

**CHAPTER 21
BILLBOARD REGULATIONS
TOWN OF ELDORADO**

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**CHAPTER 21
BILLBOARD REGULATIONS
TOWN OF ELDORADO**

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin does ordain as follows:

21.01 Title. This Chapter shall be known and referred to as "Billboard Regulations, Town of Eldorado, Fond du Lac County, Wisconsin."

21.02 Purpose. The purpose of this Chapter is to regulate outdoor sign advertising and displays that are visible from the main-traveled way of an interstate or federal-aid highway and are regulated by Wis. Stat. § 84.30(4). This Chapter recognizes the need to protect the safety, welfare, and aesthetics of the public and the community and the need for adequate business advertising and communication. The intent of this Chapter is to permit the erection and use of such signs provided they conform to the provisions of this Chapter.

21.03 Applicability. This Chapter applies to all billboards, as defined below. This Chapter is intended to apply together with any applicable provisions of state law or regulation; however, where this Chapter imposes stricter requirements than those imposed by applicable provisions of state law or regulation, the provisions of this Chapter shall govern.

21.04 Definitions. The following definitions shall apply to this Chapter:

- (1) **Adjacent Area** - The area adjacent to and within 200 feet of the nearest edge of the right-of-way of any interstate or primary highway, which 200 feet shall be measured horizontally along a line normal or perpendicular to the center line of the highway.
- (2) **Applicant** – The person applying for a Billboard Permit.
- (3) **Billboard** - Any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway. Notwithstanding the foregoing, for purposes of this Chapter, the term "billboard" is limited to outdoor advertising that meets the definition in the preceding sentence and is governed by Wis. Stat. § 84.30(4). All other outdoor advertising is regulated by Chapter 20: Sign Regulations of the Eldorado Town Code.
- (4) **Billboard Permit** - The authorization for a billboard issued by the Town.
- (5) **Business Area** - Means the following portions of adjacent area:
 - (a) In adjacent areas along the interstate system, areas where the land use as of September 1, 1959 was clearly established by state law as industrial or commercial.

- (b) For all other adjacent areas, any part of the adjacent area that is zoned for business, industrial, or commercial activities by the Town.
- (6) Erect - To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. "Erect" does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the billboard structure.
- (7) Interstate Highway - Any highway at any time officially designated as part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the federal government.
- (8) Main-Traveled Way - The through traffic lanes exclusive of frontage roads, auxiliary lanes, and ramps.
- (9) Person - Any individual or entity, including a firm, partnership, association, corporation, Limited Liability Company, trustee, and their legal successors.
- (10) Primary Highway - Any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the Department of Transportation and approved by the appropriate authority of the federal government.
- (11) Owner - The person owning the billboard.
- (12) Sign Face - The area of one side of a billboard as calculated from the smallest rectangle that encompasses all the exposed face that could be filled with a message or graphics.
- (13) Town - The Town of Eldorado including the Town Board, Town Plan Commission, Town Clerk, or any other duly designated representative.

21.05 Permit Required. No billboard may be erected without first obtaining a Billboard Permit for each billboard from the Town Board. Billboard Permits are not required for a change in advertising message or customary maintenance of a billboard structure.

21.06 Prohibited Billboards. The following billboards are prohibited:

- (1) Look-Alike Billboards - Billboards that imitate or resemble any official traffic sign, signal, or device.
- (2) Billboards on Natural Features - Billboards erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- (3) Billboards in Disrepair - Billboards that are structurally unsafe or in substantial disrepair.

21.07 Billboard Location. Billboard Permits may only be granted for billboards to be erected in Business Areas.

21.08 Billboard Restrictions. The following restrictions apply to billboards:

- (1) **Billboard Size** - The maximum area for any one billboard shall be 700 square feet. Area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire billboard. This limitation shall apply to each side of a billboard, and billboards may be placed back-to-back, side-by-side, or in a V-type construction with not more than two displays to each facing, and such billboard structure shall be considered as one billboard.
- (2) **Billboard Height** - The maximum height for any one billboard shall be 45 feet, unless the Town Board grants the applicant a height exception pursuant to Section 21.12 of this Chapter allowing a greater height not to exceed 60 feet. Height is measured inclusive of any border and trim and inclusive of the base or apron, supports, and other structural members.
- (3) **Billboard Length** - The maximum length for any one billboard shall be 60 feet. Length is measured inclusive of any border and trim but excluding the base or apron, supports, and other structural members.
- (4) **Billboard Illumination** - Billboards are subject to the following illumination restrictions:
 - (a) Billboards may not be illuminated by flashing, intermittent, or moving light.
 - (b) Billboards that are illuminated must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or federal-aid primary highway in such an intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
 - (c) No billboard may be illuminated in a manner that interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
 - (d) Externally illuminated billboards constructed after the effective date of this Chapter shall utilize top mounted lighting. A minimum of 90% of the illumination of an externally illuminated billboard shall be restricted to the sign face.
 1. Bottom-mounted lighting for frameless billboards may be permitted by the Town Board if the Owner can demonstrate to the satisfaction of the Town Board that the lighting is shielded in such a way as to

ensure that no less than 90% of the illumination for such a billboard shall be restricted to the sign face.

- (5) **Billboard Spacing** - The following restrictions apply to the spacing of billboards:
- (a) On interstate and federal-aid primary highways, billboards may not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or to obstruct, or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
 - (b) On interstate highways and freeways on the federal-aid primary system, no two billboards may be spaced less than 500 feet apart. No billboards may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area.
 - (c) On non-freeway federal-aid primary highways, no two billboards may be spaced less than 1,000 feet apart.
 - (d) The preceding spacing restrictions do not apply to billboards separated by buildings or other obstructions in such a manner that only one billboard located within the preceding spacing distances is visible from the highway at any one time.
 - 1. Official and on-premise signs and structures that are not lawfully maintained shall not be counted, nor shall measurements be made from them for purposes of determining compliance with spacing requirements.
 - (e) The minimum distances between billboards shall be measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and shall apply only to billboards located on the same side of the highway.

21.09 Application for Permit. An application for a Billboard Permit shall be filed with the Town Clerk and shall contain the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) Scale drawings with descriptions and dimensions of the proposed billboard, the construction, size, dimensions, and kind of materials to be used to construct the billboard and billboard structure, and the location and position of the billboard in relation to nearby buildings and other structures, including nearby billboards.

- (3) A statement as to the distance from the proposed billboard to the nearest billboards in either direction along the highway upon which the proposed billboard will be erected.
- (4) Any other information the Town may require.
- (5) The applicant's signature.
- (6) A check for all required fees.

21.10 Billboard Permit Fee. The fee for a Billboard Permit shall be in an amount established by the Town Board by resolution in the Town of Eldorado Fee Schedule.

21.11 Permit Decision. The Town Board shall act on an application for a Billboard Permit within 60 days of its submittal. However, the time for action may be extended by the Town Board if it determines that an extension is necessary to ensure the applicant has applied for and/or received all necessary approvals from other governmental entities.

If a Billboard Permit is denied, written notice of the denial shall be provided to the applicant. An applicant may appeal an adverse decision on the applicant's Billboard Permit by filing an appeal with the Town's Zoning Board of Appeals within 20 days after receiving written notice of the adverse ruling. The Zoning Board of Appeals shall take action on the appeal within 60 days after receiving the appeal application.

21.12 Height Exception. The Town Board may grant a height exception allowing a billboard to exceed 45 feet in height, but not exceed 60 feet in height, if the Town Board determines that such height will not unreasonably interfere with adjacent or nearby properties or traffic on interstate or federal-aid highways and that the billboard is otherwise consistent with the purposes of this Chapter. A height exception may be approved with conditions. The Town Board may refer a proposed height exception to the Town Plan Commission for review and recommendation before taking action.

21.13 Indemnification. By accepting a Billboard Permit, all persons engaged in the erection and maintenance of the billboard, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third-party claims arising out of the installation or maintenance of the billboard, or otherwise related to the billboard.

21.14 Permit Transferability. No Billboard Permit may be transferred to a new owner of a billboard without the prior approval of the Town Board.

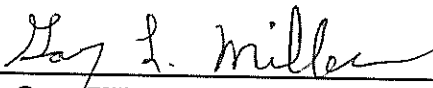
21.15 Enforcement. Violations of this Chapter are punishable by forfeitures of not less than \$100 and not more than \$500 per violation, plus costs and attorneys' fees. Each day a


violation exists constitutes a separate offense. The Town may also seek equitable and injunctive relief in the event of a violation.

21.16 Effective Date. This Chapter shall take effect upon its adoption and publication as required by law. All prior Chapters inconsistent with this Chapter are hereby repealed.

Dated this 26th day of November, 2013.
Published this 1st day of December, 2013

TOWN OF ELDORADO

By: 
Gary Miller, Town Chairperson

Attest: 
Lori Linger, Town Clerk