



Public Works Committee
Monday December 3, 2018 – 5:00 pm
Health & Human Services Center – Community Room
303 W. Chapel Street
Dodgeville, Wisconsin

**Iowa
County
Wisconsin**

For information regarding access for the disabled please call 935-0399.

Any subject on this agenda may become an action item.

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| 1 | Call to order. |
| 2 | Roll Call. |
| 3 | Approve the agenda for this meeting. |
| 4 | Approve the minutes of the October 29, 2018 meeting. |
| 5 | Report from committee members and an opportunity for members of the audience to address the committee. No action will be taken. |
| 6 | Land Conservation Department 2018 Annual Report - Katie Abbott. |
| 6 | Consider revisions to 800.02 the Highway Access Control Ordinance for penalties, fees, and other administrative amendments. |
| 7 | Review of Section 8.0 of the Zoning Ordinance Signs and discuss a policy on signs in the right-of-way. |
| 8 | Consider and discuss Highway Encroachments and the Revocable occupancy Permit process. |
| 9 | Highway Commissioner's Report:
A. CTH E County Highway Improvement Project recap
B. Department Employment update.
C. GIS Project.
D. Local Public Official's meeting announcements for USH 18/151, STH 80, and STH 133. |
| 10 | Set date and time for next meeting January 7, 2019 5:00 P.M. |
| 11 | Adjournment. |

Posting verified by the County Clerk's Office: Date: Initials:



UNAPPROVED MINUTES
Public Works Committee
MONDAY OCTOBER 29, 2018 – 6:00 pm
Health & Human Services Center – Community Room
303 W. Chapel Street
Dodgeville, Wisconsin

**Iowa
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1 The meeting was called to order by at 6:00 PM by Chair Gollon.

2 - Roll Call. Members present: Supervisors Gollon, Storti, Butteris. Absent Supervisors Meyers, Masters. Supervisor Peterson joined the meeting in progress.
- Others Present: Administrator Bierke, Highway Commissioner Hardy, Supervisors Benish, Deal, and Peterson, Bart Nies Delta3 Engineering. Supervisor Peterson and Administrator left during the meeting.

3 Sup. Storti moved to approve the agenda for this meeting and the minutes for the August 27th meeting.
& Sup. Butteris seconded the motion. Carried. Unanimously.
4

5 Committee and public comments. Commissioner Hardy stated Mr. Nies was present to represent the village of Muscoda regarding the driveway topic in agenda item 6 and requested that he be allowed to address concerns of the committee during discussion of the agenda item. Chair agreed to allow Delta3 to address their comments during the item discussion. There were no public comments. Chair Gollon cautioned members of the committee about misrepresenting committee or other supervisor's intentions when discussing committee business.

6 Request for road access to CTH P in the Village of Muscoda. Commissioner Hardy stated the village of Muscoda had applied for an access permit for extension of a village street to intersect with CTH P in the village. The speed limit for CTH P in the vicinity is 55MPH, therefore; the permit requires a variance from the committee as the centerline-centerline offset distance for the connection is 390 feet and the ordinance requires 600 feet. Some discussion of the ordinance and requirements for construction. Some discussion of the speed limits in the area and how speed limits are determined. The offset distances vary by speed limit the ordinance and a lower posted speed would not require a variance at the location. Commissioner stated he would be in favor of a variance for the location due to:
A. The street extension is within the reduced speed zone for the CTH P/STH 133 stop condition intersection thus traffic speeds are less than posted.
B. The ordinance calls for both a turning lane and passing lane along CTH P at the intersection due to traffic volumes on CTH P.
C. The street intersection match point lies within the rumble strips notification devices for the STH 133/ CTH P intersection providing an added safety component than other locations.

Discussion of the timeline to complete the access if permitted. Mr. Nies added the village is requesting the extension due to a developer being interested in the adjacent parcel at the corner of CTH P. If the sale goes through the village would extend the street, if the sale does not occur the village would not proceed with the project. Motion by Leix, seconded by Butteris to allow a variance to the village of Muscoda to build a street extension with turning lanes to intersect with CTH P +/- 390Ft south of the intersection with STH 133 per the permit details with a condition of the sale of the parcel by the village within one year of this meeting date. After which time, if the sale is not completed; the permit would be considered withdrawn and the village would be required to reapply. Motion carried unanimously.

7	Resolution concerning the Tri-County Airport. Supervisor Deal provided a summary of conversations which the Administrator, Corp Counsel, and he have held with Sauk and Richland County concerning the Tri-County airport and questions asked of the committee in recent months. As a result, he feels some revisions will be made to the current agreement. Supervisor Deal asked that the agenda item be postponed until the December meeting to provide for additional meetings with Sauk and Richland counties to take place. An update would be provided at the December meeting. Motion by Leix, seconded by Storti to postpone further discussion of the involvement of the county in the Tri-County airport until the December 3, 2018 meeting. Motion approved unanimously.
8	50-50 Town Road Bridge Aid Resolution. Commissioner Hardy provided an overview of what the county 50-50 Town Bridge aid program is and how it is administered. He provided an overview of the projects completed by the townships in 2018 and explained the amount of aid is a separate portion of the county tax levy assessed across the township residents in accordance with state statutes 82.08. Discussion of some of the values in the cost columns on the draft resolution, which Commissioner Hardy stated would be revised for the County Board copy related to High Point Road, Survey Road, Blotz Road, and Wilson Road. Motion by Storti, seconded by Leix to move the resolution to the County Board with a recommendation for approval as corrected, and for the levy amount to be included in the 2019 budget amounts. Motion approved unanimously.
9	Review of 3 rd quarter department reports. Bierke commented that County Conservationist Abbott had mentioned revenues for her department lag due to timing of state reimbursements and grant payments. She is expecting revenues to be on target for the year despite the current level. Hardy discussed the airport revenues and expenses exceeding budget primarily due to fuel sales and purchases. Hardy summarized the capital items of the Highway Department budget for 2019. Hardy pointed out the amounts for the Tri-County airport were slightly less than approved in the budget due to a lower than requested amount being approved by Richland County. Bierke commented during the discussion of the Tri-county airport, it was agreed Sauk and Iowa Counties would contribute the full budgeted amounts, and Richland would discuss increasing their contribution to match. For 2018, another distribution will be made to the Tri-county airport to bring the amount of aid provided which is equal to the full budgeted amount for 2018 as approved by Iowa County.
10	Review of the 2019 budget requests for the Iowa County airport at Mineral Point and the Highway Department. Commissioner Hardy commented the airport budget may need a revision due to costs for management of the airport by about \$9,100 due to a change in managers. He is requesting an increase to tax levy revenue form proposed to cover that amount. Committee discussed the highway budget and the amount of additional borrowing being provided to the department. Some discussion of capital items being acquired, costs of equipment and machinery versus costs of projects and the capital plan. Hardy recapped the \$1.3M in capital acquisitions proposed for 2019 including equipment and a new salt building in Highland. In addition, there is \$150K in building roof maintenance at the Dodgeville facility, which depending on bids may have to be treated as a capital acquisition. Committee chair stated the public has expressed some concern to see more road improvements with the additional borrowing amounts and wondered if there was any way to advance projects. Committee discussed the timelines on the Local Road Improvement Program funding and projects in queue utilizing that funding being primarily CTH F at this time. Commissioner stated the department advanced a portion of CTH K an LRIP CHIP-D project with additional borrowing in 2017, which allowed advancement of CTH E Mifflin also an LRIP CHIP project for 2018. However, for 2019 and 2020 the focus is on STP-Bridge projects and it may not be able to advance them due to the design process. The CTH F project is in a similar situation. Commissioner will discuss with WisDOT and engineers to determine status of the projects.
11	Financial Audit and Borrowing for Capital projects in 2019. Commissioner Hardy stated he could recap the auditor's comments and financial position statements for the department if the committee wished or

	could answer any questions. Some discussion of capital projects and equipment funding. Some discussion of the issues which led to the lateness of the audit preparation for 2017 as well. Commissioner Hardy stated he and the Finance Director had discussed a couple of procedural tools which could be implemented to streamline the department's financial report process preparation. Discussion of the concern with the lateness of the county audit and the federal submittal timelines. If the county submits a late audit, the audit process becomes a high risk type necessitating a more detailed review process by a financial auditor resulting in higher cost. Commissioner summarized the issues with preparation of the report within the department.
	Discussion of ordinance compliance with a sign section 8 of the zoning ordinance and driveways as a part of the highway access ordinance.
12	Signs – some discussion of temporary signs and their cyclical volume at election time and other issues. Discussion of issues between sign types, sizes, locations, and the challenges with policing. Discussion of variety being rummage sale, political, school athletic, ads, campaigns, etc. Discussion of state statutes which prohibit all signage except related to traffic control within the MUTCD. Commissioner will draft a document addressing the department's procedure for policing signage for a future meeting. Driveways – some discussion of driveways being installed without a permit. As a result of the recent GIS project which created a layer for driveway permits, several drives have been discovered in the last few months which have been recently constructed without a permit. Discussion of ordinance, fees, and section G pertaining to penalties. Discussion of fees and penalties imposed by the zoning ordinance in situations where no permit is applied for. Committee instructed Commissioner to review zoning fee verbiage and bring a recommendation for revisions of the access ordinance back to the committee in similarity for further discussion.
13	Highway Commissioner report: A. Employment update. 25 applications were received for the Highway Accountant position vacancy; 9 interviews have been held, 2 applicants withdrew from consideration, and the department is finalizing an offer at this time. Two vacancies exist in the department due to a retirement of Charlie Dahl equipment operator and resignation of Robert Gleason road oil crew lead. The department was working on filling the positions and had 4 responses for the crew lead position and 23 responses for the equipment operator position. B. Commissioner summarized the changes to the STP-Bridge program as well as the Replacement-In-Kind Policy. The net result is an increase in project costs for bridges in the county from what has historically been an 80-20 funded program to a 55-45 funded program; in addition the program funds provided are capped at award. The Committee reviewed pictures of the condition of the CTH II bridge. The Commissioner stated due to the condition and the recent repairs performed; the application will be authorized but shared a number of concerns with the program going forward. C. The rainfall events of August necessitated replacement of 5 culverts on the county system due to localized failures on CTH K, I, and H. D. With the revision of the Manual on Traffic Control Devices in 2009; new passing zone criteria was created by the state. As a result the county painting crew has been remarking and relocating passing/no passing zones on the state highway system, which resulted in noticeably fewer passing zones along STH 191 and 130 in the county; as well as other roads in the region. E. At the WCA conference in September the Governor committed to a 30% maintenance of effort funding level for General Transportation Aids to counties.

	F. On October 29, Senator Marklein hosted a meeting with the Transportation Secretary, Rep Tranel, Rep Novak, Commissioner Hardy, Jean, and Lambert to discuss local roads transportation funding. Sec Ross stated the GTA commitment is not political clout for the election but will occur in the budget proposal form the department in either case. We discussed program rules, funding of program levels, issues with projects, administrative costs and burdens for projects, and other items. G. The highway GIS asset data collection project recap was postponed for a future meeting. H. Commissioner Hardy stated a kick-off meeting for the RTVision automated payroll implementation will occur in early November. The department processes some 11,000+ written timecards annually, and the process will automate the timecard process.
14	The next meeting date is Monday December 3, 2018 at 5:00 P.M.
15	Sup. Storti moved to adjourn the meeting. Sup. Leix seconded the motion. Motion carried unanimously. Meeting adjourned at 8:02 P.M.
Minutes Respectfully Submitted by Commissioner Hardy 10/31/2018	

Land Conservation Department 2018 Annual Report

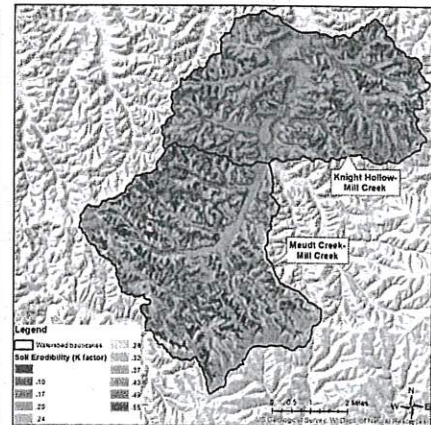


General

- Hired and trained three new staff members
- Succeeded with two grant proposals for a rainfall simulator- \$8,000 from Compeer Financial and \$3,000 from Alliant Energy Foundation
- Began review of current manure storage ordinance with Planning & Development

Partnerships and Special Projects

- Partnered with Grant and Lafayette Counties to begin the two-year Southwest Wisconsin Groundwater and Geology study. Three hundred well samples were collected in early November.
- Partnered with Michael Fields Agriculture Institute and UW-Extension to complete Nine-Key-Element Watershed Plans for two watersheds
- Continued to participate in the Southwest Grasslands Network, Lowery Creek Partnership, and Iowa County Uplands Farmer-led Watershed group



Nutrient Management Planning

- 29 plans cost-shared totaling 2,780 acres and \$38,630
- Assisted UWEX and UW with training 16 farmers to write their own plans
- Assisted UW with publication on calculating cost savings of NMPs

Soil and Water Projects

- Projects completed totaling \$34,358 of cost-share: 1 streambank stabilization, 1 grassed waterway, 2 stream crossings, 1 spring development, 3 well decommissions
- Projects designed for next spring totaling \$27,434 of cost-share: 1 stream crossing, 2 spring developments, 1 grassed waterway, 1 roof gutter system, 1 well decommission





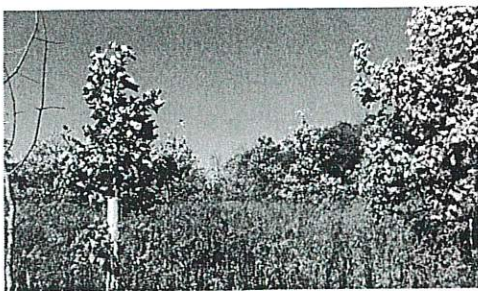
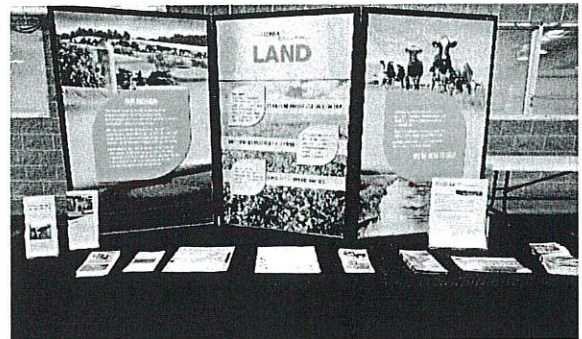
Farmland Preservation Program

- 745 farms have Certificates of Compliance, covering 152,187 acres (about 43% of the County's farmland) which equates to over \$1.1 million in tax credits to County farmers
- Completed 185 compliance site visits



Outreach and Communications

- Co-organized with UW-Extension the Iowa County Youth Conservation Field Day for 254 sixth graders
- Assisted the Iowa County Uplands Farmer-led Watershed Group with two field days and one farmer-fisherman dinner, with about 75 people each
- Presented conservation awards and set up display at Farmers Appreciation Day
- Created new brochure and 3-panel display
- Newsletter is in process and will be sent to over 2,000 farmers and landowners in the County
- Led a hike at a Mineral Point school field day

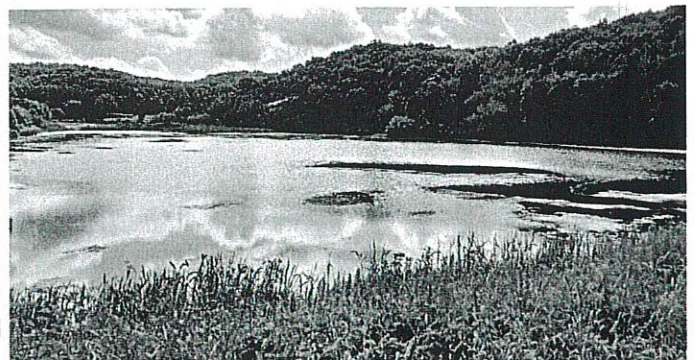


Conservation Reserve Program

- 37 agreements completed covering 1,072 acres and totaling \$343,085 in payments
- One perpetual easement in progress; four perpetual easements monitored

County-owned Dams

- All 11 dams had annual inspections and were mowed by Highway Department
- Dams were checked multiple times after heavy rains and cleared of debris. Luckily we had no major problems, but some minor repairs are needed and beavers are causing debris issues on three dams



IOWA COUNTY

HIGHWAY ACCESS CONTROL
ORDINANCE

Adopted on 02/16/2010
Adopted as amended 08/18/2015
Draft Amendment 11/29/2018

Highway Access Control

Section 1 Title and Purpose

(a) **Title**

This ordinance shall be known, cited and referred to as:
THE IOWA COUNTY HIGHWAY ACCESS CONTROL ORDINANCE.

(b) **Purpose**

This Ordinance shall be established to create uniform, concise, and consistent guidance for the control of ingress/egress access to/from the County Trunk Highway System.

Section 2 Authorization, Jurisdiction and Severability

(a) **Statutory Authorization**

This ordinance is established by the provisions set forth in Section 86.07(2) of the State of Wisconsin Statutes and Chapter TRANS205 and TRANS231 of the Wisconsin Administrative Code.

(b) **Jurisdiction**

This Ordinance shall have jurisdiction over all existing or proposed accesses to County Highways within Iowa County. Standards set forth by this Ordinance apply only within the right-of-way of County Highways.

(c) **Severability**

Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 Definitions

For the purpose of simplicity, the following terms shall be applied as indicated throughout this ordinance.

(a) **General**

- (1) The present tense includes the future tense and the singular tense includes the plural.
- (2) The word "shall" is mandatory; the word "may/should" is permissive.
- (3) The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.
- (4) The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited, trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.
- (5) All distances unless otherwise stated shall be measured in the horizontal direction.

(b) **Definitions**

ACCESS – Driveway or road access point for any motorized/non-motorized Vehicle, except for State of Wisconsin funded snowmobile trails.

ACCESS PERMIT – A permit from the Iowa County Highway and Transportation Department granting access onto a CTH.

ADT – Average Daily Traffic generated on a given road or highway.

ALTER, MODIFY, RECONSTRUCT – To change the slope, location, length, width, access point, to completely remove and rebuild in whole or in part, or to conduct any similar activity with regard to an access.

COUNTY HIGHWAY – Any segment of a road under the jurisdictional maintenance authority of the Iowa County Highway Department.

DRIVEWAY – Any access for motorized/non-motorized vehicles to one or two parcels.

HIGH HAZARD POTENTIAL – shall be a phrase utilized for driveway access locations which contribute to traffic accidents or accident history as a result of its physical location and restrictions in visibility due to terrain, highway construction, or other geographical features. May also be utilized for driveway access locations which do not meet adequate stopping sight distance criteria for visibility.

HIGHWAY COMMISSIONER – Iowa County Highway Commissioner or his/her designee

LANDOWNER – shall be the person(s) whom have legal possession of or legal access to; via an easement or other legal document, the land abutting, adjoining, and contiguous to the County highway Right-of-Way.

LIMITED ACCESS HIGHWAY – Highways (or segments of highways) on which access is provided with entrance and exit ramps (US Hwy 151).

PARCEL – The area of land within the property lines of a given piece of property.

ROAD – Any road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass or other pathways intended for the use of motorized/non-motorized vehicles to obtain access to more than two parcels.

ROUTINE MAINTENANCE – Regular or customary maintenance activity for an access point, to include; for example, snow removal, mowing, and addition/grading of gravel for gravel driveways or road access points so long as the slope, location, length, width, or type of surface material of the driveway or access point is not substantially altered.

RURAL Highway – Any County Highway with a 55 M.P.H. speed limit.

SEMI-URBAN Highway – Any County Highway outside of the municipal boundaries of a city or village with a speed limit below 55 M.P.H.

URBAN Highway – Any County Highway within the municipal boundaries of a city, village, or township with a speed limit below 36 M.P.H.

Section 4 Permit Required

No access subject to this Ordinance shall be installed, altered, changed, replaced or extended until an application for an access permit has been

approved by the Iowa County Highway Commissioner or his/her designee. Application forms and information can be obtained from the Iowa County Highway Department.

Section 5 Regulations

a) Existing Access

An access that existed prior to the adoption or amendment of this ordinance may be continued to be used although it does not meet the standards of this Ordinance. However, except for routine maintenance; any act to alter, modify or reconstruct the access or a change in the nature of its use shall require full compliance with this Ordinance. It is the responsibility of the applicant to provide adequate evidence of an existing access to the Highway Commissioner.

When an existing access is identified as causing damage to the highway or shoulder, the lack of maintenance thereof causes drainage issues or obstructions to the county right-of-way, or the lack of maintenance thereof is leading to erosion of surface materials and deposits onto the county highway; the Highway Commissioner may deem the access as deficient and issue a written Notice of Deficiency and Order for Remediation. In cases of excessive surface erosion onto the highway system, the Highway Commissioner may order the landowner to pave the access portion within the right-of-way. Any access improved in response to a Notice of Deficiency and Order for Remediation shall comply with these Ordinance requirements and be required to obtain a permit.

When an existing access creates a high hazard potential; either due to accident history or sight visibility concerns, the Highway Commissioner is hereby authorized to declare it closed provided a new access can be provided that will serve the same purpose of the existing, in a location that is deemed a lower hazard potential. The landowner shall relocate said access to be in compliance with these Ordinance requirements, and obtain a permit. In any case, a high hazard potential access shall be encouraged to be discontinued as soon as practicable.

b) Vacated access

If the Highway Commissioner considers the use of an existing access to have been discontinued to the point where it is not being properly maintained, the Highway Commissioner shall notify the owner that the access is to be brought into proper condition or it will be considered vacated. The Notice from the Highway Commissioner shall identify what work must be completed to bring the access into proper condition and the timeframe within which that work must be completed. If the requirements of the Notice are not timely satisfied and the Highway Commissioner deems the access as vacated, the landowner will be required to obtain a permit and be subject to the regulations of this Ordinance as a request for new access, including relocation if necessary. And, the access will no longer be considered an existing access.

c) **Access to Highway**

1. Entrance upon or departure from a County Highway shall be prohibited except at locations specifically designated by this section. No road shall be opened into or connected with any County Highway, under this section or converted from one use of access to another use of access without an access permit.
2. Access permits onto a County Highway shall only be granted to a landowner as defined in Section 3 of this Ordinance.
3. The permit applicant shall state the purposes for the type of access to be requested as one of the following, which shall set forth the requirements for construction or improvement;
 - a. TYPE A – AGRICULTURAL RESIDENTIAL OR RESIDENTIAL – access to one or two agricultural-residential or residential parcels. Agricultural-residential zoned properties which are also utilized as an agricultural equipment access point should be applied for as a Type B agricultural/field access.
 - b. TYPE B – AGRICULTURAL/FIELD – access for the primary purpose of agricultural equipment access to/from agricultural or horticultural field parcels or homesteads.
 - c. TYPE C – COMMERCIAL – access to residential parcels with 3 to 20 units or less or commercial/industrial land-use zoning with 25,000 square feet or less of improvements
 - d. TYPE D – INDUSTRIAL – access to residential parcels of 20+ units and commercial or industrial parcels with 25,000 square feet or more of improvements.

d) Access Spacing and Frequency

- (1) No more than six (6) accesses for agricultural use shall be allowed along the same side of a County Highway within a linear mile for any single property owner.
- (2) Only one access for residential use shall be allowed per a given residence. In the event where a second access for a U-shaped driveway is proposed, the minimum access spacing listed in (6) shall be met.
- (3) When a landowner requests an access to be installed within the minimum horizontal spacing distance from the property line as measured at the Highway centerline to be less than :
 - 300 feet for a Rural County Highway
 - 150 feet for a Semi-urban County Highway
 - 100 feet for an urban County Highway

The applicant shall notify the adjacent landowner for concurrence on the proposed driveway location, obtain an agreement to a shared access installation at the property line; or receive a waiver of their rights for a future access within the dimensions outlined in subsection (6) below.

- (4) The number of accesses for commercial and/or industrial use shall be commensurate with the demonstrated need and suitable for the anticipated traffic conditions.
- (5) When there is an option between granting an access to more than one road for a given property, the road with the lowest average daily traffic and hazard potential shall be favored.
- (6) The minimum horizontal distance between accesses along the same side of a County Highway as measured at the centerline shall be:
 - 300 feet for a Rural County Highway
 - 150 feet for a Semi-urban County Highway
 - 100 feet for an Urban County Highway
- (7) The minimum distance that an access shall be from the intersection of a public road with a County Highway, as measured to the centerline of the intersecting public roads, shall be:
 - 600 feet for a Rural County Highway
 - 450 feet for Semi-urban County Highway
 - 250 feet for an Urban County Highway

Where possible, roads should not be staggered, creating "T" intersections, but connect with another road on the other side of the highway.

- (8) Safety shall not be interfered with due to access locations near hills, curves, or other locations; which may not be in clear and apparent view of on-coming traffic.

e) **Paved Apron**

Access onto a County Highway may require a paved apron within the right-of-way of the County Highway, at the owner's expense, in instances when usage or drainage warrants as may be determined by the County Highway Commissioner.

f) **Design Standards**

Accesses within the County Highway right-of-way must comply with the following design standards:

- (1) CULVERTS, when required, must be at least 30 feet in length plus apron end walls, placed at a depth of at least 1 foot under the surface of the access, be a minimum of 15 inches (38.1 cm) or equivalent in diameter or as large as determined necessary for adequate drainage by the County Highway Commissioner, be at least 10 feet (3.048 m) from the end of the nearest culvert, and be constructed of corrugated metal or concrete, with apron end walls. Polyethylene, Polypropylene, or Plastic pipe and/or apron end walls shall not be allowed.
- (2) ACCESS HEIGHT at the point of the culvert shall be equal to or lower than the level of the outside edge of the County Highway shoulder.
- (3) SLOPES to the side of the access shall not be steeper than 4 to 1 (25 percent desirable) or that of the embankment of the existing County Highway, whichever is less.
- (4) RETAINING WALLS, STONE WALLS, ETC. shall not be allowed on driveways within right-of-way.
- (5) ANY PAVEMENT surface or combination of base coarse aggregate, asphalt, or concrete shall be a minimum thickness as specified in (12). Any pavement of access shall consist of asphalt or be similar in material to the adjoining County Highway surface (concrete shall only be allowed if the adjoining County Highway surface is concrete) to a minimum distance of 5 feet from the outside edge of the existing paved portion of the highway.

- (6) ANY PAVEMENT in the right-of-way, whether new, resurface, or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem, as deemed necessary by the Highway Commissioner.
- (7) CROWNING of access shall be provided with a minimum pitch of 2 percent towards the side of the access. Ditches may have to be created along the driveway to accommodate runoff from the driveway entrance to control and preclude runoff entry onto the county highway.
- (8) CURB AND GUTTER shall not be allowed within the County Highway right-of-way for private accesses; except for type C or D accesses as approved on a case by case basis.
- (9) ANGLE of a driveway shall be as close to 90 degrees with the center-line of the County Highway as possible, but not less than 75 degrees.
- (10) FACING ACCESS on opposite sides of a County Highway shall be located directly opposite each other whenever possible.
- (11) SHARED ACCESS is encouraged to minimize the number of access points and interruption of traffic flow.
- (12) TYPE OF DRIVEWAY ACCESS being requested shall be specified by the landowner/applicant based on the following criterion:

a-1. TYPE "A" ACCESS: PRIVATE DRIVEWAYS with access to one or two zoned agricultural-residential or residential parcels must have a minimum driveway width of 12 ft (3.6575 m) as measured at the right-of-way line and a return radius of 20 feet (6,096 m). The driveway surface shall be a minimum of 12-inches of thickness. Owner shall determine the thickness of desired paved surface, if so desired at the location. The paved surface may be asphalt, concrete, or other non-porous materials in compliance with this ordinance. For concrete surface driveways, a minimum of 6-inches of base coarse shall be installed as a sub-material. For asphaltic pavement surfaces, a minimum of 8-inches of ¾-inch or 1-1/4 -inch crushed aggregate base coarse shall be installed under the asphaltic surface. For unpaved entrances, there shall be a minimum of 6-inches of nominal 3-inch to 6-

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inch breaker run and 6 inches of $\frac{3}{4}$ -inch or 1-1/4-inch dense crushed aggregate base coarse. Sand or existing bedrock may be utilized to meet the breaker run requirements specified herein, if part of the natural geology of the location. (see drawing attached hereto).

- b. Type "B" ACCESS standards (see diagram attached hereto) must be used for agricultural equipment access parcels or field entrances to agricultural parcels or agricultural-residential parcels or homestead access, must have a minimum driveway width of 16 ft (4.8767m or greater) as measured at the right-of-way line, and a return radius as illustrated in the drawings attached hereto for Type B driveways. Owner shall determine overall thickness of base coarse based upon the size of equipment utilizing the access, it is recommended to follow the NRCS and FHWA guidance on base coarse design for agricultural equipment. As a minimum, the drive shall consist of 12-inches of nominal 6-inch breaker run and 8-inches of nominal $\frac{3}{4}$ -inch crushed aggregate base coarse or 1-1/4-inch crushed dense aggregate base coarse within the right-of-way. Sand or existing bedrock may be utilized to meet the breaker run requirements specified herein, if part of the natural geology of the location.
- c. TYPE "C" ACCESS standards (see diagram attached hereto) must be used for residential parcels with 3-20 units and commercial or industrial parcels with up to 25,000 square feet of improvements (2,322.5 sq. m), must have a minimum driveway width of 22 ft or more (6.705m or greater), and radii as illustrated in the drawings attached hereto for Type C driveways. As a minimum non-paved accesses shall consist of 6-inches of nominal 6-inch breaker run and 8-inches of nominal $\frac{3}{4}$ -inch or 1-1/4-inch dense base coarse aggregate. Accesses which contribute 101 ingress/egress uses per day or more shall have a paved surface.
- d. TYPE "D" ACCESS standards (see diagram attached hereto) must be used for residential parcels with over 20 units and commercial or industrial parcels over 25,000 square feet of improvements (2,322.5 sq. m), must have a minimum driveway width of 22 ft or more (6.705m or greater), and return radii as illustrated in the drawings attached hereto for

Type D driveways. As a minimum non-paved accesses shall consist of 6-inches of nominal 6-inch breaker run and 8-inches of nominal ¾-inch or 1-1/4-inch dense base coarse aggregate. Accesses which contribute to 101 ingress/egress uses or more shall have a paved surface. BYPASS LANE is required where the ADT of the County Highway the access enters onto is 2500 or more for type C access and 1000 or more for type D access.

- (13) TURNAROUNDS should be provided on the property so that vehicles do not back out onto a County Highway.
- (14) EXISTING CTH PROPERTY including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition.
- (15) VISION CORNERS must be free of all obstructions at each access point in accordance with the applicable Vision Corner diagram attached hereto. Driveway vision corners are to be measured from a point 3.5 feet (1.0668 meter) above the driveway surface at the center of the proposed access, 15 feet (4.572 meter) back from the edge of the pavement of the County Highway, to two points 4.5 feet (1.3716 meter) above the surface of the center of the nearest on-coming lane of the County Highway in each direction, at a distance of "D" from the point where the County Highway meets the center of the proposed access. The "D" = Distance Table shall correspond to the posted speed limit of the County Highway in the vicinity of the access. If the posted speed limit of the County Highway is not given in the attached Vision Corner diagram D = Distance Table, the next highest speed limit shall be used. Signalized intersections at an access shall need to meet the standards provided for driveways, in addition to review and approval by the Highway Commissioner.

Section 6 Administration and Enforcement

(a) Administration

The Highway Commissioner is hereby authorized to administer this ordinance.

Applications for permits shall be made to the County Highway Commissioner or his/her designee who shall review the proposed development or construction and shall either grant or deny the proposed access based upon the provisions, standards, and requirements of this ordinance, within fifteen (15) working days. A working day shall be determined as those days in which the County Highway Department performs its' daily operations.

(b) Interpretation

All restrictions on the use of land are restricted to the objects, growth, and use of land within the right-of-way of the Iowa County Highways. Whenever it is questionable as to whether or not an object or a part of an object is within the jurisdiction of this ordinance, the entire object shall be considered to be entirely within.

(c) Permits for Driveways and Obstructions such as Fences, Shrubs, Etc., On Highway Access

No structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right-of-way of a County Highway until an access permit has been issued by the Highway Commissioner. Any proposed placement of an object, structure, or growth shall be clearly noted on the access permit application and shall be limited to items such as mail boxes, fire number posts, culverts, apron end walls, delineators, reflectors, and items specifically required for construction of an access. No objects which are of a non-breakaway design shall be allowed within the clear zone of the County Trunk Highway, as defined by the Wisconsin Department of Transportation Facilities Development Manual Chapter 11.0. Said permit shall be placed in clear view as near to the point of proposed construction or access as possible.

An access permit shall expire one year from the date of issuance. All construction must be completed within this time with the final approval inspection made by the Highway Commissioner. The Highway Commissioner may extend approval of an access permit once for a maximum of an additional six (6) months.

The permit recipient shall be liable for all materials, labor and other costs connected with the construction of the access within the highway right-of-way. The County shall not be liable for any damage or injury which results

from the construction of an access. Iowa County shall not be responsible for any maintenance of a private access/access culvert including the removal of snow, ice, or sleet from the access.

Temporary driveways. A temporary driveway may be installed under the issuance of a one-time per property Work-in-Right-of-Way permit; however, the temporary driveway must be removed within one year of the date of the issuance of the Work-in-Right-of-Way permit. The removal of the driveway must restore the right-of-way to its' pre-existing condition. And any temporary driveway constructed shall meet the requirements of this ordinance with exception to the centerline-to-centerline driveway spacing requirements listed in Section 5 (d) (6) listed herein.

(d) Hazard Marking and Lighting

Any access location during construction within the right-of-way shall be provided with adequate hazard marking and lighting to prevent possible accidents. The hazard marking and lighting shall be the responsibility of the owner of the parcel to which the access will enter. Driveway markers may be installed at access points to aid in entry during low visibility timeframes. Any markers utilized shall be designed as a breakaway type when struck by a vehicle.

Lighting for delineation of driveways shall not be allowed within the right of way. Owners may install lighting of low intensity along their driveways on private property; off of highway right of way in accordance with any zoning requirements.

Wisconsin State Statute 346.41 (3) precludes the use of any red or amber reflector within the highway right of way.

"No person shall place or maintain, or allow to be displayed any red or amber reflector within the limits of the highway boundaries at or near the entrance to a private road or driveway. The use of blue reflectors is permitted provided there is no disapproval by the highway authority in charge of maintenance of the highway."

Landowners shall be allowed to install blue reflectors to illuminate private entrances at night or during poor visibility to facilitate entry. Reflectors, if installed on the right-of-way; shall be located within ten (10) feet of the right-of-way line and along the driveway. Reflectors installed on right-of-way shall be retroreflective in compliance with the Manual of Uniform Traffic Control Devices and 3 inches in diameter. Reflectors shall be allowed in a vertical arrangement of one to three. The top of the top

reflector shall be mounted at a height of four (4) feet above the near edge of the driveway surface it is installed to delineate.

(f) Appeals

Any person aggrieved by any decision made in the administration of this ordinance may appeal to the Iowa County Public Works Transportation Committee. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Highway Commissioner. Appeals shall be filed in writing with the Highway Commissioner. The appeal shall specify the legal description of the parcel and access location in question and the reason given for the appeal.

The Public Works Highway Committee shall make a decision on the appeal within sixty (60) calendar days from the day the appeal was filed. The decision of the Public Works Highway Committee shall be made by the majority present.

(g) Violations and Penalties

- 1) Violations may be pursued by either the issuance of a citation, referral to the District Attorney's Office as a formal complaint or both as authorized by this Ordinance.
- ~~1) Any person who fails to comply with the provisions of this ordinance, or with any order of Iowa County or the Highway Commissioner issued in accordance with this ordinance, may be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus court costs. The issuance of a citation by Iowa County shall not be deemed as waiver of further enforcement action, and payment of this citation shall not be deemed as compliance. Each violation and each day in which a violation continues to exist shall constitute a separate offense.~~
- 2) Any construction which is in violation of this Ordinance shall immediately cease upon written order or the placement of a notification of violation at the site by Iowa County or the Highway Commissioner, and construction may not resume until the order is released by the County or the Highway Commissioner.
- 3) Violations of this Ordinance shall be prosecuted by Iowa County Corporation Counsel upon referral from the Highway Commissioner.
- 4) Any person who fails to comply with the provisions of this ordinance, or with any order of Iowa County or the Highway Commissioner issued in accordance with this ordinance, may be subject to a

forfeiture of not less than \$10.00 nor more than \$200.00 plus court costs for each violation. The issuance of a citation by Iowa County shall not be deemed as waiver of further enforcement action, and payment of this citation shall not be deemed as compliance. Each violation and each day in which a violation continues to exist shall constitute a separate offense.

5) After the fact fees: The following fees apply for construction of a driveway begun before a required permit is secured:

- a. First Offense – Triple the regular fee
- b. Second Offense - Quadruple the regular fee
- c. Third Offense - Quadruple the regular fee plus a citation.

Each offense is exonerated if, after 36 months, there have been no subsequent offenses by the property owner. These fees pertain to the property owner regardless whether the effected property is the same from one offense to another; and regardless of who may have installed the driveway.

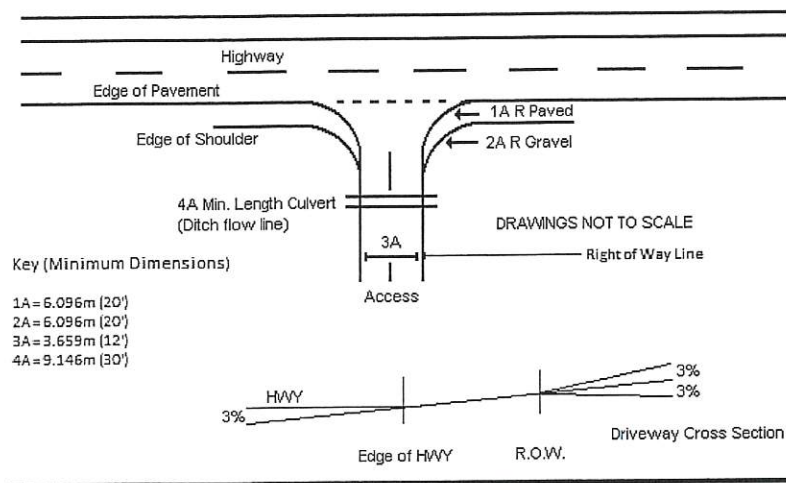
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TYPE "A" RESIDENTIAL ACCESS

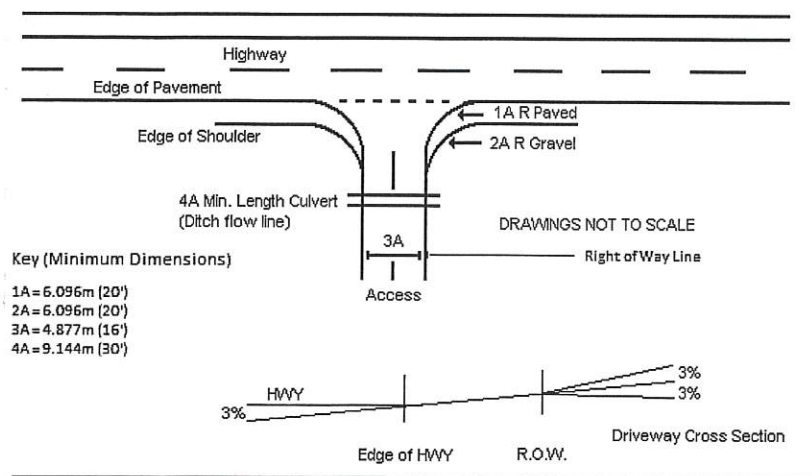
Access Design Standards



For Access Described in Section 5 f. (12a)

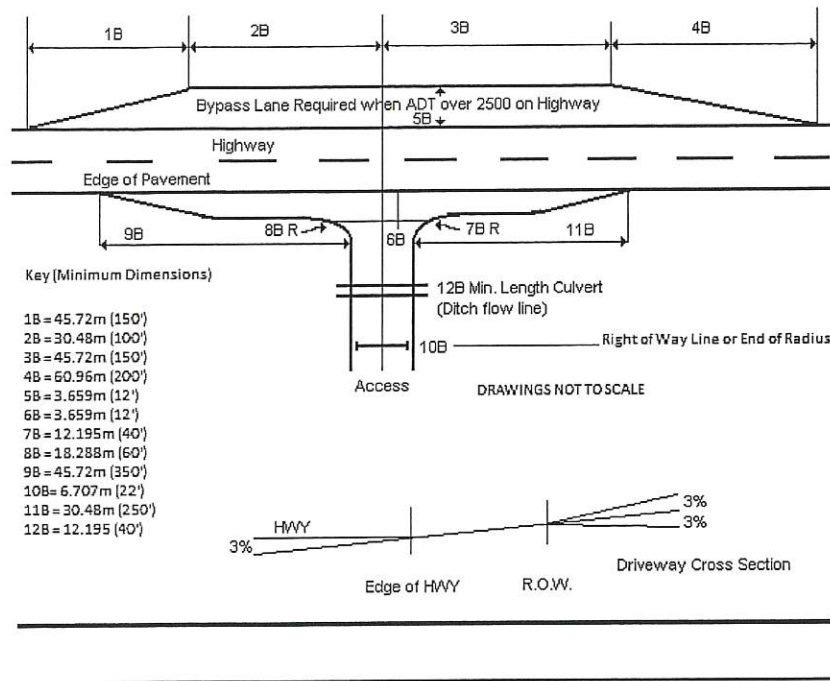
TYPE "B" AGRICULTURAL FIELD ACCESS

Access Design Standards



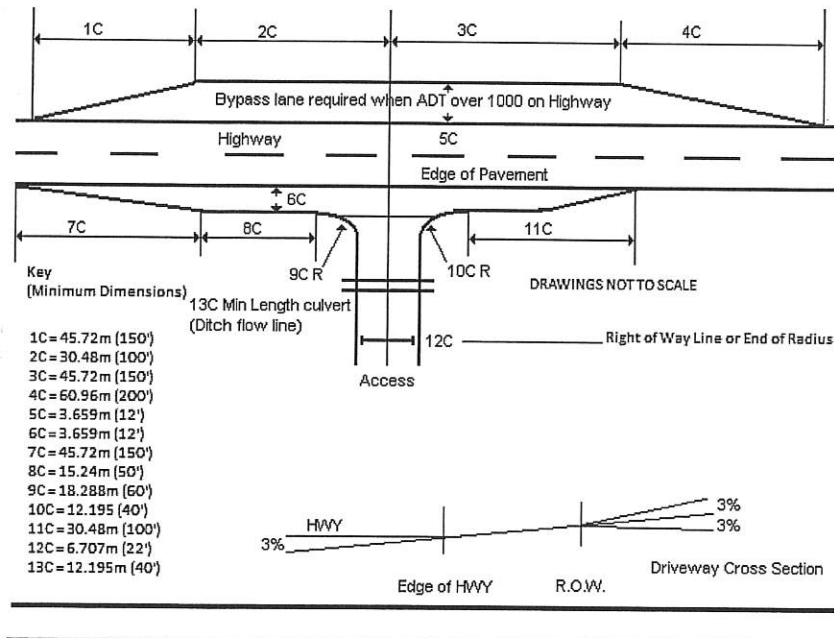
For Access Described in Section 5 f. (12b)

TYPE "C" COMMERCIAL ACCESS



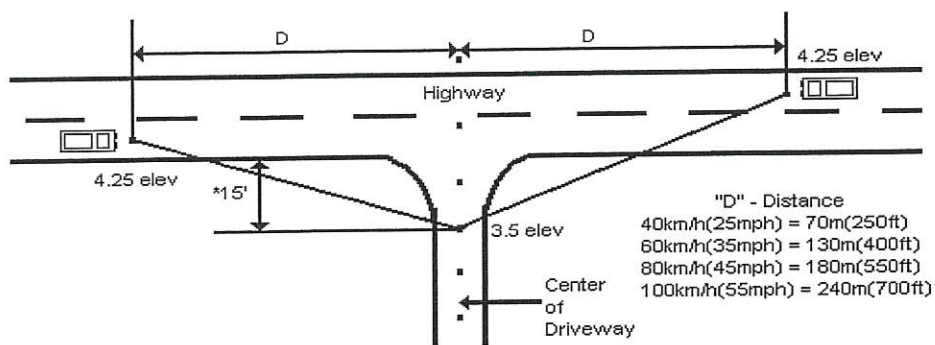
For Access Described in Section 5 f. (12c)

TYPE "D" INDUSTRIAL ACCESS



For Access Described in Section 5 f. (12d)

VISION CORNER DIAGRAM



DRAWINGS NOT TO SCALE

For Access Described in Section 5 f. (15)

SIGNAGE FOUNDATION 2016 ANALYSIS

THE STATE OF SIGN CODES AFTER *REED V. TOWN OF GILBERT*

Professor Alan Weinstein holds a joint faculty appointment at Cleveland State University's Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs and also serves as Director of the Colleges' Law & Public Policy Program. Professor Weinstein is a nationally-recognized expert on planning law who lectures frequently at planning and law conferences and has over eighty publications, including books, book-chapters, treatise revisions and law journal articles.



signage foundation, inc.

THE REED CASE

THE U.S. SUPREME COURT'S JUNE 2015 DECISION

in *Reed v. Town of Gilbert* was, undoubtedly, the most definitive and far-reaching statement that the Court has ever made regarding day-to-day regulation of signs. But the *Reed* case, while very clear about the rules that must be applied to the regulation of temporary non-commercial signs, provided only scant guidance about how courts should treat sign regulations that apply to commercial business signs or that differentiate between on-site and off-site signs. In the nine months since the *Reed* ruling, lower court decisions have begun to provide additional guidance on these questions while some questions remain unanswered.

CONTENT-BASED REGULATION OF SIGNS IS UNCONSTITUTIONAL

The rules that Justice Thomas announced in *Reed* are straight-forward for non-commercial signs: a regulation that "on its face" requires consideration of the content of a sign is "content-based" and will be subjected to strict scrutiny.

Further, a regulation that is facially content-neutral could still be considered content-based if its purpose is related to the message on a sign. For example, a code provision that allowed more lawn signs for election season would be facially content-neutral but might be challenged as being justified by or have a purpose related to allowing "election campaign" messages.

A sign regulation is content-based and subject to "strict scrutiny" even if the government (i.e. local officials) did not intend to restrict speech or to favor some category of speech for benign reasons. Justice Thomas wrote: "In other words, an innocuous justification cannot transform a facially content-

based law into one that is content-neutral."

Justice Thomas specified that a content-based sign regulation (including a regulation that is facially content-neutral but justified in relation to content) is presumed to be unconstitutional and will be invalidated unless government can prove that the regulation is narrowly tailored to serve a compelling governmental interest. This is known as the "strict scrutiny" test, and few, if any, regulations survive strict scrutiny. We don't know what, if any, content-based regulations might survive strict scrutiny.

NEARLY EVERY SIGN CODE IS AFFECTED BY REED

Justice Thomas's opinion calls into question almost every sign code in this country:

Temporary Signs: Few, if any, codes have no content-based provisions under the rules announced in *Reed*. For example, almost all codes contain content-based exemptions from permit requirements (real estate signs, political and/or election signs, "holiday displays," etc.), and almost all codes also categorize temporary signs by content, and then regulate them differently. For example, a "real estate" sign can be bigger and remain longer than a "garage sale" sign. *Reed* failed to provide an answer to how we provide for the public's desire for more signage during election campaigns in a wholly content-neutral manner.

Permanent Signs: Many sign codes also have content-based provisions for permanent signs. Because the *Reed* rules consider "speaker-based" provisions to be content-based, differing treatment of signs for "educational uses" vs. "institutional uses" vs. "religious institutions" would be subject to strict scrutiny. The strict scrutiny test could also apply for differing treatment of signs for "gas stations" vs. "banks" vs. "movie theaters."

"TIME, PLACE OR MANNER" REGULATIONS ARE CONTENT-NEUTRAL, SUBJECT TO INTERMEDIATE SCRUTINY

Reed does not, however, cast doubt on the content-neutral "time, place or manner" regulations that are the mainstay of almost all sign codes, provided they are not justified by or have a purpose related to the message on the sign.

Justice Thomas acknowledged that point, noting that the code at issue in *Reed* "regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts and portability."

Justice Alito's concurring opinion, joined by Justices Kennedy and Sotomayor, went further. While disclaiming he was providing "anything like a comprehensive list," Justice Alito noted "some rules that would not be content-based." These included rules regulating the size and

location of signs, including distinguishing between building and free-standing signs; "distinguishing between lighted and unlighted signs;" "distinguishing between signs with fixed messages and electronic signs with messages that change;" distinguishing "between the placement of signs on private and public property" and "between the placement of signs on commercial and residential property;" and rules "restricting the total number of signs allowed per mile of roadway."

But Justice Alito also approved of two rules that seem at odds with Justice Thomas's "on its face" language. Alito claimed that rules "distinguishing between on-premises and off-premises signs" and rules "imposing time restrictions on signs advertising a one-time event" would be content-neutral. But rules regarding "signs advertising a one-time event" clearly are facially content-based, as Justice Kagan noted in her opinion concurring in the judgment, and the same claim could be made regarding the on-site vs. off-site distinction.

Keep in mind, however, that even content-neutral "time, place or manner" sign regulations are subject to intermediate judicial scrutiny rather than the deferential "rational basis" scrutiny applied to regulations that do not implicate constitutional rights such as freedom of expression or religion. Intermediate scrutiny requires that government demonstrate that a sign regulation is narrowly tailored to serve a substantial government interest and leave "ample alternative avenues of communication." Because intermediate scrutiny requires only a "substantial," rather than a "compelling," government interest, courts are more likely to find that aesthetics and traffic safety meet that standard. That said, courts have struck down a number of content-neutral sign code provisions because the regulations were not "narrowly tailored" to achieve their claimed aesthetic or safety goals.

BEYOND REED

As noted previously, the Supreme Court ruling of *Reed v. Town of Gilbert* provided scant guidance about how courts should treat sign regulations that apply to commercial business signs or that differentiate between on-site and off-site signs. These issues are now being addressed in the lower federal courts, clarifying how these types of signs might be content-based and subject to strict scrutiny.

Commercial signs: To date, the federal courts have ruled unanimously that *Reed* should not be applied to regulations that affect commercial signs. The following quote from *Lamar Cent. Outdoor, LLC v. City of Los Angeles*, 2016 WL 911406, (Cal. Ct. App. Mar. 10, 2016) is typical: "*Reed* is of no help to plaintiff either...; it does not purport to eliminate the distinction between commercial and noncommercial speech. It does not

involve commercial speech, and does not even mention *Central Hudson*." The *Central Hudson* reference is to the 1980 Supreme Court ruling establishing that regulation of commercial speech should be subject to a form of intermediate scrutiny rather than strict scrutiny.

On-site vs. off-site signs: Treatment of the on-site vs. off-site distinction remains uncertain. Most courts that have addressed the issue have cited Justice Alioto's concurrence as the basis for dismissing the idea that *Reed* should apply to the on-site vs. off-site distinction. But one federal district court has vigorously disagreed. In *Thomas v. Schroer*, 2015 WL 5231911 (W.D. Tenn. Sept. 8, 2015), the judge noted: "Not only is the concurrence not binding precedent, but the concurrence fails to provide any analytical background as to why an on-premise exemption would be content-neutral. The concurrence's unsupported conclusions ring hollow in light of the majority opinion's clear instruction that 'a speech regulation targeted at specific subject matter is content-based even if it does not discriminate among viewpoints within that subject matter,' citing *Reed*. Clearly, this issue remains unresolved."

Content-based exemptions: Sign regulations that contain content-based exemptions have not fared well under *Reed*. *Central Radio Co. Inc. v. City of Norfolk, Va.*, 811 F.3d 625 (4th Cir. 2016), is a good example. There, in a challenge first decided before *Reed*, the Court of Appeals had concluded that a sign regulation exempting flags, emblems and works of art was content-neutral and, applying intermediate scrutiny, held that the regulation was a constitutional exercise of the city's regulatory authority. But when the challenge was renewed after *Reed*, the Court of Appeals reversed its decision and agreed with the plaintiffs that, under *Reed*, the regulation was a content-based restriction that cannot withstand strict scrutiny. Similarly, in *Marin v. Town of Southeast*, 2015 WL 5732061 (S.D.N.Y. Sept. 30, 2015), a federal district court ruled that a regulation that exempted certain signs, but not political signs, from restrictions placed on temporary signage, was a content-based restriction that did not withstand strict scrutiny.

Content-neutral prohibitions: In contrast, courts that have ruled on challenges to content-neutral "time, place or manner" regulations after *Reed* have had little difficulty upholding the regulations. For example, in *Peterson v. Vill. of Downers Grove*, 2015 WL 8780560 (N.D. Ill. Dec. 14, 2015), the court upheld a content-neutral ban on all painted wall signs, and in *Vosse v. The City of New York*, 2015 WL 7280226 (S.D.N.Y. Nov. 18, 2015), the court upheld a content-neutral prohibition on signs extending more than 40 feet above curb level as a reasonable "time, place or manner" restriction on speech.

WHAT NOW?

HOW CAN CITIES RESPOND TO THESE RULINGS?

Some cities are enacting moratoria on sign regulation while they try to figure that out. A court would likely view with disfavor a total moratorium on issuing any sign permits (or, worse yet, displaying any new signs) as an unconstitutional prior restraint on speech. In contrast, a moratorium of short duration – certainly no more than 30 days – targeted at permits issued under code provisions that are questionable after *Reed* is far more likely to be upheld. Cities are also well-advised to suspend enforcement of code provisions – particularly regulation of temporary signs – that are questionable after *Reed*. Obviously, however, *all* sign code structural provisions directly related to public safety should continue to be enforced.

As we all know, drafting a fair and effective sign code that balances a community's interests is no easy task. Trying to do that during a short moratorium is even harder, but it is certainly not impossible.

TIPS FOR COMPLYING WITH REED

Until the courts provide more guidance on the uncertainties surrounding the *Reed* ruling, arguably the best course of action is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations.

Remove from the sign code all references to the content of a sign other than the few examples directly related to public safety noted in Justice Thomas's opinion. Most of these content-based provisions likely will relate to temporary signs. Rather than referring to "real estate" or "political" or "garage sale" signs, your code should treat these all as "yard" signs or "residential district" signs. You then regulate their number, size, location, construction and amount of time they may be displayed, keeping in mind how your residents want to use such signs. You would use the same approach for temporary signs in business districts: replace references to "Grand Opening" or "Special Sale" signs with "temporary business sign" and regulate their number, size, location, construction and amount of time they may be displayed based on business needs for such signs.

All the provisions in your code that refer to number, area, structure, location and lighting of permanent signs are content-neutral and unaffected by *Reed*. If your code has any content-based provisions for permanent signs, either by specifying content that must (or must not) be on a sign or because you distinguish among uses (e.g., "gas-station signs"), those provisions will be subject to strict scrutiny if challenged. None of these content-based provisions should be retained unless public safety would be so threatened by removal that the provision would survive strict scrutiny. Permanent signs should be regulated in a content-neutral manner with regulations distinguished not by type of use (because that would be "speaker-based") but by either zoning districts or "character" districts or by reference to street characteristics such as number of lanes or speed-limit. The International Sign Association has a number of resources that can help your community revise your sign code based on the latest research, sign industry expertise and sign-user perspectives.

If your sign code does not have a severability clause and a substitution clause they should be added. A severability clause provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the city council that the rest of the code remain valid. For example: "If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code." A substitution clause allows a non-commercial message to be displayed on any sign. While *Reed* did not discuss the commercial/non-commercial distinction, prior U.S. Supreme Court cases established that commercial speech should not be favored over non-commercial speech. A substitution clause thus can safeguard you against liability that could result from mistakenly doing just that by prohibiting the display of a non-commercial message or citing it as a code violation. For example: "Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs."

IS YOUR COMMUNITY EXPLORING SIGN CODE CHANGES?

CONTACT SIGNHELP@SIGNS.ORG
FOR COMPLIMENTARY ANSWERS.

PUBLISHED BY:



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ZONING ORDINANCE

IOWA COUNTY, WISCONSIN

Available at the Office of Planning and Development
222 N. Iowa Street, Dodgeville WI 53533
phone: (608) 935-0398 fax:(608) 930-1205
www.iowacounty.org

5. Lots not abutting a public right-of-way shall follow the street yard setbacks as listed by zoning district.

SECTION 8.0 SIGNS

The purpose of this section is to protect the public health, safety and general welfare by:

1. Promoting well maintained and attractive signage within the County;
2. Providing for adequate business identification, advertising, and communication for promoting a healthy economy, and;
3. To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
4. To have administrative review procedures that are the minimum necessary to:
 - a) Balance the county's objectives and regulatory requirements with the reasonable advertising and way finding needs of business.
 - b) Allow for consistent enforcement of these regulations.
 - c) Minimize the time required to review a sign application.
 - d) Provide flexibility as to the number and placement of signs to the regulations are more responsible to business needs while maintaining the county's standards.

8.1 Permit Required and Permit Exempt

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, repaired or structurally altered without a sign permit, unless excepted within this section, without being in conformity with the provisions of this Ordinance. The fee for a sign permit shall be set by County Board resolution. All sign permits shall expire 12 months from the issue date of the permit unless a Certificate of Compliance is issued before said 12-month period expires. The permit holder is responsible to contact the Office of Planning and Development for said Certificate of Compliance to avoid the expiration of the sign permit. Any sign located, erected, moved, reconstructed, extended, enlarged, repaired or structurally altered without a valid sign permit shall be removed or, if an after-the-fact permit can be issued, said after-the-fact permit shall include a late fee as established by County Board Resolution.

Any sign proposed that is not described or defined in this section may be considered for approval by the Iowa County Planning & Zoning Committee, either as a temporary or permanent sign. Any such sign that is approved shall:

- be subject to all applicable provisions within this section and ordinance, such as size and placement requirements
- be compatible with surrounding permitted signs to the extent as to not create a competitive advantage or disadvantage for competing business operations
- require a permit

The following signs do not require a permit and are allowed in any zoning district:

1. Signs giving the name of a farm, company or business or the farm, company or business owner or farm directory signs on premises of the owner where the farm, company or business is located, provided:
 - a) no such sign exceeds 32 square feet in display area
 - b) one such sign is allowed per premises
2. Agricultural test plot signs, provided the specifications of Section 8.3 are met.
3. Private property protection signs, such as but not limited to: no trespassing; warning; no hunting; blasting area; etc., provided no such sign is greater than 2 square feet in display area.
4. Signs advertising the sale of agricultural products produced on the premise the sign is located, not to exceed 32 square feet of display area for single-sided sign and 64 square feet for multi-sided sign, provided:
 - a) There is no more than one sign per direction of travel
 - b) Any such sign is located within ¼ mile of the premise selling the advertised produce
 - c) Any such sign is erected no sooner than 30 days before the advertised produce is available and removed within 30 days after the advertised produce is no longer available

5. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure
6. Residential owner or occupant signs stating the names of the property owner and/or occupant of the residence on the property where the sign is located, provided no such sign exceeds six (6) square feet
7. Temporary Signs, being any sign installed for a period to not exceed 30 consecutive days in a 60-day period, with up to 16 square feet of display area for a single-sided sign and 32 square feet for multi-sided sign. No more than one temporary sign shall be allowed per tax parcel or lot. Examples where temporary signs may be employed include special events or real estate signs.
8. Election/campaign/political signs, provided no such sign is placed within a public road right-of-way

8.2 General Sign Regulations

The regulations contained in this section shall apply to signs in all zoning districts. The regulations set forth in this section do not supersede the requirements set forth in section 8.3.

1. Signs shall not:
 - a) resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices
 - b) obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices
 - c) be placed so as to obstruct or interfere with traffic visibility, nor block or interfere with the visibility for ingress or egress of a driveway.
2. No signs may be affixed to a fence, utility pole or structure, tree, shrub or other natural object.
3. Externally illuminated signs shall:
 - a) not flash, oscillate, or rotate, except when associated with an electronic message center permitted under this ordinance
 - b) be shaded, shielded or directed away from surrounding properties and traffic, and when there is a dispute as to the adequacy of the shading or shielding from surrounding properties and/or vehicular traffic, the County's decision shall prevail.
4. All signs, including support structures, shall be constructed in accordance with local and state building and electrical codes
5. The immediate premises around a sign shall be kept free from trash and debris. However, no person may damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign unless approved in writing from the highway authority. Nor shall such work be performed on property that is not under the ownership or control of the person performing or responsible for such work, unless done pursuant to the express authorization of the person owning the property where such trees, shrubs or vegetation are located. The immediate premises around the sign shall be maintained in a neat and orderly fashion.
6. No sign shall be placed in the Visual Clearance Triangle as described in Section 6.2 of this Ordinance.
7. For all signs, the height measurement shall be the distance from the mean centerline grade or ground, depending on sign type, to the top of the display area. The height is intended to include the entire sign display area, not just supports or poles.
8. No sign shall be closer than 10 feet to any property line or right-of-way line
9. No sign shall overhang a property line or right-of-way line.
10. No sign shall be placed within the right-of-way of a public road without the written approval from the highway authority and if allowed elsewhere within this ordinance.
11. The measurement of total display area shall be as described in Section 12.0 of this ordinance and, in the case of a conglomerate of signs affixed to a single support the display area shall be the total of each individual sign.
12. Distance measurements shall be measured along the pertinent right-of-way lines when determining separation between signs or distance from intersections.
13. Electronic may be allowed as on-premise signs only, except when used for official signs or public service information.
14. Any change in copy on an existing legal sign shall be allowed without need of a permit. A permit is required if said change involves a change in size or shape, or a change in position, location, construction or supporting structure of a sign.

8.3 Specific Regulations for Various Types of Signs

1. Electronic message centers (signs that utilize a screen for displaying an electronic image, which may or may not include text) may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information. Electronic message centers must comply with the following:
 - a) No message may be displayed for less than one-half second
 - b) No message may be repeated at intervals of less than 2 seconds
 - c) No segmented message may last longer than 10 seconds
 - d) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second
 - e) Any transition duration of a message shall take no more than one second
 - f) The illumination brightness shall not exceed 0.3 foot candles over ambient lighting conditions when measured at distances based on the sign size as recommended by the International Sign Association or other recognized authority at the choice of the County
2. On-premise ground signs shall not exceed 35 feet in height above the existing ground level where placed and shall not exceed 150 square feet of total display area for a single-sided sign or 300 square feet for multi-sided signs
3. Off-premise signs shall not:
 - a) exceed 35 feet in height above the existing ground level where placed or 50 feet above the mean centerline grade for the adjacent road, whichever is lesser
 - b) exceed 500 square feet of total display area for a single-sided sign or 1000 square feet for multi-sided signs
 - c) be more than 200 feet from the right-of-way line of the public road along which they are located
 - d) be permitted along a county road or town road without a conditional use permit following the process outlined in Section 4.0 of this Ordinance
 - e) be placed within 500 feet from any legally permitted residence without express written permission from the owner of said residence at the time of erection of said sign
 - f) be allowed until a lawful use has been established on the zoning lot on which the sign is to be erected
4. Wall signs placed against the exterior walls of buildings shall not:
 - a) extend more than 6 inches outside of a building's wall
 - b) exceed 15% of the building wall square footage that the sign is affixed to for display area, not to exceed 300 square feet
5. Projecting signs fastened to, suspended from, or supported by a building shall not:
 - a) exceed 100 square feet in area for any one premises
 - b) be less than 10 feet from all side lot lines
 - c) exceed a height of 20 feet above the supporting building
 - d) be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley
6. Window signs shall:
 - a) be placed only on the inside of commercial buildings
 - b) not exceed 25 percent of the glass area of the pane upon which the sign is displayed
7. Portable Signs shall not exceed 32 square feet of display area
8. Agricultural test plot signs used to mark test plot areas shall not exceed 3 square feet of display area or 10 feet in height from ground elevation. Such signs shall be located not less than 50 feet from the site advertised on the sign, and there shall not be more than one such sign per row of crop. Such signs are only permitted while the crop is being grown and for no more than 30 days after harvest.
9. Ground signs shall be those supported by posts or similar supports and shall not:
 - a) exceed 35 feet in height above existing ground elevation or 50 feet above the mean centerline grade for the adjacent road, whichever is lesser
 - b) exceed 150 square feet of total display area for single-sided signs or 300 square feet of total display area for multi-sided signs

8.4 Allowed Signs by Zoning District

The table below illustrates the types of signs allowed by permit within specific zoning districts, provided all

applicable provisions of this Section are met. (See Section 8.1 for signs that do not require a permit and are allowed in all zoning districts.)

Zoning districts:

A-1 Agricultural
 AC-1 Agricultural Conservancy Overlay
 C-1 Conservancy
 CR-1 Conservation Recreation
 H-1 Historical Preservation
 AR-1 Agricultural Residential
 R-1 Single Family Residential
 R-2 Multi Family Residential
 R-3 Mobile/Manufactured Home
 RB-1 Recreational Business
 AB-1 Agricultural Business
 B-1 Local Business
 B-2 Highway Business
 B-3 Heavy Business
 B-4 Industrial
 B-5 Adult Entertainment Business

	A-1	C-1	CR-1	H-1	AR-1	R-1	R-2	R-3	RB-1	AB-1	B-1	B-2	B-3	B-4	B-5
Electronic Message Center					x	x	x	x	x	x	x	x	x	x	x
On-Premise ground sign	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Off-Premise ground sign	x				x					x	x	x	x	x	x
Wall sign	x			x	x	x	x	x	x	x	x	x	x	x	x
Projecting sign	x			x	x	x	x	x	x	x	x	x	x	x	x
Window sign	x			x	x	x	x	x	x	x	x	x	x	x	x
Portable sign	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x

*Note: Signs in the AC-1 district follow the allowances of the underlying A-1 district.

8.5 Prohibited Signs

The following shall be prohibited in all zoning districts:

1. Animated, flashing, rotating signs and festoons, inflatable signs, tethered balloons, banners, pennants, searchlights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except those permitted for a special event approved by the Iowa County Planning & Zoning Committee or electronic message centers as permitted in Section 8.3.
2. Signs on vehicles or trailers when the vehicle or trailer is placed in a location not normally expected for such vehicles or trailers, and the location apparently has the primary purpose of attracting attention or providing advertising
3. Abandoned signs, defined as a sign which for a period of at least 60 consecutive days or longer no longer advertises or identifies a legal business establishment, product or activity. This includes the advertisement or identification of an event or establishment that has ended or is no longer in operation.
4. Any signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals or official street signs.
5. Merchandise, equipment, products, vehicles or other items which are not available for purchase, but are intended to attract attention, or for identification or advertising purposes.
6. Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of-way unless explicitly permitted by the jurisdictional authority over said right-of-way.
7. Other signs or attention getting devices that raise concerns substantially similar to those listed above.

8.6 Existing Signs

For the purposes of this section, signs lawfully existing at the time of the adoption or amendment of this

Ordinance shall be considered legal nonconforming structures although the use, size, or location does not conform with the provisions of this Ordinance. No such sign shall be repaired or replaced due to damage caused by vandalism, natural disaster or normal use without first obtaining a sign permit, however no permit shall be issued when said damage exceeds 50 percent of the current assessed value of said sign. If the cost of repair or maintenance exceeds 50 percent of the current assessed value of said sign, the sign shall have to be made to comply with all provisions of this Ordinance or removed.

8.7 Dilapidated, Unmaintained and Abandoned Signs

Dilapidated and Unmaintained Signs. Signs allowed by this Ordinance shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance of the sign. Signs that are determined by the County to be dilapidated unmaintained and/or unsafe shall be subject to the razing provisions of Section 66.05, Wis. Statutes.

Abandoned Signs shall be removed by the owner or lessee of the premises, when, for a business sign, the business it advertises is no longer conducted; and for an advertising or directional sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the County shall give the owner 60 days written notice to remove said sign. Upon failure to comply with this notice, the County may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

SECTION 9.0 NONCONFORMING USES, STRUCTURES AND LOTS

9.1 Nonconforming Uses

A nonconforming use is the use of land or a structure that lawfully existed prior to the adoption of land use regulations but does not comply with said regulations. A nonconforming use may be continued although the use does not conform with the provisions of this Ordinance; however:

Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provision of this Ordinance

1. Substitution of new equipment may be permitted if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Any legal nonconformity under any previous ordinances repealed by this Ordinance is also a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous ordinances continues to exist.

Any zoning change or conditional use permit approved under a previous version of this Ordinance shall remain valid even if not consistent with a subsequent revision to this Ordinance. Any conditions imposed previously shall remain in force unless duly modified or rescinded by the Committee.

9.1 Nonconforming Structures

A nonconforming structure is one that lawfully existed prior to the adoption of land use regulations but does not comply with said regulations. A nonconforming structure may be repaired, maintained, renovated, rebuilt or remodeled provided:

1. All permits required under this ordinance are obtained, and
2. The three-dimensional footprint is not enlarged

As part of the permit application process, evidence must be supplied by the owner/applicant that verifies the structure at issue is a lawful nonconforming structure. If deemed a lawful nonconforming structure by the Office, the owner/applicant may be required to provide a site plan prepared by a professional surveyor or engineer that clearly defines the existing structure's three-dimensional footprint and the distance said structure is in feet from the nearest lot line and centerline of the nearest public road.

9.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future

Within Wis. State Statutes 349:

349.065 Uniform traffic control devices. Local authorities shall place and maintain traffic control devices upon highways under their jurisdiction to regulate, warn, guide or inform traffic. The design, installation and operation or use of new traffic control devices placed and maintained by local authorities after the adoption of the uniform traffic control devices manual under s. 84.02 (4) (e) shall conform to the manual. After January 1, 1977, all traffic control devices placed and maintained by local authorities shall conform to the manual.

History: 1973 c. 185.

The decision to erect a stop sign, once made, carries with it the responsibility to ensure that the sign is properly installed and maintained to ensure that it remains visible to the motorists whose conduct the sign was intended to control. A local government that erects a stop sign should not be shielded on public policy grounds from liability when a tree obscures the stop sign.

Physicians Plus Insurance Corporation v. Midwest Mutual Insurance Co. 2001 WI App 148, 246 Wis. 2d 933, 632 N.W.2d 59, 00-1836.

Affirmed. 2002 WI 80, 254 Wis. 2d 77, 646 N.W.2d 777, 00-1836.

That the county erected a stop sign at the intersection of town and county highways, within the town right-of-way did not preclude possible liability in the town or the adjacent landowner for an accident resulting from the sign being obscured by a tree. Both units of government and the landowner had a duty to correct the hazardous condition created by the tree. Physicians Plus Insurance Corporation v. Midwest Mutual Insurance Co. 2001 WI App 148, 246 Wis. 2d 933, 632 N.W.2d 59, 00-1836.

Affirmed. 2002 WI 80, 254 Wis. 2d 77, 646 N.W.2d 777, 00-1836.

Within Wis. State Statutes section 84.02 State Trunk Highways

(4) GUIDEBOARDS; WARNINGS; ROUTE MARKING.

(a) The department shall mark the highways of the state trunk highway system and also the connecting highways. The markers shall be uniform, except that the numbers thereon shall correspond with the numbers given to various routes by the department and found on the official highway maps issued by the department. No similar design or marker shall be used for marking other highway routes.

(b) No person shall mark any other highway routes or trails unless the route marked shall coincide exactly with the state trunk system. No such routes shall be marked until exact descriptions of the routes selected for marking have been filed with and the routes and markings approved by the department. Every route laid out and marked shall be made to conform to the state trunk system, and the person responsible for the marking of such route shall remove or erase such marks from every portion of such route which does not coincide with the state trunk highway system. The department shall report to the department of financial institutions any violations of or failure to comply with the provisions of this subsection, and the department of financial institutions shall thereupon revoke the privilege, license or incorporation of the offender, and the department shall cause the offending marks to be erased, removed or destroyed. The expense of such erasure, removal or destruction shall be paid out of funds appropriated to the department, and may be recovered in the name of the state from the person responsible for such unauthorized marking.

(c) The department shall erect and maintain such standard guide and warning signs and lighting as it deems necessary within the right-of-way along the state trunk system, and it is unlawful to erect any

lighting or display any other guide or warning signs upon the state trunk system, except in cases of emergency or when approved by the department. Any erection in violation hereof may be removed by the department.

(d) The department may cooperate with the Public Roads Administration or other designated agency of the federal government in formulating and adopting or changing a uniform system of numbering, or designating highways of interstate character within this state, and in the selection and erection of uniform danger signals and safety devices for the protection and direction of traffic.

(e) The department shall adopt a manual establishing a uniform system of traffic control devices for use upon the highways of this state. The system shall be consistent with and, so far as practicable, conform to current nationally recognized standards for traffic control devices.

(f) The department shall adopt a manual establishing a uniform system of signs, signals, markings and devices for the purpose of regulating, warning or guiding bicycle traffic on highways, streets and bikeways, as defined in s. 84.60 (1) (a). The system, shall be consistent with and shall conform to the system established under par. (e).

Within Wis. State Statutes CH 86 Miscellaneous Highway provisions:

86.19 Highway signs, regulation, prohibition.

(1) Except as provided in sub. (1m) or (1n) (DATCP Advertising exclusion) or s. 84.01 (30) (g) (Park-N-Ride Lot signage exclusion), no sign shall be placed within the limits of any street or highway except such as are necessary for the guidance or warning of traffic or as provided by ss. 60.23 (17m) (Neighborhood Watch Program exclusion) and 66.0429 (city, village, township barriers allowed to control access security and public safety exclusion). The authorities charged with the maintenance of streets or highways shall cause the removal therefrom and the disposal of all other signs.

86.191 Advertising in highways prohibited, where.

(1) No person shall erect, or cause to be erected, any advertising, direction, guide, warning or other sign or marker within any public highway within a distance of 1,000 feet from the intersection of any 2 or more highways, when such intersection is beyond the corporate limits of any city or villages, unless permission is first obtained from the officials charged with the maintenance of such highways. The name of a newspaper on a newspaper tube or receptacle shall not be deemed to be any advertising, direction, guide, warning or other sign or marker within the meaning of this section.

(2) In case any person shall violate the provisions of this section, the authorities in charge of the maintenance of the highway upon which such violation occurs shall promptly remove such advertising, direction, guide, warning or other sign or marker.

(3) If any signs at present exist in the public right-of-way on any highway within 1,000 feet of the intersection of any 2 or more highways or streets beyond the limits of any incorporated city or village which are, in the opinion of the officials in charge of the maintenance of such highway, a menace to the safety of the public traveling along such highways, said officials shall notify the owners of such signs to remove the same, or to remove the danger producing features, and in case the owners do not do so, or in

case the owners cannot be found with reasonable effort, the authorities in charge of said highway shall remove said signs from within the right-of-way.

(4) The triangles bounded by any 2 adjacent intersecting highways and a line drawn between the points on the center lines of said highways 1,000 feet from the intersection of their center lines, are declared prohibited ground for the erection of any danger producing advertising signs, when such intersection is beyond the corporate limits of any city or village. No advertising sign, design or insignia shall hereafter be erected within said triangles which will endanger the safety of the public traveling along any highways, and if there now exist in any such triangle any advertising signs, designs, or insignia endangering the safety of the public traveling along such highways, the authorities in charge of the maintenance of such highways shall take up the matter with the owner of the sign and with the owner of the land, and shall cause the same to be removed, or to be so altered as to remove the danger producing features. Within the same triangles the authorities in charge of maintaining any road shall require the property owner to minimize the obstruction to the view across the triangle insofar as is possible, and shall make such arrangements with the property owner as will make travel on the intersecting highways as safe as is reasonably possible.

(5) Any person who violates sub. (1), (3), or (4) shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than \$25 nor more than \$100 for each offense, or by imprisonment in the county jail for a period not exceeding 30 days, or by both such fine and imprisonment in the discretion of the court.

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www.iowacounty.org

May 17, 2017;

Clifford & Joyce Dobson
1069 CTH E
Rewey 53580

As we have discussed during the CTH E project right-of-way negotiation process and recently, enclosed are two (2) copies of a Work In Right-of-way permit, which allows you to construct a front porch ingress/egress access point off of the front of your residence in the unincorporated area of Mifflin. Per the permit description, you can erect a front entry access point for the house. Per our discussions, this agreed to be roughly 4 feet x 4 feet or so in dimension, along with an access stairway, step, or stoop to be built approximately parallel (IE not perpendicular) to the right of way (IE street) of 5 steps or less. Please sign the enclosed permit(s), send one to my office, and retain one copy for your records.

In addition, I have enclosed a copy of a revocable occupancy permit for this property with regards to the completion of the porch installation. The revocable occupancy permit allows you to construct an encroachment within the highway right-of-way along CTH E and acknowledges that this is an encroachment. It ensures the Highway Department will not request its' removal with exception to the specified reasons within the permit. Note there is a requirement that if something happens to the residence at some point in the future, the need for the revocable occupancy permit and use could be re-evaluated. Please contact me if you have any questions.

Respectfully Submitted,

Craig E Hardy, PE/RLS
Iowa County Highway Commissioner

Enclosure(s)



Craig Hardy, Highway Commissioner

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PERMIT FOR WORK IN RIGHT-OF-WAY

Chapter 86.07 (2) of Wisconsin Statutes provides that the authority maintaining the highway issue a permit before any excavation or fill or installation of a culvert, waterline etc... is made on a public highway.

Permit issued to: Clifford & Joyce Dobson of 1069 CTH E Rewey Wi. 53580 Wisconsin.

Name of Contractor/Individual Performing Work: Homeowner

State Description and Purpose of Work: Removal and replacement of a front entry
ingress/egress to the residence at this location.

Conditions of Permit: The surface of the driveway connecting with rural-type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed.

Any soil disturbance in the County Right-of-Way must be made whole, using erosion control methods such as grass seed, mulch or erosion blanket material.

On/Under the South side of County Trunk Highway CTH E located 800 Ft miles
West (NSEW) of the junction of CTH G Sec. 34 T 5 N R 1 E.

Town/Village/City of Mifflin.

Signed: _____ Name _____
(please print)

Address _____ Phone No. _____

Signed: _____
Craig E. Hardy, Highway Commissioner

Date: _____

PERMIT FEE - \$50.00

Check No. _____

(44)

REVOCABLE OCCUPANCY PERMIT

Exempt from fee: s. 77.25(12) Wis. Stats.
Ipa1551 08/2011 (Replaces LPA6035) Chapter 84 Wis. Stats.

Occupant Name and Address Clifford & Joyce Dobson 1069 CTH E; Rewey, Wis. 53580
Agency Name and Address Iowa County Highway Department 1215 N Bequette St Dodgeville, Wisconsin 53533
Highway CTH E
County Iowa
Municipality Town of Mifflin

Encroachment location: **1069 CTH E**

Encroachment description: Owner to install a 4 foot square entrance stoop and approach stairway parallel to the right of way line for serving the purposes of an emergency exit and ingress/egress from the residence. The encroachment will not exceed a dimension of 5 feet as measured from the face of the existing home.

The use and occupancy of road right of way under this permit is conditioned upon the Occupant's compliance with these provisions:

1. This permit authorizes the described encroachment to remain within the CTH E Highway right of way up to 5 feet as measured from the front of the existing house to serve as an emergency exit for said home, however, if the described home is damaged from any cause whatsoever, to the extent that repair costs would be equal to or greater than 50% of the assessed or estimated value of the described residence at the time of said occurrence, then a re-evaluation of the need for this encroachment shall be reviewed and removed from the highway right of way and cannot be repaired, re-erected and/or replaced anywhere within the existing road right of way.
2. In the event that the Agency deems it necessary to revoke this permit on the basis of a need to expand capacity or improve safety, the Agency reserves the right to give notice regarding the removal of the described encroachment. The Agency may terminate this permit upon (30) days written notice to the Occupant. The Occupant shall remove the described encroachment maintained under this permit within the time specified in the notice.
3. If the Agency determines that the installation or use of the described encroachment authorized under this permit increases the difficulty of road maintenance, creates conditions adverse to the best interest of the highway users, the general public, or presents a threat to road safety, then the occupant, upon notification by the Agency shall promptly remove the encroachment from the road right of way.
4. Failure by the Occupant to comply with the provisions of this permit is cause for the Agency to terminate this permit and to require the Occupant to take immediate action to clear the right of way to a safe condition.
5. Issuance of this permit shall not be construed as a waiver of the occupant's obligation to comply with any more restrictive requirements imposed by local ordinance.


Signature

Craig E Hardy
Print Name

Iowa County Highway Commissioner


Date

8/15/17
Date

State of Wisconsin

Iowa

On the above date, this instrument was acknowledged before me by the named person(s).


Signature, Notary Public, State of Wisconsin

Jessica L Munson
Print Name, Notary Public, State of Wisconsin

Commission Expires: 05/19/19

353339

RECORDED

Dodgeville WI 53533

August 31, 2017 7:45 AM

Dixie L Edge

Iowa County Register of Deeds

Iowa County, Wisconsin

FEES: \$30.00

Pages: 2

This space is reserved for recording data

Return to
Iowa County Highway Department
Attn.: Craig E Hardy
1215 N Bequette Street
Dodgeville, Wis. 53533

Parcel Identification Number/Tax Key Number
016-1005

Legal Description for Revocable Occupancy of front porch for 1069 CTH E; Rewey

A Revocable Occupancy permit for the right of the adjacent landowner to cut and/or fill slopes and erect a front entry way to the existing residence at said location for use as an ingress/egress to said residence herein described and known as 1069 CTH E Rewey Wis. as located in the unincorporated Town of Mifflin in and to that land of the owner(s) contained within the following described tract located in the Northwest Quarter of the Northeast Quarter (NW¼-NE¼) of Section 34, Township 5 North, Range 1 East, Town of Mifflin, Iowa County, Wisconsin as shown on sheet 4.06 of the R/W Plat for R/W Project Number 5979-00-07, to wit:

Commencing at a found 1¼ diameter iron rebar at the North Quarter Corner of Section 34; thence South 78°37'46" East a distance of 509.70 feet to a Point (116) on the existing northerly right of way line of CTH E as depicted on the right of way plat for project number 5979-00-07; thence South 00°29'48" West a distance of 55.00 feet to a Point (117) on the southerly right of way line for said CTH E right of way plat; thence North 89°06'17" East along said south right of way line a distance of 128.00 feet to a point on the southerly right of way line being also the point of beginning for describing said revocable occupancy structure also being the point of beginning for said description; thence North 00°53'43" West a distance of 5.00 feet; thence North 89°06'17" East parallel to said south right of way line a distance of 10.00 feet; thence South 00°53'43" East a distance of 5.00 feet to said south right of way line; thence South 89°06'17" West along said right of way line a distance of 10.00 feet back to the point of beginning; which description describes an area of property on said CTH E right of way of approximately 50 square feet more or less which area is utilized by stated landowner and adjacent property for the erection of a fire escape and front porch entry for the residence on said property.

This revocable occupancy permit may be terminated by the County at any time, whereas said owners of the parcel shall remove or have removed by other parties, or the county shall remove upon proper notices at their expense. Or, if said existing residence is damaged by fire, wind, or some other act of nature which requires the reconstruction, removal, demolition, or repair to said residence; the necessity for this revocable occupancy permit shall be re-evaluated. Landowner is herein granted a revocable occupancy permit to erect said timber and concrete frame front entryway of their design and size with the limitations of the area herein described above.

Said Parcel of land contains 50 square feet or > 0.01 acres more or less of Revocable Occupancy Property by permit within the southerly right of way limits for CTH E.



www.iowacounty.org

May 8, 2014

Dennis Laufenberg
915 CTH I
Highland, Wis. 53543

Reference: Utility permit for 1-inch water line installation across CTH I

Dennis,

The following special conditions shall be required to fulfill the obligations of this permit:

1. You shall install and maintain signage at the right of way, on each end of where the line enters the county right-of-way, to serve as a marker of an underground facility at the location.
2. The signage shall state: "Buried underground water line" "Contact Dennis Laufenberg (with a 24/7 phone number) prior to digging". This shall serve as notice to anyone digging in the vicinity of a buried line which you maintain at the location. This installation shall meet your requirements for Digger's hotline requirements of buried utilities within the right-of-way. Failure to install and maintain signage will require you to become a marked service of Digger's Hotline at your expense.
3. The water line being installed shall remain your property, even though it is installed within county right-of-way. It is encouraged to place at a proper depth to preclude the potential for freezing or breakage during the annual frost/thaw cycles. Damages to the roadway as a result of breakage of the line, or having to excavate the highway during the placement or maintenance of this line will be borne at your expense.
4. The line is required to be run transversely (perpendicular to the centerline of the roadway) across the highway from right-of-way line to right-of-way line. The signage shall be installed over the pipe at the right-of-way point of entry/exit.
5. The boring of the highway for the location shall be performed from outside of the ditchlines on both sides. If a ditchline is not present at the bore pit location, the bottom of the bore pit shall be a minimum of $1.5 \times$ the depth of the pit taken from the edge of the pavement surface. Example, if the bottom of the bore pit is 8 feet below the edge of the pavement surface; the roadway side working face of the bore pit shall be $8 \times 1.5 = 12$ feet from the edge of the pavement surface as a minimum dimension.

6. It is recommended to place the water line at a minimum depth of a 6-foot bury from the edge of pavement surface of the roadway to preclude the potential for freezing. Ultimately the potential for freezing is based on the amount of usage and flow of water through the line as well as the depth of frost. Be aware of the potential for frost to be evident at depths greater than 6-feet under a pavement surface during the winter, due to the lack of snow or insulating materials cover during the winter months.
7. Upon completion of the installation, contact the Highway Department office Mark James, County Highway Patrol Superintendent; for an inspection (PH 608-935-3381 X610 or 608-574-2937). Final restoration of all disturbed areas should be completed and seeded down. If there is a need to excavate the highway during the installation due to problems encountered with the boring operation; the Highway Department shall be notified **PRIOR** to excavating the road surface or road bed. Repairs to any damages to the surface of the pavement or road bed during installation will be at your expense.
8. Upon completion of the installation, please provide a sketch of the installation to the Highway Department on a sheet of paper. Include in the drawing the following information:
 - a. Diameter, size, and length of the water line and casing pipe.
 - b. Depth of the water line at the right-of-way line, and approximate depth of the bore casing.
 - c. Dimension from the CL of the nearest side road intersection to the center of the boring along the highway centerline of CTH I.
 - d. This information will allow the Department to map the location on the roadway maps for CTH I in this vicinity.
9. Upon retirement or discontinuance of the usage of this water service, the line can be abandoned in place by disconnection of the water source at the connection point, severance of the service at the right-of-way location opposite the connection point, and removal of the required signage stated above.
10. Mark James will mark the right-of-way line for your purposes at anytime during the installation. Please contact the Highway Department for that to occur.

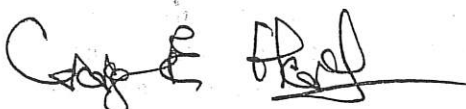
If you are in agreement to the terms of these conditions, please sign below and return one copy to the Highway Department offices. The other copy can be retained for your records. If you have any other questions or concerns, please contact me at the highway office. When you have an approximate date of the occurrence of boring activities, please notify Mark James.

Signature below signifies I have received, read, and acknowledge the conditions stated herein.

Dennis Laufenberg, Owner

Date.: _____.

Acknowledged and agreed to; for and on behalf of Iowa County by,



Craig E Hardy, PE/RLS
Iowa County Highway Commissioner

Wichita County Highway Department Permit No. _____
APPLICATION/PERMIT to CONSTRUCT, OPERATE
and MAINTAIN UTILITIES WITHIN HIGHWAY
RIGHT-OF-WAY

Applicant/Company: Dennis Laufenberg
Address: 915 County Rd I
Highland W. 53543
Office Phone: 929-4664
Local Phone/Cell: 574-0383
Preparer's Phone: _____

LOCATION INFORMATION	
Highway(s):	<u>County I</u>
(Town/Village/City of):	<u>Highland</u>
<u>SE</u> 1/4 of the <u>SW</u> 1/4 Sec <u>28</u>	
T <u>7</u> N R <u>1</u> E	
ADDITIONAL INFORMATION	
Annual Service Connection Permit	☒ Y ☐ N
Utility Workorder #	_____
Fee Required?	☒ Y ☐ N Amount \$75.00

DESCRIPTION OF PROPOSED WORK (Check and fill out all that apply)

UTILITY TYPE: ☐ Electric ☐ Gas/Petroleum ☐ Communications ☒ Water ☐ Sanitary sewer ☐ Private Line ☐ Transmission
☐ Distribution ☐ Service Facility Size/Capacity: 1" FARM TO EXTERIOR BUILDING
(diameter, # fibers, psi, KV, etc.)

ORIENTATION: ☐ Overhead ☐ Underground ☐ Parallel to hwy centerline ☒ Hwy crossing ☐ Bridge attachment ☐ Tunnel

WORK TYPE: ☒ New Construction ☐ Improve/Repair existing ☐ Maintenance ☐ Removal ☐ Abandon in place

CONSTRUCTION METHOD(S): ☐ PLOW ☐ Trench ☒ Bore ☐ Suspend on poles/towers ☐ Open cut hwy ☐ Cased

☐ Tree cutting/removal ☐ Chemical treatment of trees/brush Erosion Control Designation: ☐ Major ☐ Minor

Provide additional narrative if needed: 2" casing with 1" water line

NAME AND PHONE NUMBER OF UTILITY REPRESENTATIVE RESPONSIBLE FOR CONSTRUCTION:

Shemak Excavating, LLC 608 (834) - 8075

Estimated Starting Date: May 10, 2014 Estimated Completion/Restoration Date: Nov 1 - 2014

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions of the Utility Accommodation Policy of the above-named county in effect at the time of this application, and with any special provisions listed below or attached hereto, and any and all plans, details, or notes attached hereto and made a part thereof.

By: Dennis Laufenberg Owner 5-5-14
(Signature of Applicant/Company Authorized Representative) (Title) (Date)

Dennis Laufenberg _____
(Typed/Printed Signature of Person Signing Above or Electronic Signature Code) (Authorized Applicant/Company Rep Phone #)

DO NOT WRITE BELOW THIS LINE

PERMIT APPROVAL BY PERMITTING AUTHORITY

The foregoing application is hereby approved and permit issued by the Permitting Authority subject to full compliance by the Applicant with all provisions and conditions state in the Utility Accommodation Policy of the above-named county including the indemnification as included in 96.03 of the WCHA Utility Accommodation Policy in effect on the date of this application.

Supplemental Provisions Attached: ☒ Yes ☐ No

By: [Signature]
(Authorized Representative for County)

REQUIREMENTS APPROVED

Highway Commissioner 5/8/2014
(Title) (Date)

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AGREEMENT FOR PRIVATE FENCE REPLACEMENT

This Agreement for Private Fence Replacement ("Agreement") is entered into and made effective on this ____ day of _____, 2____, by and between Iowa County ("County"), a political subdivision of the State of Wisconsin, and _____ ("Landowner").

WHEREAS, for constructing or maintaining any highway by the County, Wis. Stat. § 83.18 grants to the Iowa County Highway Committee or Commissioner all of the powers to acquire and enter lands conferred upon town boards by Wis. Stat. §§ 82.03(2) and (5); and

WHEREAS, included among those powers is the authority for the County to enter any lands near any highway to construct necessary drains or ditches or embankments for the improvement or protection of the highway and to enter any private lands to erect fences on the right-of-way; and

WHEREAS, in the performance of the above-mentioned activities, it becomes necessary at times for the County to remove and/or replace existing private fences; and

WHEREAS, when the County removes an existing private "legal fence" as defined by Wis. Stat. § 90.02, it is to the benefit of the County and the landowner to agree in advance upon both the manner of replacing such a fence (if replacement is desired by the landowner) and the allocation of costs related thereto;

NOW, THEREFORE, in consideration of the foregoing, the undersigned parties agree and affirm as follows:

1. The undersigned Landowner is the owner of an existing private "legal fence" as defined by Wis. Stat. § 90.02 that is to be removed by the County, which fence is described as follows [insert legal description of property location and existing fence description]:

2. The undersigned Landowner identifies the specifications of the replacement fence, which shall be substantially similar to the existing fence removed by the County and which shall, at a minimum, qualify as a "legal fence" as defined by Wis. Stat. § 90.02, including but not limited to: fencing materials, post materials, distance between posts, and other materials or specifications required for installing the replacement fence, as follows:

3. Based on the replacement fence specifications identified by Landowner according to ¶ 2 above, installation of the replacement fence and payment, as required, for necessary labor and materials shall be completed as marked below:

☐ Landowner does not wish to replace the fence removed by County and hereby waives the right to any claim against the County for any costs, materials, or labor required for future installation of a replacement fence.

☐ County shall purchase at County expense all materials in conformity with the specifications determined by Landowner and shall provide those materials to Landowner. Landowner shall be solely responsible for all labor and the cost thereof to install the replacement fence.

☐ Landowner shall purchase at Landowner expense all materials in conformity with the specifications determined by Landowner and shall provide those materials to the County. County shall be solely responsible for all labor and the cost thereof to install the replacement fence.

☐ Landowner shall hire a third party to purchase all materials in conformity with the specifications determined by Landowner and to install the replacement fence. Landowner and County shall each timely pay one-half (1/2) of the total cost of materials and labor for installation of the replacement fence by the third party.

4. Regardless of the manner of replacement chosen by the parties above, upon completion of replacement fence installation, and unless otherwise prescribed by law, Landowner shall be solely responsible for all materials, labor, and the cost thereof required for subsequent maintenance of the replacement fence.

5. The undersigned parties shall attempt in good faith to resolve any questions regarding the specifications, materials, labor, or installation of the replacement fence prior to installation. Any disputes regarding the same prior to, during, or after installation of the replacement fence shall be subject to review and consideration by the Iowa County Public Works Committee and the Iowa County Board.

Signed this ____ day of _____, 2____
For Iowa County:

Iowa County Highway Commissioner

Signed this ____ day of _____, 2____
For Landowner:

Print name: _____



Oneida Engineering Solutions, LLC
5100 Eastpark Boulevard, Suite 300
Madison, WI 53718
P (608) 243-6470
F (608) 241-3914
www.oesllc.com

November 21, 2018

Mr. Craig Hardy
Highway Commissioner
Iowa County
1215 North Bequette Street
Dodgeville, WI 53533

RE: Project ID: 1204-05-73
US 18
Dodgeville – Mount Horeb
West County Line to Town Hall Road
Dane County

Project ID: 1204-05-76
US 18
Dodgeville – Mount Horeb
County BB to County JG
Dane and Iowa County

Oneida Engineering Solutions (OES) has been hired by the Wisconsin Department of Transportation (WisDOT) to complete the planned improvements to US 18 in Dane and Iowa Counties. Project 1204-05-73 will rehabilitate the existing 4-lane divided roadway with concrete base patching and an HMA overlay and Project 1204-05-76 will install median cable guard. Acquisition of additional right of way is not anticipated with either project. Construction for Project 1204-05-76 is currently programmed for 2021 and Project 1204-05-73 is programmed for 2025; however, if funding becomes available both projects will take place in 2021. Project location maps are attached for each project.

You are invited to attend an Operational Planning Meeting that has been scheduled as follows:

Monday, December 10, 2018
9 a.m. to 10:30 a.m.
Village of Mount Horeb Municipal Building – Board Room
138 E Main Street
Mount Horeb, WI

The purpose of the Operational Planning Meeting is to discuss the scope of the project and receive input on any concerns you may have. If you are unable to attend the meeting, please feel free to send a representative.

I would like to thank you in advance for your cooperation and assistance in our project development efforts. If you have any questions or would like to receive additional information regarding this project, please contact me at 5100 Eastpark Boulevard, Suite 300, Madison, WI 53718; (608) 243-6479; zfreeman@oesllc.com.

Sincerely,

Oneida Engineering Solutions, LLC

Zach Freeman, P.E.
Project Manager

Attachments: Project Location Maps

481 Wisconsin St.

I.D. 5940-02-30
MUSCODA - LONE ROCK

STH 80 TO STH 130

STH 133

IOWA COUNTY



R-1-E

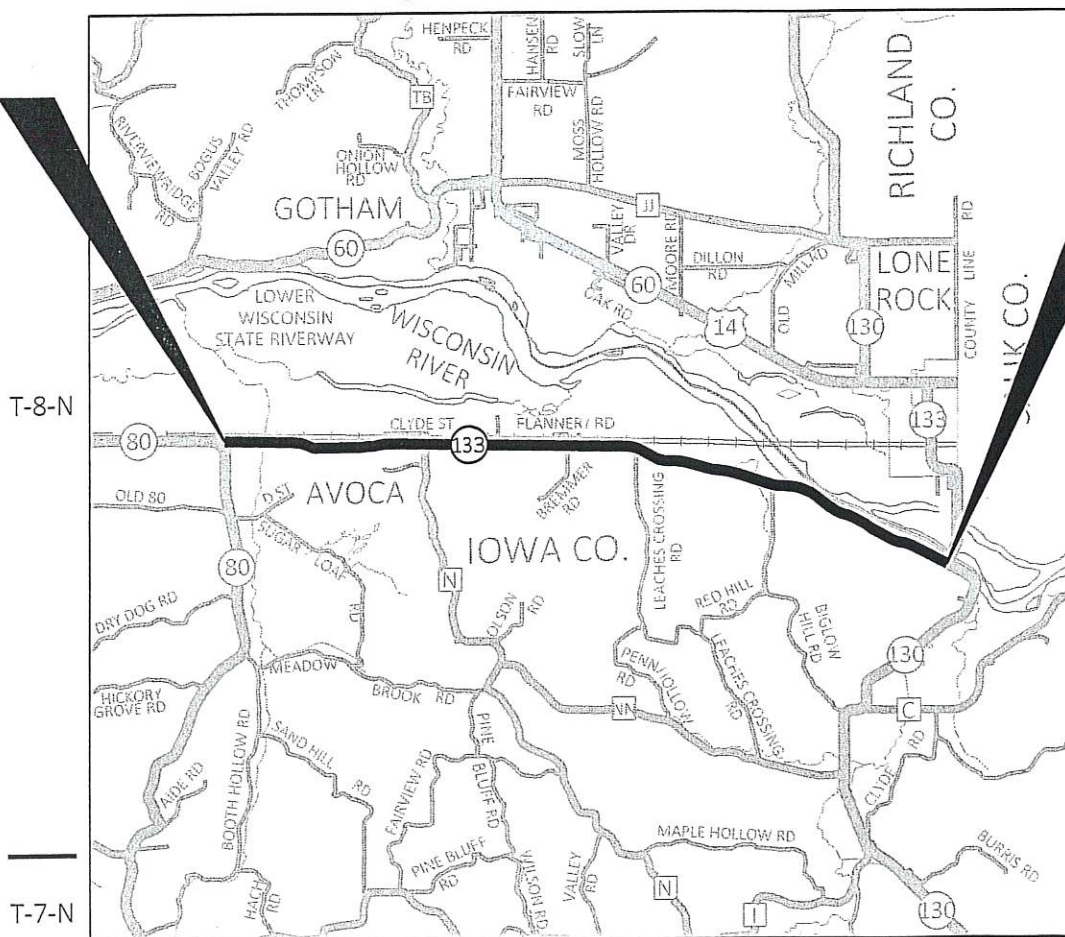
R-2-E

R-3-E

BEGIN

PROJECT

END
PROJECT



PROJECT LOCATION MAP
PROJECT I.D. 5940-02-30

MUSCODA - LONE ROCK
 STH 80 TO STH 130
 WISCONSIN DEPARTMENT OF TRANSPORTATION
 SOUTHWEST REGION - MADISON OFFICE



EXHIBIT 1
1089.897

~~545~~

CFM - Planning Meeting

TUES 12/11/18

4:30 - 7:00 PM

AVOCA

461 Wisconsin St.

I.D. 5939-01-30
AVOCA - RICHLAND CENTER
STH 133 TO WEST COUNTY LINE
STH 80
IOWA COUNTY

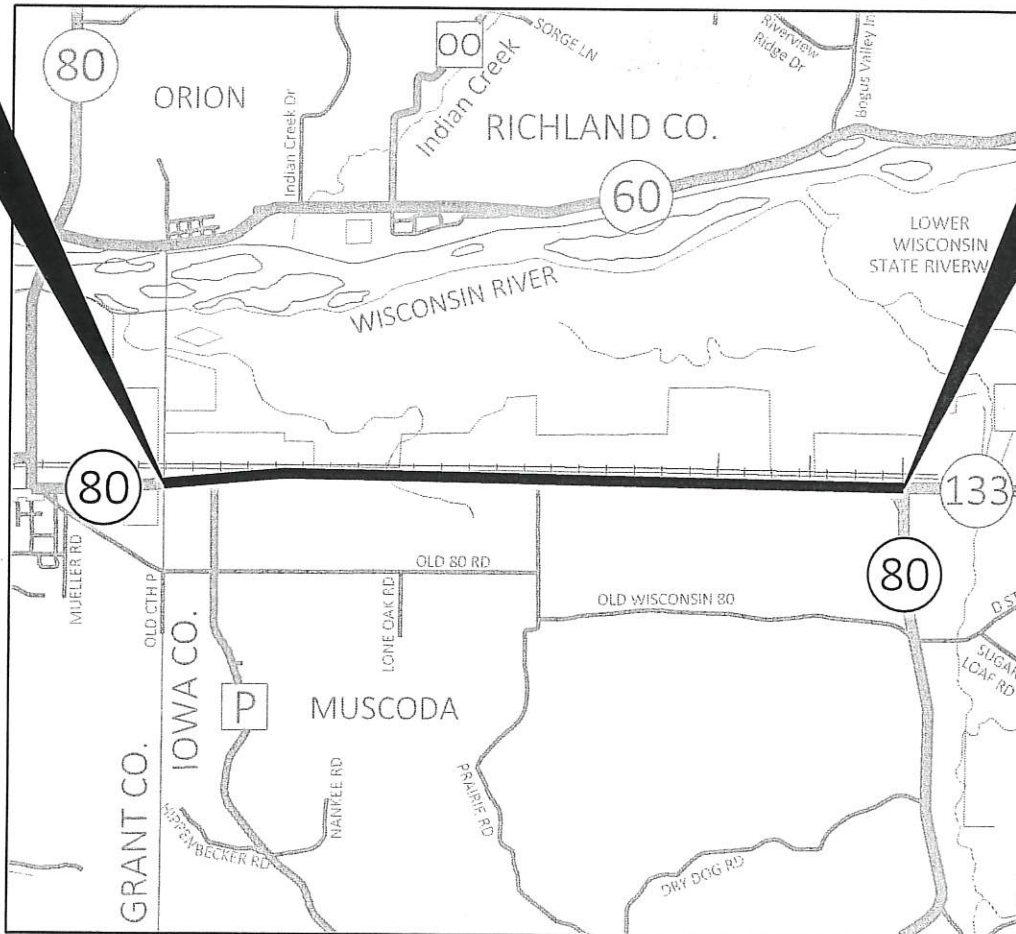


R-1-E

END
PROJECT

BEGIN
PROJECT

T-8-N



PROJECT LOCATION MAP
PROJECT I.D. 5939-01-30

AVOCA - RICHLAND CENTER
STH 133 TO WEST COUNTY LINE
WISCONSIN DEPARTMENT OF TRANSPORTATION
SOUTHWEST REGION - MADISON OFFICE



EXHIBIT 1
1089.896

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