

# ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

## CHAPTER 9 ARTICLE 7 - GENERAL PERFORMANCE STANDARDS / OFF-STREET PARKING AND LOADING / SIGN REGULATIONS

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### 9.70 HIGHWAY SETBACKS (#29-2001, #77-2003,2-2017)

#### A. Setback

On all public highways there shall be minimum setback areas as follows:

1. The setback in all areas shall be no less than (20) feet from the right-of-way provided the right-of-way is clearly identified by one of the following documents:
  - a. A certified survey map, plat, deed, or court order recorded in the Register of Deeds or Clerk of Courts.
  - b. A map of survey is filed in the County Survey Records.
  - c. A highway order, minutes of a town meeting, or similar document is on file with the town.
2. In the absence of a documented right-of-way as stated above, the setback shall be:
  - a. (80) feet from the centerline of state and federal highways.
  - b. (70) feet from the centerline of county trunk highways.
  - c. (60) feet from the centerline of all public roads and streets not otherwise classified.

Provided that in no case shall the setback be less than (20) feet from the right-of-way or lot line.
3. When the public highway is intersected by a railroad, the setback area shall be a clear vision triangle bounded by a straight line connecting points on the centerline of the highway and railroad, 330 feet from the point of intersection but in no case can the setback area be less than the distances shown in subsection 1 above.
4. Where there is an existing pattern, setback requirements shall be established jointly by the town board in which such town is located and by the committee after review of a recommendation by the zoning administrator.

5. For lots abutting a state trunk highway or connecting highway that is subject to Wisconsin Administrative Code TRANS 233.08, the owner must provide proof of compliance from the Wisconsin Department of Transportation with respect to any proposed construction either in the right-of-way or setback from such highway. In no case shall the setback be less than (20) feet.

#### B. EXEMPTIONS

The following structures are exempt from the twenty (20) foot setback to the documented right-of-way of public highways, as specified in section 9.70(A)(1).

1. Public utilities.
2. Awnings at least eight (8) feet above the ground or two (2) feet back from the traveled portion of a town, county, state or federal highway shall be permitted in areas zoned Business B-1 or Business B-2 if the agency or municipality holding the highway setback and the town in which the proposed awning is to be located consent. The holder of the highway right-of-way shall be required to provide written consent to the owner of the awning. The awning shall contain no sign or advertisement or obstruct the traffic view.
3. Driveway entrance gates, columns, walls, landscaping structures/designs and retaining walls provided such structures/designs don't obstruct vision for vehicular traffic entering a public highway.
4. On-premise signs pursuant to section 9.78. Off-premise signs are required to meet the twenty (20) foot setback to the right-of-way of public highways.
5. Open fences pursuant to section 9.74(E).
6. Driveway connecting to a public highway.

#### 9.71 SIDE YARDS AND REAR YARDS

- A. For all buildings, manufactured homes, manufactured buildings, mobile homes, house trailers, decks, there shall be two side yards and one rear yard, each of which shall be not less than ten (10) feet in width, provided further that the buildable width of a lot shall not be reduced to less than twenty-five (25) feet and the buildable depth shall not be reduced to less than fifty (50) feet except:
  1. Where a side yard or a rear yard adjoins a highway, then section 9.70 of this ordinance shall apply.
  2. For blocks within towns, used essentially for business, the side yards and rear yards may conform to existing patterns.

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3. In recreational camps, buildings shall not be less than 100 feet from adjacent property lines.
4. Livestock and poultry housing structures and yards shall be located not less than 100 feet from adjoining property lines, nor less than the minimum distance provided for in the Administrative Code of the State Board of Health from the nearest corner of an established enterprise with a similar sanitary code. Applicable water front setback provisions must be met.
5. Nonmetallic mining; the top incut for an excavation shall not be less than 30 feet from adjoining property and highway right-of-way lines.
6. In campgrounds no campsite area, building or structure shall be located within 200 feet of adjacent property lines when the adjacent property is zoned to single or multiple family residential districts. For all other use districts, the distance shall be 100 feet.
7. In mobile home parks, no mobile home or structure shall be located within 100 feet of adjacent property lines when the adjacent property is zoned to single or multiple family residential districts. For all other use districts, the distance shall be 50 feet.

- B. Accessory buildings, structures or mobile homes which are not a part of the main building or not used for dwelling purposes, may occupy the side yard, or rear yard but shall be at least five (5) feet from the lot line.

9.72 BUILDING HEIGHT RESTRICTIONS (#08-2004,03-2007,15-2017)

Height Limit Restrictions

- A. All structures located within 75 ft of the OHWM. No principal or accessory structure located within 75 ft of the OHWM of any navigable waters shall exceed 35 ft in height. See Article 10 definitions.
- B. Principal and accessory structures located greater than 75 ft from the OHWM. See Article 10 definitions.
1. Except as provided in section 9.72(B), any building or structure exceeding two (2) stories or 35 feet in height shall require a CUP.
  2. No principal building or structure shall exceed two stories or 35 feet in height and no detached accessory structure shall exceed 25 feet in height in District 2 Single Family Residential.
  3. No multiple family dwelling units shall exceed two stories or 35 feet in height when community sewer and water facilities are not provided.
  4. No detached accessory structure shall exceed 25 feet in height in District 3 Multiple Family Residential.

C. Exemptions – Structures located greater than 75 ft from the OHWM.

Buildings and structures that are exempt from height restrictions are:

1. Uninhabitable architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.
2. Special structures, such as gas tanks, grain elevators, private radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, sub-stations and smoke stacks are exempt from the height limitations of this ordinance. A zoning permit or a conditional use permit may be required.
3. Essential services, such as utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance, but a zoning permit or a conditional use permit may be required.
4. Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, emergency service communication towers, and wireless telephone service towers shall be the minimum distance from all lot lines that they are in height, except when certification is provided by a Wisconsin licensed structural engineer and/or the tower manufacturer that the tower is designed to collapse within 50-percent of the height of the tower. With such certification provided, towers shall be the minimum distance of half the height of the tower from all lot lines. A zoning permit or a conditional use permit shall be required.
5. Agricultural structures, such as barns, silos, and windmills shall be the minimum distance from all lot lines that they are in height. Section 9.71(A)(4) shall also apply.
6. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations.

9.73 DWELLING OVERLAY DISTRICTS (#19-2001,#66-2002,#10-2004,#14-2007)  
Eliminated from ordinance effective 4/22/08.

9.74 FENCES, WALLS, AND HEDGES (#6-2022)

Fences, walls and hedges erected, placed or maintained on a lot line or adjacent thereto shall be regulated by the following:

- A. No fence, wall or hedge shall be constructed that would constitute a nuisance, pursuant to s. 844.10, Wis. Stats.

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- B. No fence, wall or hedge shall exceed a height of six (6) feet, except as provided in the following circumstances.
  - 1. There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and similar activities.
  - 2. There shall be an eight (8) foot height limit to act as a screen between residential districts and any land use that would require a conditional use permit.
  
- C. Fences erected may be decorative fences of either wood, wire, plastic, composite, or similar materials, shall have a smooth surface on the side facing the adjacent property, and shall be kept neat and in good repair, except as provided in Section 9.74(F). Barbed wire fences are forbidden, except as provided in section 9.74(E).
  
- D. No fence shall be erected in the waterfront setback that would parallel the waterfront, except as provided in section 9.74(E) or 9.74(H).
  
- E. No barbed wire fence shall be used except to fence livestock, protect crops, industrial junk yards, utility or municipal property. Open fences that do not obstruct vision and are used to fence livestock, protect crops, industrial, utility or municipal property may be in both the highway and waterfront setback areas and may exceed the height restrictions.
  
- F. Wood, plastic, or similar material snow fencing may be erected and maintained only on a temporary basis during the months of October, November, December, January, February and March and must be removed within three (3) weeks after road limits have been lifted for a town.
  - 1. Snow fence of any type is not allowed within 200 feet of the ordinary high water mark, except as provided in Section 9.74(H).
  - 2. Snow fence is also permitted on a temporary basis in the months referenced above, for designated snowmobile trails.
  
- G. Anyone erecting a fence or wall must have a zoning permit, pursuant to Article 3.
  
- H. Fences near Public Highways (s. 59.692(1n)(d)7, Wis. Stats.)
  - 1. Fences that border highways are permitted, that meet all of the following criteria:
    - a. No taller than 15 feet;
    - b. Located no less than two (2) feet landward of the ordinary high water mark;
    - c. Located entirely outside of a highway right-of-way, no less than ten (10) feet from the edge of a roadway, and no more than 40

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feet from the edge of a roadway or highway right-of-way, whichever is greater;

- d. Generally perpendicular to the shoreline;
- e. Can be “open” or “privacy” type fencing.

Note: “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term “roadway” refers to each roadway separately, but not to all such roadways collectively. (s. 340.01(54), Wis. Stats.)

9.75 LEGAL PRE-EXISTING LOTS (#29-2001 & #91-2003 Part A)

- A. A lawfully existing parcel, lot or tract of land of smaller dimensions and/or area than the minimum required by Appendix “A” or “B” of this ordinance may be used as a building site for a single family dwelling. The existing parcel/use must meet the conditions of 9.75 (C) & (D).
- B. A lawfully existing parcel, lot or tract of land of smaller dimensions and/or area than the minimum required in Appendix “A” for zoning districts (6) & (7) Business B1 & B2, and (10) General Use, may be used for any allowed use in those districts with the issuance of a conditional use permit (CUP). The existing parcel/use must meet the conditions of 9.75 (C) & (D).
- C. The existing parcel, lot or tract of land must meet one of the following conditions:
  - 1. Recorded or filed with the register of deeds prior to enactment of this ordinance.
  - 2. Created and a map of survey exists which was signed and dated by a surveyor prior to the Oneida County Zoning & Shoreland Protection Ordinance or the Oneida County Subdivision Ordinance.
  - 3. Created and exempt under the Oneida County Zoning & Shoreland Protection Ordinance or the Oneida County Subdivision Ordinance.
- D. Where the lot, tract or parcel of land is not served by Community sewer and water, the minimum lot size shall be 5,000 square feet and shall meet the requirements of Wisconsin Administrative Code Com 83 & Chapter 13 of the Oneida POWTS Ordinance.

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9.76 WASTE DISPOSAL

- A. No person shall discharge or permit the discharge of any solid waste into any surface waters which would constitute a nuisance or be in violation of the Wisconsin Statutes.
- B. It shall be unlawful to discard, throw or discharge any can, bottle or rubbish into any navigable water.
- C. Solid waste disposal sites are prohibited unless authorized under this ordinance and a permit is obtained for the site from the DNR.

9.77 OFF-STREET PARKING AND LOADING SPACE (amended #91-2003 Part B & 28-2005, 14-2008, 2-2022)

Off-street parking and loading space shall be provided with convenient access to, but not including any public thoroughfare or right-of-way. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The director may approve exceptions for single-family dwellings.

A. Required Parking Space and Setbacks

Required parking space, under this ordinance, may not be used for any other purpose, and the following setbacks shall be met:

1. Roadway Setbacks

No parking lot shall be constructed within five (5) feet of any federal, state, county, or town roadway. Appropriate access driveways to the public roadways shall be allowed within this setback area. A buffer strip of a minimum width of five (5) feet shall be required between the parking lot and any federal, state, county, and/or town roadway. Said buffer strip shall be planted to provide an appropriate separation between the roadway and parking lot. However, no parking space shall be located so that a vehicle will maneuver within 20 feet of a vehicular entrance to or from a public roadway (See Diagram 1 of Appendix Y).

2. Side and Rear Yard Setback

- a. No parking lot shall be constructed within five (5) feet of lot line that is zoned District 2 Single Family. A buffer strip of a minimum width of five (5) feet shall be required between the parking lot and lot line that is zoned District 2 Single Family. Said buffer strip

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shall be planted and landscaped in accordance with town and/or county recommendations to provide an appropriate separation between the lot line and parking lot.

- b. No parking lot shall be constructed within five (5) feet of a lot line for properties zoned District 6 Business B-1. Said buffer strip shall be planted and landscaped in accordance with town and/or county recommendations to provide an appropriate separation between the lot line and parking lot.

3. Waterfront Setback

Parking lots shall conform to the waterfront setback in section 9.94 of this ordinance.

B. Business and Industrial Establishments

All business and industrial establishments must have adequate off-street loading and unloading facilities.

C. Retail Business and Service Establishments

All retail business and service establishments shall provide parking area for both employees and patrons as herein provided.

D. Dimensions of Single Parking Space

Each parking space shall be no less than 10 feet in width and not less than 220 square feet in area. A single parking space in a garage, multiple stall garage, or subterranean garage may replace a single required parking space. However, no additional parking spaces may be located directly in front of the entrance of a covered/enclosed parking space (See Diagram 2 of Appendix Y).

E. Off-Street Parking

Off street parking requirements must include minimum space required for each use of the property as identified below. The cumulative parking space requirements must be satisfied.

1. Residence/Multiple family dwellings, two (2) parking spaces per each dwelling unit plus one additional undesignated space for common use per unit.
2. Retail or local business places and personal service shall provide parking space at least equal to the floor space.



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3. Restaurants, taverns, nightclubs and similar enterprises shall provide one parking space for each four (4) seats.
  4. Business and industrial establishments shall provide 1.1 parking spaces for each employee per shift.
  5. Hotels, motels, bed and breakfast, tourist rooming houses, and resorts shall provide 1.1 parking spaces for each room or dwelling unit.
  6. Bowling alleys shall provide four (4) parking spaces for each alley.
  7. Roadside stands and establishments offering curb service, such as vegetable stands or drive-up coffee shops must have sufficient parking space to accommodate all the vehicles to be serviced off the right-of-way of the highway but in no case less than six (6) parking spaces.
  8. Theaters, churches, auditoriums, lodges or fraternity halls or similar places of public assembly shall provide one parking area for each six (6) seats, except as noted below.
  9. If boat launching facilities are available to the public, parking spaces for towing vehicles and trailers shall be provided at the rate of 4 parking spaces per launching lane at a boat ramp. Each parking space shall be at least 10 feet wide by 40 feet long. Such parking shall be in addition to other required parking. Off street parking to meet all minimum setbacks is required elsewhere in this ordinance.
  10. Marina - requires 220 sq. ft. of parking space per boat berth.
  11. Furniture and home appliance retail stores shall provide one parking space for every 600 sq. ft. of retail floor space.
  12. Schools shall provide two parking spaces per classroom for an elementary or middle school, four parking spaces per classroom for a high school, plus one parking space per four seats in an auditorium or gymnasium and ten spaces per classroom for an adult educational or training facility.
  13. Day care facilities shall provide one parking space for every six children.
  14. Nursing home, independent living center, convalescent home or similar institution shall provide one parking space for every 5 beds.
- F. Exemptions or Potential Increases/Reductions for required parking space.
1. In those areas of a town that were developed into business district prior to zoning and the buildings are built more or less up to the lot lines with no parking provided on the lots and no parking could be provided under section 9.77(E), without relocating or tearing down of buildings, parking will be determined after conferring with and receiving recommendations from the town board.

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2. Preexisting state and municipally owned boat landings are not subject to this section.
3. Potential reductions/increases in required spaces. The Planning and Zoning Committee may increase or decrease the required number of off street parking space requirements based on one or more of the following criteria:
  - a. Technical documentation supplied by the applicant indicates, to the satisfaction of the Planning and Zoning Committee that actual parking demand for that particular development is more or less than the standard would suggest.
  - b. Alternative routes and methods of transportation to the development will occur and non-traditional parking facilities will also be provided, located convenient to the proposed route.
  - c. Shared parking for more than one use will be implemented, provided that the applicants demonstrate that the same spaces may adequately serve two or more uses by reasons of the hours of operation of such uses. The continued availability of such shared areas shall be ensured by a signed agreement among all involved property owners describing the rights and limitations of all property owners and businesses and providing that if any of the uses sharing the parking area changes, the agreement shall be null and void. Such agreement shall bind all heirs, successors and assigns of each owner and shall be approved by the Planning and Zoning Committee before being recorded with the Register of Deeds.
  - d. Reserve area. In the event the number of required spaces is reduced, as allowed in this section, the Planning and Zoning Committee may also require that sufficient area be held in reserve for potential future development of parking area to meet the requirements of section 9.77(E). If required, such reserve area shall be shown and noted on the development plan, maintained in open space use and developed with parking spaces when the Planning and Zoning Committee determines that such development is necessary due to parking demand which exceeds original expectations, the loss of alternative methods or routes of transportation or the dissolution of the shared parking agreement.

G. Uses Not Listed

In case of structure or use not mentioned, the provision for a use which is similar shall apply.

H. Control of Surface Water Runoff

Parking lots shall be constructed and maintained to control surface water runoff.

9.78 SIGN REGULATIONS (#01-2000,08-2000,26-2004,10-2005,21-2006,19-2007,20-2008,1-2012,3-2012,6-23)

A. Purpose

1. Oneida County recognizes that it is abundant with much natural beauty. Many recreational and tourist activities are enhanced by this natural beauty. As a consequence, greater emphasis must be placed on preserving our northwoods aesthetics. At the same time, Oneida County wishes to permit the careful planning, future growth and efficient maintenance of our public roadways, while protecting the natural beauty and amenities of our landscape by regulating the placement of signs throughout the county. It is the intent of this ordinance to promote the safety, convenience and enjoyment of public travel, to accentuate the natural beauty of Oneida County, to protect the public investment in roadways, to regulate the erection and maintenance of advertising signs, displays and devices adjacent to public roadways and waterfront property, and to aid in the free flow of commerce. Therefore, it is hereby deemed necessary in the public interest to regulate the erection, and maintenance of billboards and other advertising devices adjacent to public roadways and waterfront properties.
2. No signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an approved county sign permit unless specifically exempted by this ordinance. It may be necessary to also obtain local, state or federal permits.

B. On-Premise Signs

1. a. A business shall be permitted one freestanding sign exposure visible and designed to be read from each direction of travel.
  1. An on-premise free standing sign shall be no greater than 64 square feet per face if the setback is 0 feet or greater from right-of-way.
  2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100' from right-of-way.
- b. A multi-tenant business shall be allowed one free standing sign visible and designed to be read from each direction of travel.

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1. An on-premise free standing sign shall be no greater than 128 square feet if the setback is 0 feet or greater from right-of-way.
2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100 feet from right-of-way.
3. No single tenant can utilize greater than 50% of the allowable area of the sign.
- c. A home occupation as allowed by section 9.43 of this ordinance shall be permitted one free standing sign no greater than 12 square feet per face.
- d. No part of an on-premise free standing sign shall exceed 35' in height from existing grade including support.
- e. Freestanding signs must comply with the requirements of sections 9.70, 9.94 and 9.97, highway and waterfront setbacks. Freestanding signs at all intersections shall meet the highway setback requirements.
- f. Freestanding signs must comply with the requirements of section 9.71, side and rear lot line setbacks.
2. In addition:
  - a. Every business shall be permitted attached building signs as follows:
    - (1) Two "flat" signs a maximum of 32 square feet mounted flat against the building or on the roof for a building with a face of 1250 square feet in area or less OR a maximum of 64 square foot sign mounted flat against the building or on the roof for a building with a face of greater than 1250 square foot area. No part of this sign including supports shall be located above the roofline. Only one flat sign per building face.
    - (2) One projecting sign as follows:
      - a. The total area of the projected sign may not exceed 16 square feet.
      - b. The projecting sign cannot extend more than five feet from the wall which it is attached.
      - c. The bottom of such sign shall be at least eight feet above the grade directly below the sign and the top of such sign shall not extend above the building's roof.
      - d. Projecting signs must comply with the requirements of sections 9.70, 9.71 and 9.94, highway, side yard and waterfront setbacks.
    - (3) If a town allows a setback closer than 20' to the road right-of-way, pursuant to section 9.70(4), one projecting sign is allowed as follows:
      - a. The total area of the projecting sign may not exceed six square feet.

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- b. The projecting sign cannot extend more than five feet from the wall on which it is attached.
  - c. The bottom of the projecting sign shall be at least eight feet above grade directly below the sign and the top of the sign shall not extend above the building's roof.
  - d. To place a projecting sign on state, county or town property, permission must be granted by the governmental unit that owns the property.
- (4) A home occupation as allowed by section 9.43 of this ordinance shall be allowed one sign mounted flat against the building no greater than 12 square feet.
- b. Electronic message signs to display commercial messages that pertain to products or services of a business located and/or used on the same premises. Electronic message signs shall comply with all of the following:
    - (1) Be a maximum size of 32 square feet.
    - (2) Each change of message shall:
      - a. be accomplished in one second or less;
      - b. remain in a fixed position for at least six (6) seconds;
      - c. the use of traveling or segmented messages is prohibited.
- Electronic message signs shall be allowed as part of the total signage on the premises allowed under section 9.78(B) of this ordinance. The electronic message board shall be incorporated into any existing sign.
- 3. In addition to any sign permitted under paragraphs 1 and 2, an activity may be permitted any number of signs not designed to be read from the roadways whose sole purpose is to direct or control traffic which has already entered the property on which the advertised activity is conducted.
  - 4. Entrance signs, not to exceed two, may be located at the entrance to a recorded residential subdivision, development or industrial park and shall be limited to one face each no greater than 32 square feet per face. Such entrance signs shall be used to identify the name of the residential subdivision, development, or industrial park, and may identify the contents of the residential subdivision, development or industrial park without specifically identifying the name of any owners or businesses contained in said residential subdivision, development or industrial park. Each sign shall be erected or placed on a permanent structure, will not obstruct the vision of traffic, or create a safety hazard. The overall height of said structure and sign shall not exceed 10 feet.

C. Off-Premise Signs

1. Size. No off-premise sign shall exceed 128 square feet per face.
2. Spacing. The minimum distance between off -premise signs shall be 1,320 feet measured along the road right-of-way line between points at right angles from the closest part of the sign structures intersecting with the road right of way along each side of the highway and shall apply only to structures located on the same side of the highway. Off-premise sign locations must be located a minimum 300' from an intersection located on either side of the highway and 300' from dwelling units.
3. When an off-premise sign is proposed to be located adjacent to a federal, state, county or town road the parcel of land must be zoned "Business" or "Manufacturing / Industrial" to allow placement.
4. Freestanding signs must comply with the requirements of sections 9.71, 9.94 and 9.97, highway and waterfront setbacks. Freestanding signs at all intersections shall meet the highway setback regulations.
5. Freestanding signs must comply with the requirements of section 9.70, side and rear lot line setbacks.
6. All off-premise signs shall identify the owner of the land on which the sign is placed and the sign owner in letters at least two inches tall but not greater than four inches tall and include the sign owner's telephone number.
7. No part of an off-premise free-standing sign shall exceed 35' in height from existing grade including support.

D. Prohibited Signs

Any signs placed in violation of this provision may be removed immediately by authorized town or county personnel and held for a period of thirty (30) days after which any remaining unclaimed signs may be destroyed

1. No sign shall be erected, placed or maintained on any traffic median or on a public sidewalk or bicycle path.
2. Signs shall not be erected, placed or maintained which imitate or resemble any official traffic sign, signal or device or bear the words "Stop", "Slow", "Caution", "Danger", or similar commands.
3. Signs shall not be erected, placed or maintained upon trees, or painted or drawn upon rocks or other natural features.
4. Signs shall not be erected, placed or maintained which are structurally unsafe or in substantial disrepair.
5. Illuminated signs which have flashing, intermittent, or moving lights are prohibited except those giving public service information such as time, date, temperature, etc, except electronic messages signs permitted by section 9.78(B)(2)(c).

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6. No sign shall be so illuminated in excess of 500 watts of illumination that it interferes with the effectiveness of, or obscures an official traffic sign, signal or device. No illuminated sign shall be erected unless all manufactured and field assembled electrical components carry a nationally recognized testing laboratory label. No illuminated signs shall be erected without displaying a nationally recognized testing laboratory label on the outside of the sign in a visible location.
7. Illuminated signs which are not shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of public roadways and which are of such intensity or brilliance as to cause glare or to impair the vision of the operator of any vehicle, or which otherwise interferes with any operator's operation of a vehicle are prohibited.
8. No sign may be erected, placed or maintained that is illegible or has an objectionable appearance due to vandalism, fading, deterioration, or other causes.
9. Off-premise signs, which also come under the jurisdiction of the Wisconsin Department of Transportation, must be located in a "Business" or "Manufacturing / Industrial" zoning district.
10. No freestanding off-premise sign shall be situated on the same lot as a freestanding on-premise sign.
11. Off-premise signs shall not be placed less than 1,320 feet apart which are situated on the same side of the roadway.
12. "On-premise" or "off-premise" signs placed in zoning districts that do not allow placement are prohibited.
13. No business sign may be erected or maintained for any business that fails to conform with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.
14. Signs made obsolete or abandoned by either the closing of a business or changing of business or landowner are prohibited.
15. Signs advertising a business or event which has become inactive, closed or terminated, excluding seasonal closure, shall be removed or covered within 30 days following the event or business being inactive, closed or terminated.
16. Signs mounted, placed in, attached or painted on trailers, boats, motorized vehicles or ice shanties when used as additional advertising signs on- or off-premise. Automobiles, semi-trailers and trucks used in the ordinary course of business are exempt from this provision.
17. No inflatable devices shall be permitted to display advertising or attract attention to an event or business.
18. No sign, which by reason of location, size, color, or designs, shall interfere with public traffic or be confused with any official traffic

signal of traffic making or obstruct the view or effectiveness of any official traffic signal or traffic marking.

19. No sign except attached on-premise signs shall be permitted in a vision triangle.

E. Signs Specifically Exempted from This Ordinance

1. Official governmental signs and notices.
2. Temporary promotional signs such as banners or electronic message signs displayed for no more than 10 days for specific events sponsored by local governments or not-for-profit entities such as churches, chambers of commerce or service organizations provided written permission is issued in advance by the local town board and which addresses prompt removal following the event. When the nature of the event occurs in an unforeseen or unanticipated manner, which precludes a municipal entity from approving the message display, the Oneida County Zoning Director shall be notified.
3. Public utility signs.
4. Political and holiday signs provided that:
  - a. The sign does not exceed 32 square feet in surface area.
  - b. The sign is erected entirely on private property with the property owner's consent.
  - c. The sign contains no commercial content.
  - d. Time Limit
    - (1) Political signs may be erected during the election campaign period as defined within Wisconsin Statute Chapter 12.
    - (2) Holiday signs may be erected no more than 45 days before the holiday for which it is intended and removed within 10 days after the holiday for which it is intended.
  - e. The sign does not contain flashing lights or moving parts.
  - f. The sign is not erected in a location where it constitutes a traffic or pedestrian hazard.
  - g. Provided that it complies with the other requirements of this ordinance.
5. Real estate "For Sale" signs provided that:
  - a. The sign does not exceed 12 square feet in surface area.
  - b. There is no more than one real estate sign on the property facing each direction of travel for each controlled highway from which a sign on the property is visible.
  - c. The sign does not contain flashing lights or moving parts.
  - d. The sign is not erected in a location where it constitutes a traffic hazard.



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- e. The sign is not erected until the property is actually offered for sale or lease, and is removed within seven days after the property has been sold or leased.
- f. Provided, further, that all applicable setbacks are met. Signs eight square feet or less may be placed within the waterfront setback area provided they are placed above the ordinary high water mark of the lake and conform to all other aspects of the ordinance.
6. Service clubs and religious signs relating to meetings of non-profit service clubs or charitable associations or religious services which do not exceed 8 square feet.
7. Temporary construction signs at sites under construction provided that:
  - a. Sign does not exceed 12 square feet.
  - b. Only one such sign shall be permitted on each parcel of land and it shall be removed within seven days after completion of the project.
  - c. Provided, further, that all applicable setbacks are met.
8. Name, no trespassing, no fishing, occupation and warning signs not to exceed one square foot in area.
9. A sign on personal property with no business or commercial content less than 12 square feet.
10. Directional arrow signs that are either 40" long or 72" long and 7-1/2" wide that are painted with a white background and black trim and block lettering that are erected at the correct intersection where the traveling public must turn to arrive at the noticed place. At those intersections where it is necessary for more than one directional arrow, a common posting standard shall be constructed. Only one directional arrow per address or location shall be permitted.
11. Memorial signs, tablets, names of buildings and dates of erection when cut into the masonry surface or when constructed of metal and affixed flat against structure.
12. On-premise signs placed on the interior surface of windows of buildings.
13. Traffic control signs and informational signs erected and maintained by the appropriate federal, state, county or local government.
14. Traffic control signs and informational signs less than 70 square feet per face erected and maintained by a licensed hospital per HFS 124 of the Wisconsin Administrative Code, and medical clinics offering urgent/emergency care services.
15. Flags. A piece of cloth, plastic film or similar material used as the symbol of a nation, state or local governmental entity. A flag containing a logo for a commercial entity shall not be exempt from the regulation of this ordinance.

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16. Promotional banners for a commercial or business establishment for business specific events such as grand openings, going out of business, closings, special sales events or general promotion.
  - a. The banner or banners shall not exceed a combined square footage of 32 square feet.
  - b. Banners may be affixed to the structures in which the business is located.
  - c. Banners cannot be erected for more than 30 consecutive days, up to three times a year.
17. A sign announcing that a business is open.
  - a. The sign must be removed daily.
18. Sandwich board signs less than ten square feet per face:
  - a. Maximum height four feet.
  - b. Maximum width 2.5 feet.
  - c. To place a sandwich board on town property, permission must be granted by the local municipality.
  - d. The sign must be removed daily.
19. Directional, safety and informational signs for county sponsored state funded trails or club trails, informational signs, in order to be exempt, must meet Oneida County Forestry Department guidelines.

F. Lapse of Sign Permit

A sign permit shall have lapsed and be void unless the permitted sign is erected within one year from the date of its issuance.

G. Legal Pre-Existing Off-Premise Signs

1. Off-premise signs lawfully existing before the effective date of this ordinance may be continued until October 1, 2010, although the use, size or location does not conform to the provision of this ordinance. However, those off-premise signs that do not conform shall be deemed legal pre-existing structures and must be brought into compliance by October 1, 2010. If two or more off-premise signs are legal pre-existing because they are not separated by the minimum distance required in section 9.78(C)(2), the first of these signs brought into compliance with all other aspects of the ordinance shall be allowed to remain.
2. If a legal pre-existing off-premise sign is damaged by fire, wind or other catastrophic cause to the extent of 50 percent or more of its assessed value exceeding 50 percent of the reproduction value (fair market value of construction materials and labor), it shall not be restored except in conformity with the current regulations of this ordinance.

3. No repair made to any off-premise legal pre-existing sign shall exceed 50 percent of its assessed value or its true market value over the life of the sign exceeding 50 percent of the reproduction value (fair market value of construction materials and labor).
4. If a legal pre-existing off-premise sign is removed, it shall not be replaced with another legal pre-existing sign.
5. All legal pre-existing off-premise signs shall be properly maintained. If a legal pre-existing off-premise sign is not properly maintained the owner will be given sixty (60) days to complete and file an application. If after 60 days there is no response, the sign will be assumed to be abandoned. The department shall notify the committee who shall then order removal of the off-premise sign. Any cost of removal incurred by the county or appropriate town board shall be assessed to the owner of the property on which such sign is located or may be paid by the county treasurer who shall enter the amount chargeable to the property in the next tax roll as a special tax on the lands upon which the off-premise sign was located, which tax shall be collected, as are other taxes as provided by the state statutes.
6. Effective January 1 1999, whenever a business or real property is sold which contains a legal pre-existing off-premise sign, the new business or property owner shall remove or bring said off-premise sign into conformity with current ordinance requirements within 90 days of change of ownership of said real property or business.

#### H. Legal Pre-Existing On-Premise Signs

On-premise signs lawfully existing before the effective date of this ordinance may be continued, although the use, size or location does not conform to the provision of this ordinance. However, those on-premise signs that do not conform shall be deemed legal pre-existing structures. If a legal pre-existing on-premise sign is damaged by fire, wind or other catastrophic cause to the extent of 50 percent or more of its assessed value, it shall not be restored except in conformity with the regulations of this ordinance. No repair made to any legal pre-existing on-premise sign shall exceed 50 percent of its assessed value or its true market value over the life of the on-premise sign. If a legal pre-existing on-premise sign is removed, it shall not be replaced with another legal pre-existing on-premise sign. All legal pre-existing on-premise signs shall be properly maintained. If a legal pre-existing on-premise sign is not properly maintained the owner will be given sixty (60) days to complete and file an application. If after 60 days there is no response, the on-premise sign will be assumed to be abandoned. The department shall notify the county or appropriate town board, who shall then remove the on premise sign. Any cost of removal incurred by the county or

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appropriate town board shall be assessed to the owner of the property on which such sign is located or may be paid by the county treasurer who shall enter the amount chargeable to the property in the next tax roll as a special tax on the lands upon which the on-premise sign was located, which tax shall be collected, as are other taxes.

9.79 [Reserved for future use]