

ORDINANCE NO. 2021-1

AN ORDINANCE OF THE TOWN OF BELMONT, LAFAYETTE COUNTY, WISCONSIN, RELATED TO REGULATING USE OF TOWN RIGHTS OF WAY

THE TOWN BOARD OF THE TOWN OF BELMONT, LAFAYETTE COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

(1) TITLE AND PURPOSE

- (a) The title of this Ordinance is the Town Roads Right-of-Way Ordinance.
- (b) The purpose is to authorize the Belmont Town Board to provide for the public safety by:
 - (i) Prohibiting the growing of crops on the rights-of-way.
 - (ii) Regulating the number, location, construction, maintenance, and overall design of signs placed on the rights-of-way.
 - (iii) Regulating the location of roadside stands placed on the rights-of way.

(2) DEFINITIONS

- (a) The town road right-of -way is defined as the area extending thirty-three (33) feet from the center of the road on either side.
- (b) Town is defined as Town of Belmont, Lafayette County.
- (c) Official sign is defined as any sign placed on the right -of-way by authority of the Wisconsin DOT, the Lafayette County Highway Dept. or the Belmont Town Board and, as such, is exempt from the conditions of this Ordinance.
- (d) Roadside stand is defined as a location at which an individual sells agricultural products, locally grown on- or off-site, prepackaged food products and/or non-food items directly to consumers.

(3) AUTHORITY

The Town Board has the authority as an exercise of the police power and in accordance with Wis. Stat. § 66.1037(1) (crop removal) and Wis. Stat. § 61.34 (sign and roadside stand placement) to adopt this Ordinance.

(4) ADOPTION

This ordinance, adopted by a majority of the Belmont Town Board on a roll call vote with a quorum present and voting, and proper notice having been given, provides for the destruction of crops and the regulation of placement of signs and roadside stands on the Town road rights-of-way.

(5) COVERAGE

(1) No person shall plant or grow crops on the Town road rights-of-way.

(2) No sign shall be erected on a Town road right-of-way for a period of time exceeding four (4) days without first obtaining a Town of Belmont Road Sign Permit.

(3) Roadside stands may be erected in A-1 and A-2 zoning districts as follows:

One roadside stand only per farm is permitted along a town road, provided that the roadside stand is used solely for the sale of produce on the premises, or adjoining premises, and does not employ more than two non-farm family members. The stand must be mobile, not exceed 50 square feet in total area and shall be removed or set back at the owner's expense if determined to be a traffic hazard or nuisance by the Town Board.

(6) ENFORCEMENT

(a) CROP REMOVAL - The Town Board, by motion at a Town Board meeting, shall have the authority to order the destruction of any crop encroaching upon a Town road right-of-way without prior notice to, or prior consent of, the owner of the crop.

(b) SIGN REMOVAL- The Town Board shall issue a written notice to the owner of any non-permitted sign indicating that the violation be abated or appealed within thirty (30) days. If the violation is not abated or appealed within the thirty (30) day period, the Board shall have the authority to order the removal of the sign.

(c) ROADSIDE STAND REMOVAL- The Town Board shall issue a written notice to the owner of any roadside stand erected in violation of this ordinance indicating that the violation be abated within thirty (30) days. If the violation is not abated within the thirty (30) day period, the Board shall have the authority to order the removal of the roadside stand.

(d) The Town Board shall make all rulings as to complaints in questionable or disputed situations.

(7) PENALTIES

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of \$50 per day, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

(8) SIGN PERMIT APPLICATION AND ISSUANCE

(a) Applications for sign permits shall be obtained from, and filed with, the Town Clerk. Each application shall be accompanied by a drawing showing the design, size, color scheme, lettering type, lines, and symbols and a drawing showing the proposed location of the sign with relation to buildings, property lines, and roadways.

(b) The Town Board is authorized, by motion, to:

- (i) APPROVE the application as presented.
- (ii) WITHHOLD the application pending the submittal of any additional information which the Board may require.
- (iii) DENY the application based upon non-conformance with the provisions of this Ordinance or based upon the Board's determination that the proposed sign will violate the purpose and intent of this ordinance.
- (iv) APPROVE the application with variances. Any variances granted, and the reason for granting the variance, shall be entered in the meeting minutes and a copy attached to the sign permit.

(9) SIGN RESTRICTIONS

- (a) Signs shall have a minimum setback of twelve (12) feet from the road edge.
- (b) Signs shall not be posted on traffic signposts or utility poles.
- (c) Signs shall not create a hazard or nuisance to vehicular traffic or to the public.
- (d) Signs shall not interfere with the maintenance of the right-of-way.
- (e) Signs shall not obstruct visibility at an intersection.
- (f) Signs shall not be placed in the right-of-way without written consent of the owner, renter, or lessee of abutting parcel of land.

(10) SIGN MAINTENANCE

(a) The owner of any sign shall keep it in good repair and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.

(b) Failure to maintain the sign or the premises on which it is located shall result in the enforcement procedure defined in section (6)(b) for a non-permitted sign.

(11) PRE-EXISTING SIGNS

(a) The existing lawful use of a sign as of December 31, 2010, may continue as a non-permitted sign; provided that such sign does not violate section (9) of this Ordinance.

(b) In the event a non-permitted sign is altered in any way, or re-located, it shall conform to all terms of this Ordinance.

(12) SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

(13) EFFECTIVE DATE

This Ordinance is effective on passage and publication as provided by law.

Adopted this ____ day of _____ 2021.

Town Chairman

Town Supervisor

Town Supervisor

ATTEST:

Town Clerk