STANDARDS.
  - (a) Location.
    - (1) All signs not excluded as provided in §21.4(2)(a)—(n) shall be set back from any highway in accordance with §21.1.
    - (2) No sign of a permanent nature shall be located closer than 200' from any highway intersection.
    - (3) Not more than 2 directory signs relating to the advertising of a special premises shall be permitted in any one direction along any one highway.
    - (4) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or with driver vision at any access point or intersection.
  - (b) Spacing. Sign spacing along each side of highways and roads shall be as follows:
    - (1) Class A Highways: No 2 signs greater than 12 sq. ft. shall be spaced less than 1000' apart;
    - (2) Class B Highways: No 2 signs greater than 12 sq. ft. shall be spaced less than 500' apart;
    - (3) Class C Highways: No 2 signs greater than 12 sq. ft. shall be spaced less than 300' apart; and
    - (4) The minimum distance between signs greater than 12 sq. ft. shall be measured along the nearest edge of the pavement between points directly opposite the sign.
  - (c) Maximum Area and Height.
    - (1) The maximum area for any sign shall be 300 sq. ft. for each sign facing, including boarder and trim but exclusive of supports.
    - (2) Two signs not exceeding 150 sq. ft. in sign face area, each may be erected side by side. Back-to-back or V-type signs will be permitted and shall be treated as one structure with 300 sq. ft. permitted for each with not more than 15' between structures or faces to permit cross bracing. Signs on opposite sides of a building, which do not extend in width or height beyond limits of the side walls of the building, may be treated as back-to-back signs. all parts of such signs shall be within 5' of the building.

- (3) The area shall be measured by the smallest square rectangle, triangle, circle, or combination thereof which will encompass the entire area.
- (4) Signs of greater size may be authorized by the Board of Adjustment when sufficient reason is given.
- (5) Signs placed on buildings shall not exceed the height restriction for that district.

(5) GENERAL REQUIREMENTS.

- (a) No sign shall contain, include, or be illuminated by a flashing light.
- (b) No sign shall contain, include, or be composed of any conspicuous animated part.
- (c) All electrical signs other than those bearing the label of approval of a recognized testing laboratory shall be inspected in the shop of the corporation, firm, or person fabricating or erecting the electrical sign, or may be inspected on the ground of the premises where the said electrical sign is to be erected. In no case can shop inspections be made after a sign has been erected on a structure or building. Signs shall be removed to the sidewalk or grade level in order that the shop inspection can be made.
- (d) All electrical signs shall be equipped with a watertight safety switch. The switch shall be located where the electrical supply enters the sign.
- (e) Any movable part of a sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.

(6) SPECIFIC CONSTRUCTION REQUIREMENTS.

- (a) Wind Pressure. All signs shall be designed, constructed, and anchored to withstand a horizontal wind pressure of not less than 30 pounds per square foot of exposed area.
- (b) Dead Load. All sign structures shall be constructed and fastened to adequately support the dead load of any sign.
- (c) Footings. All footings for supports of ground signs shall be not less than 3' 6" below the existing ground level.
- (d) Attachment. Projecting signs which are permitted to extend above parapet walls may be attached to brackets fastened to roofs by any accepted method, but shall not be attached to any part of an unbraced wall above a point of bearing of the roof rafters.
- (e) Roof Sign. Signs constructed on the roof of a building shall be thoroughly secured and anchored to the frame of the building over which they are constructed.

(7) MAINTENANCE AND REMOVAL.

- (a) All signs and sign structures shall be properly maintained and kept in a neat and proper state of maintenance and appearance.
- (b) Signs which no longer serve the purpose for which they were intended, are not maintained, or which have been abandoned, shall be removed by the sign erector, owner or lessee, or by the County at the expense of the above mentioned persons.
- (c) All temporary signs shall be removed within 10 days after the event advertised, except that signs, posters, or billboards advertising for the election of a political candidate who is successful in a primary election shall be permitted to remain posted until 10 days after the general election.

**21.5 - ENFORCEMENT AND PENALTIES**

- (1) Any building or structure erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this chapter by any person, firm, association or corporation (including building contractors or their agent) shall deem an unlawful structure or use. The Zoning Administrator shall report all violations of these codes to the Zoning Committee. The Zoning Administrator may sign a complaint and report the violation to the District Attorney and/or issue a citation pursuant to §25.04(4) of this Code. It shall be the duty of the District Attorney/Corporation Counsel to expeditiously prosecute all such violators.
- (2) A violator, upon conviction shall be subject to penalties as specified in §25.04 of this Code.

**21.6 - VARIANCES AND APPEALS OF ADMINISTRATIVE DETERMINATIONS**

Where, because of unique topographic or other conditions of the land involved, it would be inappropriate to apply literally the provisions of this code and where such literal application would impose undue hardship, the County Board of Adjustments may attach conditions to the granting of such modifications to assure that the purposes and intent of the Ordinance are observed and that compliance with State laws is achieved. The County Board of Adjustments shall hear and decide appeals where it is alleged that the administration erred in applying the provisions of this chapter.

**21.7 - EFFECTIVE DATE**

This chapter shall be in full force and effect from and after it's passage and publication as provided by law.