

## **CHAPTER 33**

### **REGULATION OF OUTDOOR ADVERTISING**

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## 33.01 Purpose, Findings and Applicability.

- (1) Purpose. The purpose of this section is to:
  - (a) Establish minimum standards to safeguard life and property and to promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding 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 in La Crosse County.
  - (b) Further the responsibility of the County of La Crosse as an Eco-Municipality to lead in accordance with the principles of sustainability that meet the needs of the present while minimizing negative impact on future generations.
- (2) Findings.
  - (a) Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for signs that are structurally inadequate, or that may confuse or distract drivers or pedestrians, or that may interfere with official directional or warning signs.
  - (b) Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.
  - (c) With respect to electronic changeable copy, electronic graphic display and video display signs these signs are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity for extended periods of time. If left uncontrolled these electronic signs constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; and the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001 reveal that electronics signs are highly distracting to drivers and the driver distraction continues to be a significant underlying cause of traffic accidents.
  - (d) Signs are an invaluable marketing tool for businesses and organizations as well as a vital component of way-finding for residents and visitors alike.
- (3) Authorization and Applicability. This chapter is created pursuant to s. 59.70(22), Wis. Stats. This chapter shall not apply within cities, villages and towns which have enacted ordinances regulating the same subject matter. The provisions of s.

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84.30, Wis. Stats., and Wisconsin Administrative Code, Trans 201 are adopted and incorporated herein as part of this chapter for regulating signs along and adjacent to any system of interstate, defense, federal primary or federal secondary highways in unincorporated areas of La Crosse County. The regulations in this section shall also apply to the aforementioned highways.

### 33.02 Definitions.

- (1) Administrator. The County Zoning Supervisor, or designee of the County Zoning Supervisor, empowered to enforce the rules and provisions of this chapter.
- (2) Canopy Sign. Any shelter combined with a sign which is attached to or associated with a structure.
- (3) Class 1 Highway. Improved or unimproved Town Roads or other public roads not identified as Class 2 or 3 Highway.
- (4) Class 2 Highway. Improved or unimproved County Roads.
- (5) Class 3 Highway. Improved or unimproved State or Federal Roads, except class 4 highways.
- (6) Class 4 Highway. Controlled access highway, freeway or interstate roads.
- (7) Committee. The committee charged with carrying out the policy-making processes for the La Crosse County Zoning, Planning and Land Information Department as defined in Chapter 1 of this Code.
- (8) Department. The La Crosse County Zoning, Planning and Land Information Department.
- (9) Digital Billboard. An off-premises sign capable of displaying multiple static images controlled by electronic communications.
- (10) Electronic Message Unit. Any on-premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
- (11) Flag. Official flags of government jurisdiction
- (12) Flashing Sign. Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (13) Frame Effects. Any visual effect on an electronic message unit applied to a single frame to transition from 1 message to the next. Such effects may include but will not be limited to scrolling, fading, dissolving, etc.
- (14) Freestanding Sign. Any ground, monument, pole or other sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (15) Frontage. That portion of a parcel abutting a highway or other approved access.

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- (16) Fronting on a Class 4 Highway. Any parcel which is adjacent to a class 4 highway.
- (17) Illuminated Sign. Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, luminous tubes, or any other artificial means as part of the sign.
- (18) Interactive Sign. An electronic message unit that is capable of being programmed or manipulated by anyone other than the sign owner or an authorized agent of the sign owner.
- (19) Intersection. The point upon which 2 highway centerlines or a highway centerline and the center of a railway right-of-way converge.
- (20) Lot Lines. The lines bounding a parcel.
- (21) Manual Message Unit. Any sign whose message may be changed by manual process. Manual Message Units typically have slots or grooves with hooks or brackets, or magnets for the individual letters and symbols to be attached to the sign face to create a message.
- (22) Monument Sign. A free standing sign where the base of the sign structure is on the ground, rather than attached to a pole or pylon that is attached to the ground.
- (23) Moving Sign. A sign or any portion of a sign that physically moves, such as rotating or spinning, rocking, going up or down, etc. or that uses lights or other elements to simulate movement including scrolling (up and down), twinkling, fading, bouncing, rotating, pulsing, or in any other manner create the effect of movement.
- (24) Non-Conforming Sign. Any sign which existed prior to the effective date of this chapter and does not conform to the regulations within.
- (25) Off-Premise Sign. Any sign that is not appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed.
- (26) Off-Premise Static Sign. An off-premise sign that is not capable of displaying multiple static images controlled by electronic communications and not including directional signs.
- (27) Official Sign. Any sign required by a government jurisdiction or by a public or private utility to assist in providing a service to the public.
- (28) On-Premise Sign. Any sign that is appurtenant to the use of the property, a product sold, or the sale or lease of the property on which it is displayed.
- (29) Parcel. One piece of land owned by a single entity which may or may not coincide with a lot of record.
- (30) Projecting Sign. Any sign extending more than 18 inches but less than 4 feet from the face of a wall or building.
- (31) RPA District Line. A line delineating certain zoning districts pursuant to Chapter 17 of the Code of Ordinances, which include any districts zoned Residential A, B, C, Rural, Manufactured Home Community, or other designated residential

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districts, Exclusive Agricultural, General Agricultural, or other designated agricultural district, and Public Facilities and Institutional.

- (32) Right-of-Way. Land over which an existing or planned public highway or railroad is intended and the boundary of which is shown on a legal map, plat, survey or plan or described in a recorded document. Where a legal map, plat, survey, plan or other recorded document does not exist and a highway has been constructed, 33 feet on either side of the traveled centerline shall be considered the right-of-way of said highway.
- (33) Roof Sign. Any sign erected upon or over the roof or parapet of any building.
- (34) Sensitive Area. An area defined and delineated as floodway on the "Official Floodplain Zoning Map", adopted and made part of the La Crosse County Floodplain Zoning Ordinance and as approved by the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
- (35) Sign. A sign shall include anything that promotes, calls attention to or invites patronage to a business, location or product.
- (36) Sign, Area Of. The area is the dimension of the face of the sign, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than 1 side, all areas will be totaled unless stated otherwise
- (37) Sign Tracking Technology. Any electronic or other automatic device used to track or otherwise monitor the behavior, demographics or other features of motor vehicles, drivers, passengers, or other passersby.
- (38) Temporary Portable Sign. Any sign not permanently attached to the ground which is intended to be displayed for no longer than 30 days per year, including real estate signs, construction site signs, banners, commander boards, decorative-type displays, signs which are designed to be easily moved from 1 location to another, or anything similar to the aforementioned.
- (39) Vision Clearance. The area providing unobstructed vision at traffic intersections within which no structures, temporary structures, crops or landscape features shall encroach in order to provide for the safe and efficient flow of traffic [see s. 17.06(4) of the General Code of Ordinances].
- (40) Wall Sign. Any sign attached to, erected on or painted on a wall of a building or structure and projecting 18 inches or less from such wall.
- (41) Window Sign. Any sign located completely within an enclosed building and visible from a public way.
- (42) Wi-Fi Sign. A sign that is capable of communicating with personal portable wireless devices, such as cell phones, electronic navigation devices or portable computers, sending an advertising or other message to those devices.

33.03 Permits Required. Except as otherwise specified in this section, no sign shall hereafter be

located, erected, moved, reconstructed, extended, enlarged, concerted or structurally altered, including converted to electronic message, without the issuance of a sign permit and without being in conformity with the provisions of this chapter. The sign shall also meet all other structural requirements of other applicable state, federal and local rules and ordinances. Signs shall not be erected or altered until a sign permit has been issued by the Department.

#### 33.04 General Provisions.

- (1) **Setback and Dimensional Requirements.** The following setbacks and heights shall apply to all signs including all features of said signs, unless otherwise stated.
  - (a) For signs 0 to 64 square feet per side, there shall be a 5 foot setback from all lot lines from any feature of the sign.
  - (b) For signs greater than 64 square feet per side, there shall be a 10 foot setback from all lot lines from any feature of the sign.
  - (c) Freestanding sign(s) shall be separated from other structures by a minimum of 10 feet, measured from edge of roof overhang to the closest part of the sign.
  - (d) The maximum height of any on-premises freestanding sign shall be 20 feet above ground level at the site of the sign but in no event shall the maximum height exceed 50 feet above the adjacent road centerline.
  - (e) The maximum height of any sign that fronts on a class 4 highway shall be 50 feet above the average elevation at the site of the sign, or above the elevation of the adjacent road center line, whichever is higher.
  - (f) Sign area or size shall be measured as the entire area within a single continuous perimeter enclosing an individual sign or group of signs, including the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. An electronic message unit sign cannot exceed the maximum allowable square footage, but can be included within a larger sign of another type if it does not exceed 50% of said sign area. The sign area will not include the base, apron, supports, structural members, framework, poles, roof, embellishments or decorative base when such area meets the other regulations of this ordinance.
  - (g) **Distance Between Freestanding Signs.** The distance between freestanding signs requiring a sign permit on the same parcel of land shall be a minimum of 200 feet throughout the street frontage, unless the street frontage is under 200 feet, where 1 freestanding sign shall be allowed.
- (2) **Number of Signs Allowed.** No more than 2 signs of any type that require a permit shall be allowed per street frontage on any parcel.
- (3) **Signs on Public Rights-of-Way.** Signs shall not be allowed on public rights-of-way, except for official signs.

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- (4) Dangerous and Abandoned Signs. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of 6 months or when, in the judgment of the Department, such sign is dilapidated, in disrepair, dangerous, or unsafe. If the owner or lessee fails to remove it, the Department may take appropriate enforcement action following adequate written notice. The owner may appeal the Department's administrative decision pursuant to s. 33.09.
- (5) Prohibited Signs. The following signs are prohibited unless they comply with 33.04(8) of this chapter.
- (a) Signs facing a Residential District. Any sign greater than 32 square feet per side shall not be allowed within 100 feet of such district boundary for non-illuminated signs and within 300 feet of such district boundary if the sign is an illuminated sign.
  - (b) Traffic Interference. Signs shall not resemble, imitate or approximate railroad or traffic signs, signals or devices by their shape, size, form or color. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
  - (c) Moving or Flashing Signs.
  - (d) Temporary Portable Manual Message Units, whether mounted on a trailer or on legs.
  - (e) Signs that cast light onto any public right-of-way or on adjoining properties such that the effect creates a safety hazard or a private nuisance.
  - (f) No sign shall be placed within the Vision Clearance except for official traffic control and highway signs.
  - (g) Roof Signs
- (6) Construction and Maintenance Regulations.
- (a) All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Required landscaping shall be weed-free and appropriately trimmed or clipped. Signs shall be constructed and maintained in a safe structural manner in accordance with the National Building Code, the National Electrical Code, the Wisconsin Administrative Code and Wisconsin State Statutes.
  - (b) Normal maintenance and repair includes preparing surfaces for painting repair or replacement of fasteners such as nails, screws or bolts, replacement of lighting components and associated fixtures, fastening broken pieces of a sign back together with glues or fasteners or in general bringing an existing sign back up to its original condition. Normal maintenance does not include the use of different materials for any replacement or addition of any structural elements such as posts, poles, braces or guy wires, frames, crossbeams, or sign faces.

- (7) Legal Non-Conforming Signs.
- (a) Any existing sign on the effective date of this chapter which does not conform with the provisions of this chapter is considered a legal nonconforming sign, provided that it meets the following requirements:
    - 1. The sign was allowed by a sign permit prior to the effective date of this chapter.
    - 2. If no sign permit was required under the applicable law for the sign in question and the sign was in compliance with the applicable county ordinances, state and federal laws on the effective date of this chapter.
  - (b) Nothing in this chapter shall relieve the owner or user of a legal non conforming sign or the owner of the property on which the sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs.
  - (c) All legal non-conforming signs shall be kept clean and well painted at all times and normal maintenance and repair is permitted, however it must remain substantially the same as it was on the effective date of this ordinance and it shall not be moved, enlarged, raised, improved, or altered.
  - (d) Legal non-conforming signs are permitted normal maintenance and repair of the sign, including a change of advertising message. A change of advertising message shall not include the replacement of the existing sign face with any new materials or structures, such as the replacement with a vinyl face, or an Electronic Message Unit.
  - (e) Loss of legal non-conforming status. A sign will lose legal nonconforming status if 1 or more of the following occurs:
    - 1. If said sign is damaged or structurally altered, except for normal maintenance and repair, the sign shall be reconstructed and used as before the damage or alteration, if it is reconstructed within 3 months after such damage or alteration, provided that the cost to reconstruct the sign is 50% or less of its fair market value per event; if the sign fails to conform to the County requirements regarding maintenance and repair, abandonment or dangerously defective signs.
    - 2. The sign is relocated so as to comply with all appropriate regulations.
  - (f) On the date of occurrence of any of the above, the sign shall be immediately brought into compliance with this chapter and a sign permit shall be issued or the sign shall be removed.
  - (g) All signs that are exterior illuminated require shielded light fixtures that will direct light at the sign, so as not to cast light onto any public right-of-way or on adjoining properties.

(9) Illuminated Signs and Electronic Message Units.

(a) All illuminated signs or electronic message units shall be required to obtain a permit.

(b) On-premise electronic message units shall be allowed subject to the following:

1. Number of electronic message units per site. One electronic message units is allowed per site street frontage. Two sides of such sign are considered 1 electronic message unit. This unit shall count as one of the total number of signs allowed per parcel as referenced in s. 33.04(2).
2. On premises fronting class 4 highways, the electronic portion of the sign fronting class 4 highways shall not exceed 100 square feet per side and a total of 200 square feet on both sides.
3. May not be located within 300 feet of a Residential or Public District Line.
4. Distance Between Electronic Message Unit Signs. The distance between electronic message signs requiring a Sign Permit shall be a minimum of 200 feet throughout the street frontage, unless the street frontage is under 200 feet, where 1 electronic message unit sign shall be allowed.
5. Types of messages permitted. On-premise illuminated and electronic message units may be used only to advertise activities conducted on the premises or to present public service information; no off-premises advertising is allowed.
6. Hours of operations. The electronic message unit shall only be illuminated between the hours of 6:00 am to 12:00 midnight, except during the hours of operation of the business or entity if the hours of operation exceed such times.
7. Length of Messages. Each message change shall be accomplished in 1 second or less, and each message shall remain in a fixed position for a minimum of 8 seconds. Only frame effects of fading and dissolving shall be allowed.

(c) Design standards.

1. An illuminated sign or electronic message unit design plan shall be submitted as part of the permit application. The illuminated sign or electronic message unit design must be architecturally compatible with the building design, utilizing similar materials and established style as found in the principal structure.
2. A landscape plan shall be submitted as part of the permit application for all freestanding signs. The landscaping shall address the area within 6 feet of the sign, utilizing plantings that are complimentary to the sign base, appearance, and location of the sign.

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3. No electronic message unit shall be illuminated to a degree of brightness greater than necessary for adequate visibility or a maximum of 500 nits (candelas per square meter) between dusk and dawn, 5,000 nits during daylight hours, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive. All electronic message units shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. Signs found to be too bright will be adjusted to meet these standards after notification by the County.
4. Prior to issuance of a permit the applicant shall submit a signed letter from the manufacturer certifying that the sign has the ability to be programmed to comply with the above requirements to the satisfaction of the Department.

(d) Compliance with ordinance upon ordinance adoption.

1. All electronic message units that are in operation on the date of the adoption of this ordinance that are capable of being re-programmed by an owner or other operator shall comply with the programming and lighting standards of this ordinance within 90 days.
2. Requirement of periodic review. Rapidly evolving sign technology will necessitate periodic review of this ordinance, and shall be undertaken by the County Department on a schedule to be established from time to time. New technology that can be adapted to minimize harmful effects of illuminated signs may be required and otherwise regulated during the life of the sign.
3. The County shall as part of the permit process provide the sign holder with a current copy of existing state, federal and county ordinances regarding electronic signs including current regulations pertaining to degree of illumination, and also definitions and restrictions on flashing lights, moving lights, traveling lights, etc.

33.05 Residential District A, B, and C, Rural, and Manufactured Home Community District.

- (1) Signs Not Requiring a Sign Permit. The following signs shall not require a sign permit, provided that they are on-premises signs or directional signs, and shall comply with the regulations of this chapter.
  - (a) Signs not exceeding 8 square feet.
  - (b) Flags
  - (c) Official signs.
  - (d) Temporary portable signs shall not exceed 8 square feet and shall not be Electronic or Manual Message Units.
- (2) Signs Requiring a Sign Permit. The following signs shall be allowed after issuance of a sign permit by the Department and shall comply with the regulations of this chapter.

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- (a) Signs greater than 8 square feet but not to exceed 16 square feet.
- (b) Temporary portable signs greater than 8 square feet but not to exceed 16 square feet. Such signs shall not be Electronic or Manual Message Units.

33.06 Exclusive Agricultural, General Agricultural, Recreational & Natural Resource, and Public Facilities and Institutional Districts.

- (1) Signs Not Requiring a Sign Permit. The following signs shall not require a sign permit, provided that they are on-premises signs or directional signs, and shall comply with the regulations of this chapter.
  - (a) Signs not exceeding 16 square feet.
  - (b) Flags.
  - (c) Official signs.
  - (d) Temporary portable signs less than 16 square feet. Such sign shall not be Electronic or Manual Message Units.
- (2) Signs Requiring a Sign Permit. The following signs shall be allowed after issuance of a sign permit by the Department and shall comply with the regulations of this chapter.
  - (a) Signs greater than 16 square feet but not to exceed 32 square feet.
  - (b) On-Premise Electronic Message Unit Signs adjacent to a class 1 or class 2 highway shall not exceed 16 square feet, or adjacent to a class 3 highway shall not exceed 32 square feet.

33.07 Commercial, Light Industrial and Industrial Districts.

- (1) Signs Not Requiring a Sign Permit. The following signs shall not require a sign permit, provided that they are on-premises signs, directional signs, and shall comply with the regulations of this chapter.
  - (a) Signs not exceeding 16 square feet.
  - (b) Flags.
  - (c) Official signs.
  - (d) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 75% of the glass area of the pane upon which the sign is displayed.
  - (e) Temporary portable signs not exceeding 32 square feet. Such sign shall not be Electronic or Manual Message Units.

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- (2) Signs Requiring a Sign Permit. The following signs shall be allowed after issuance of a sign permit by the Department and shall comply with the regulations of this chapter.
- (a) Signs greater than 16 square feet.
  - (b) On Premise Freestanding signs shall not exceed 20 feet in height above the centerline street grade from which access to the parcel is obtained. Freestanding signs shall not exceed 200 square feet on 1 side or 400 square feet on all sides for any 1 parcel.
  - (c) Projecting signs fastened to, suspended from or supported by structures shall not exceed 100 square feet in area for any 1 parcel, shall not exceed a height of 20 feet above the centerline street grade, shall not be more than 20 feet and not be less than 15 feet above a driveway. If the sign is only above a sidewalk, it shall not be more than 15 feet and not less than 10 feet from the ground. Projecting signs shall not extend above the roof line.
  - (d) Wall signs placed against the exterior walls of buildings shall not exceed 200 square feet in area or 40% of the wall surface, whichever is less, per wall for any 1 parcel, shall not exceed the height of the wall for which it is displayed and shall not extend above the roof line.
  - (e) Canopy signs shall not exceed 100 square feet per street frontage or 20% of the fascia of the canopy, whichever is greater.
  - (f) Manual Message Units shall not exceed 64 square feet and 20 feet in height.
  - (g) On-Premise Electronic Message Unit Signs adjacent to a class 1 or class 2 highway shall not exceed 24 square feet, or adjacent to a class 3 highway shall not exceed 40 square feet.
  - (h) Off-premise static signs, subject to the following:
    - 1. Shall be a minimum of 300 feet for non-illuminated signs and 900 feet for illuminated signs from a zoned RPA District line and from sensitive areas.
    - 2. Shall be a minimum of 300 feet from an intersection.
    - 3. Any off-premise static sign constructed after the effective date of this chapter shall be a minimum of 600 feet from another off-premise sign.
    - 4. Shall be erected in a freestanding design. No back bracing or guy wires are allowed.
    - 5. Shall meet all federal, state and local requirements prior to issuance of permit.
    - 6. Shall not exceed 300 square feet per side of the sign structure, except shall not exceed 672 square feet per side of the sign structure along class 4 highways.

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7. Shall not exceed the height of 30 feet above ground level at the site of the sign, except the maximum height shall be 50 feet above ground level at the sign site if located along class 4 highways, but in no event shall the maximum height exceed 50 feet above the adjacent road centerline.
- (i) Off-premise Digital Billboard Signs shall be allowed subject to the following:
1. Only off-premises signs existing as of the date of passage of this ordinance may be converted to digital billboards so long as such signs comply with all applicable provisions of this Chapter and subject to the following:
    - a. Before a sign permit for any conversion of an existing off premises sign to a digital billboard is granted, a public hearing shall be held before the Planning, Resources and Development Committee subject to the following:
      - i. Notice of the hearing shall be provided to all County Board Supervisors, the media, the town where the sign is located, and property owners within 1,000 feet of the sign.
      - ii. Prior to the hearing, the applicant for the permit shall complete a site specific review, which will include a traffic safety study and the impact of the conversion on the environment, including neighborhoods, planned future development in the area and existing conditions.
      - iii. The Committee shall only have authority to determine if a permit should be denied even if the applicant meets all of the requirements for a digital billboard pursuant to this ordinance. The Committee shall consider the factors addressed in the site specific review and any other factors deemed relevant by the Committee to the public health, safety and welfare of the County.
  2. Digital billboards shall display static images for a period of at least 7.5 seconds before instantaneously transitioning to another static image.
  3. Animation, frame effects, flashing and the appearance of movement whatsoever, interactive signs, video display signs, sign tracking technology, Wi-Fi signs and signs that emit any visible matter other than light shall be explicitly prohibited.
  4. All digital billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions.
  5. No digital billboard shall exceed a brightness level of 5,000 nits (candelas per square meter) during daylight hours and 500 nits

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between dusk and dawn, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive. Signs found to exceed these standards shall be adjusted to meet these standards after notification by the County.

6. Prior to issuance of a permit the applicant shall submit a signed letter from the manufacturer certifying that the billboard has the ability to be programmed to comply with the above requirements to the satisfaction of the Department, subsections (2.) through (5.) above.
7. A digital billboard shall be only located on a Federal-aid primary highway system (FAP) with traffic counts greater than 20,000 vehicles per day.
8. Shall be located a minimum of 1,320 feet from a zoned Residential and Public Facilities and Institutional District Line or sensitive area adjacent to a class 4 highway and 1500 feet from an RPA District Line and sensitive area adjacent to all other highways.
9. A digital billboard shall be separated from another digital billboard by a minimum distance of 2,500 feet.
10. Shall not exceed the height of 30 feet above ground level at the site of the sign, except the maximum height shall be 50 feet above ground level at the sign site if located along class 4 highways, but in no event shall the maximum height exceed 50 feet above the adjacent road centerline.
11. Each conversion shall require the applicant to take down or eliminate the equivalent of 2 square feet of off-premise static signs for every 1 square foot of area converted to a digital billboard.

33.08 Administration. This chapter shall be enforced by the Administrator. The Administrator shall have the following duties in connection with the enforcement of this chapter:

- (1) Keep records of all violations to the terms of this chapter and report such violations to the respective sign owner for resolution.
- (2) Issue citations for forfeitures for violations of this chapter when necessary.
- (3) Post stop work orders for any activity that has commenced prior to the issuance of a required permit.
- (4) Issue Permits. The Administrator shall issue a permit, where required, prior to the construction or erection of any new sign and any alteration or addition to any existing sign.
  - (a) If the Administrator finds that the permit application will not be in violation of this or any other ordinance, the Administrator shall issue a permit. The Administrator shall retain 1 copy of the permit and any pertinent application materials and return any other documents and an approved permit to the applicant.

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- (b) If the Administrator finds that the proposed permit application is not in compliance with the provisions of this chapter, the Administrator will deny such application and inform the applicant of the reasons for denial.
- (c) Complete permit applications shall be issued or the application shall be denied within 10 days after receipt of the application.
- (d) If activity has commenced prior to the issuance of a permit, any permit issued for said activity will be considered an after-the-fact permit.

33.09 Appeals. Any person or entity aggrieved by a decision of the Department shall have the right to appeal pursuant to Chapter 68 of the Wisconsin Statutes. The impartial decision maker under s. 68.11, Wis. Stats., shall be the Planning, Resource and Development Committee. The Committee shall either affirm, reverse or modify the decision.

33.10 Severability. If any portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected.

### 33.11 Enforcement and Penalties.

- (1) Any person, firm, company or corporation who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be subject to a forfeiture of not less than \$100 and not more than \$500 for a first offense and a forfeiture of not less than \$200 and not more than \$1000 for a second or greater offense. Each day of violation shall constitute a separate offense.
- (2) Violations. All signs constructed or maintained in violation of any of the provisions of this chapter are hereby declared public nuisances within the meaning of this chapter. In addition to any penalty provisions for violation of this chapter, the Administrator may bring an action to abate the nuisance and seek injunctive relief in a court of competent jurisdiction.

33.12 Fees. The fees under this chapter shall be determined by the County Board.