

TO CREATE SECTION 12.34.250 OF THE CODE: HIGHWAY SETBACKS; TO AMEND SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS; TO AMEND SECTION 1.50.030 ISSUANCE OF CITATIONS

The County Board of Supervisors of the County of Eau Claire does ordain as follows:

SECTION 1. That Section 12.34.250 of the code be created to read:

12.34.250 Highway Setbacks. A setback is an area abutting a county trunk highway in which structures, buildings or improvements cannot be erected or maintained.

A. "Structure" means any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground in the highway setback. Structures are not allowed in the highway setback except the following:

1. Open Fences.
2. Telephone, telegraph, and power transmission lines, together with all attachments.
3. Wells, septic tanks, and similar structures.
4. Frontage and service roads constructed according to plans approved by the Highway Commissioner.
5. Unless otherwise prohibited by county code, trees, shrubbery, and field crops.

B. The setback area as set forth in the Eau Claire County Zoning Code Section 18.22.020 are adopted as the setback requirements for highways within Eau Claire County.

C. If the setback is not addressed in the Eau Claire County Zoning Code section 18.22.020 then the minimum setback area is the area within Eighty-three (83) feet of the centerline of the highway or within Fifty (50) feet of the nearer right-of-way of the highway, whichever is furthest from the centerline.

D. Variance /Special Exception

1. For those instances where Section 18.22.020 applies landowners may seek a variance to the setback requirements by a following the procedures to obtain a variance found in Title 18 of this Code.

2. For those instances that are not subject to Section 18.22.020 landowners may seek a special exception to the setback requirements of section B. as provided below:

i. The Eau Claire County Highway Committee ("Committee") may authorize special exceptions, but only in appropriate cases when warranted by specific analysis of setback needs as provided in this subsection.

ii. A special exception must not be contrary to the public interest and shall be in harmony with the intent and purpose of this section.

iii. The Committee may require such conditions and safeguards of the landowner that will, in its judgment secure substantially the purpose of this section.

iv. The Committee will conduct specific analysis for the setback exception that includes:

- a. The structure or improvement proposed and its location.
- b. The current and forecasted congestion of the abutting highway(s).
- c. The impact of potential highway or other transportation improvements on the continued existence of the proposed structure or improvement.

- d. Transportation safety.
- e. Preservation of the public interest and investment in the highway.
- f. Other criteria the committee deems appropriate to promote public

purposes consistent with this section.

v. A special exception granted under this section shall become effective only after it is recorded in the Office of the Register of Deeds.

E. Vision Corners. Vision corners are triangular areas at intersections that are created to permit motorists to have visual access to cross traffic at or approaching an intersection, and in which structures, improvements and landscaping are restricted so as to not block a motorist's view of oncoming vehicles.

1. A vision corner shall be established at all County Trunk Highway intersections. The setback line is hereby established to be a straight line connecting the two vision points on the two intersecting setback lines at each corner of said intersecting highways. The triangle formed shall be defined as a vision corner. Every corner shall have two vision points. A vision point is established as being located on the setback line and 60 feet back from the intersection of the setback lines. No objects shall be built placed or erected so as to obstruct the view through the vision corner. All shrubs or trees shall be trimmed in such a manner to give a clear view through the vision corner.

F. Directional and Entrance Signs. All signs and billboards shall conform to the setback lines and vision corners described in this section. Directional signs to cities, villages and entrance signs for businesses and places of residence may be placed in setback lines and vision corners that do not exceed 8 square feet in size. Directional signs as defined by this paragraph may be placed between the highway right-of-way and the highway setback lines with the written approval of the Eau Claire County Highway Commissioner (committee).

G. Eminent Domain. Nothing contained in this section shall in any way interfere with or affect the ability of the County to widen the highway in the future by means of the eminent domain process, or as otherwise provided by law. The county shall not be obligated for any relocation costs for the removal of any structure or other improvement located in the setback area, including any structure or improvement that may be permitted pursuant to a special exception or variance pursuant to subsection D. of this ordinance.

H. Prohibition(s). No person may erect, install, or maintain any structure or improvement within a setback area or vision corner as defined by this section.

I. Penalties & Enforcement.

- 1. Any person violating this ordinance shall:
 - a. Forfeit not less than \$200 for each offense;
 - b. Immediately commence remedial measures necessary to correct

the violation;

- c. Be enjoined or restrained from further violation(s);
 - d. Pay all fees, costs and disbursements incurred by the County

associated with the prosecution of the violation.

- 2. Each day a violation exists constitutes a new and separate offense.
- 3. Enforcement.

a. The Eau Claire County Highway Commissioner shall have the authority to issue a citation, pursuant to Eau Claire County Code Section 1.50.030.

b. The Eau Claire County Highway Commissioner may issue a cease-and-desist order to any person or business violating this section. The cease-and-desist order shall be specific enough to reasonably apprise the recipient of the order of the specific violation(s) and necessary and the necessary corrective action.

c. The county may commence all necessary proceedings in a court of competent jurisdiction to pursue any remedy or relief afforded by law, including but limited to an order permanently enjoining the action violating this section.

J. Applicability. This section shall only apply to county trunk highways and does not apply to town roads or state trunk highways.

SECTION 2. That Section 1.50.020 of the code is amended to read:

<u>12.34.250</u>	<u>Highway Setbacks</u>	<u>200.00</u>
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SECTION 3. That Section 1.50.030 B of the code is amended to read:

<u>Section 12.34.250</u>	<u>County Highway setback</u>	<u>Highway Commissioner</u> <u>County Sheriff</u>
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ENACTED: August 17, 2021

Sue McDonald
County Clerk