

## CHAPTER 6 ACCESSORY USES AND MISCELLANEOUS STANDARDS

### Sec. 13-6-1 Satellite Earth Stations.

- (a) **Permit Required.** No owner shall, within the City of Onalaska, build, construct, use, or place any type of satellite earth station larger than thirty-six (36) inches in diameter until a Site Plan Permit shall have first been obtained from the Land Use and Development Director.
- (b) **Definitions.** For the purposes of this section,
- (1) **"Satellite Television Dish" or "Earth Station"** is defined as an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as disks, satellite communications systems or home earth stations.
  - (2) **"Owner"** means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a Land Contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a Land Contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Application.** Application for a satellite earth station permit shall be made in writing to the Land Use and Development Director. With such application, there shall be submitted a fee of Fifty Dollars (\$50.00) and a complete set of plans and specifications, including a site plan showing the location of the proposed satellite earth station with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (d) **Installation Restrictions.** Satellite earth stations installed in any zoning district within the City shall comply with the following provisions:
- (1) **Number of Units.** Not more than one (1) satellite earth station may be allowed per individual recorded lot except additional stations may be permitted upon application for a variance in non-residential zones.
  - (2) **Location and Setbacks.**
    - a. Any satellite dish mounting post shall only be located in the rear yard of a residential lot and at least six (6) feet from any property line. Placement of a satellite dish in a Business or Industrial District shall not be allowed unless a Conditional Use Permit is granted by the Plan Commission.
    - b. No dish shall be placed in the front yard of any residential, business or industrial lot in the City.
  - (3) **Mounting.** Satellite earth stations larger than thirty-six (36) inches located in Agricultural or Residential Districts shall be ground-mounted only. Satellite earth stations may be wall or roof-mounted in Business or Industrial Districts only. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Land Use and Development Director may require engineering calculations.
  - (4) **Diameter.** The diameter of the satellite television dish shall not exceed ten (10) feet for the ground-mounted dish and six (6) feet for the roof-mounted

dish, except for stations used to provide community antenna television services.

## Accessory Uses and Miscellaneous Standards

### 13-6-1

- (5) **Height.**
  - a. A ground-mounted satellite dish may not exceed twelve (12) feet in height, as measured from the ground to the highest point of the dish.
  - b. A roof-mounted satellite dish may not exceed eight (8) feet in height above the surrounding roofline as measured from the lowest point of the existing roofline.
- (6) **Wind Pressure.** All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
- (7) **Electrical Installations.** Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground unless installation site conditions preclude underground. If a satellite earth station is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All satellite earth stations shall be grounded against direct lightning strikes.
- (8) **Temporary Placement.** No portable or trailer-mounted satellite earth station shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall give written notice to the Land Use and Development Director of the date when such placement shall begin and end.
- (9) **Advertising.** No form of advertising or identification, sign or mural is allowed on the dish or framework other than the customary manufacturer's identification plates.
- (10) **Interference with Broadcasting.** Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission Regulations.
- (11) **Compliance with Federal Regulations.** The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- (12) **Color.** The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Land Use and Development Director as part of the Site Plan Application.

## Accessory Uses and Miscellaneous Standards 13-6-2

### Sec. 13-6-2 Radio or Television Antenna Towers.

- (a) No radio or television antenna tower shall be erected or installed within the front yard. The rear setback and the side setback shall be that for the principal structure with the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Land Use and Development Director.
- (b) No radio or television tower shall exceed a height of sixty (60) feet above the ground measured at grade level, whichever is the minimum.
- (c) Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

### Sec. 13-6-3 Special Use Permits Required-Wind Energy Systems.

- (a) **Approval Required.** No owner shall, within the City, build, construct, use or place any type or kind of wind energy system without holding the appropriate Conditional Use Permit for said system.
- (b) **Separate Permit Required for each System.** A separate Conditional Use Permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **Basis of Approval.** The Common Council and Plan Commission shall base their determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the City and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.
- (d) **Definitions.** "Wind Energy Systems" shall mean "windmills" which are used to produce electrical or mechanical power.

### Sec. 13-6-4 Permit Procedure-Wind Energy Systems.

- (a) **Application.** A Conditional Use Permit shall be required for wind energy systems. The application shall include the following information:
  - (1) The name and address of the applicant.
  - (2) The address of the property on which the system will be located.
  - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premise, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.

## Accessory Uses and Miscellaneous Standards

### 13-6-4

- (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
  - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
  - (6) Any other information, which the Land Use and Development Director, Common Council or Building Inspector may deem to be necessary to the proper review of the application.
  - (7) The Land Use and Development Director shall review the application and, if the application is complete and contains all required information, shall refer it to the Common Council.
- (b) **Hearing.** Upon referral of the application, the Common Council shall schedule a public hearing thereof following the procedures for Conditional Use Permits.
- (c) **Determination.** Following public hearing and necessary study and investigation, the Common Council shall, as soon as practical, render its decision and a copy be made a permanent part of the Council's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Common Council may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the special use permit.
- (d) **Termination.** When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by action of the Common Council following a public hearing thereon.
- (e) **Changes.** Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Common Council and if, in the opinion of the Council, such change or addition constitutes a substantial alteration, a public hearing before the Common Council shall be required and notice thereof be given.
- (f) **Approval Does Not Waive Permit Requirements.** The approval of a permit under this Chapter shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

### Sec. 13-6-5 Specific Requirements Regarding Wind Energy Systems.

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Chapter.
- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premise, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.

## Accessory Uses and Miscellaneous Standards

### 13-6-5

- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dBA scale, measured at the lot line.
- (e) **Electro-Magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a Conditional Use Permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems shall not exceed one hundred twenty (120) feet in height; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system Conditional Use Permit application. Wind Energy systems shall not be located on ridgelines where they will visually dominate the skyline.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a Conditional Use Permit.

## Sec. 13-6-6 Telecommunication Structures and Towers.

### 1. Mobile Service Support Structures and Facilities

- (a) **Purpose.** The purpose of this ordinance is to regulate by conditional use permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to class 1 collocation, the substantial modification of an existing support structure and mobile services facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile services facilities. It is the intent of the City of Onalaska to regulate Mobile Service Support Structures and Facilities as permitted by Wisconsin State Statutes Chapter 66.04040.
- (b) **Authority.** The City of Onalaska has the specific authority under Wis. Stat. §66.0404.
- (c) **Definitions.** The definitions contained in sec. 66.0404(1) Wis. Stats. are hereby adopted and incorporated by reference.
- (d) **Exemptions.** The following shall be exempt from the requirement to obtain a conditional use permit, unless otherwise noted:

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- (1) The use of all receive-only television antenna and satellite dishes.
  - (2) Amateur Radio and/or Receive-Only Antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive only purposes.
  - (3) Mobile services providing public information coverage of news events of a temporary or emergency nature.
- (e) **Siting and Construction of any New Mobile Services Support Structure and Facilities or the Substantial Modification of an Existing Support Structure and Mobile Service Facilities (Class 1 Collocation).**
- (1) **Conditional Use Permit Required.** A conditional use permit is required for the siting and construction of a new mobile services support structure and facility and/or substantial modification of an existing support structure and mobile service facilities (Class 1 Collocation) and is subject to the conditions set forth in this ordinance as well as any applicable site plan review and permitting and building and electrical permitting under City Ordinances 15-1-2 and 15-1-73.
  - (2) **Applications for Conditional Use Permit.** Applications for a conditional use permit shall be provided by the Land Use and Development Director. Applications shall be completed and filed with the Land Use and Development Director and shall include the following information.
    - i. Name and business address and contact information for the applicant, for the property owner and for the owner of the structure.
    - ii. Map detailing location of the proposed or affected support structure
    - iii. Map detailing location of the proposed mobile service facility and areas within 1,000 feet of such facility.
    - iv. Applicant shall provide the total number of collocation positions designated and proposed positions to be occupied.
    - v. Applicant to obtain a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
    - vi. If the application substantially modifies an existing support structure, a construction plan which describes the proposed modification to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications, as well as a visual analysis, photo simulation or graphic illustration showing what the proposed mobile service facility and support structure will look like in its surroundings.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- vii. If the application is to construct a new mobile service support structure, a construction plan which describes a proposed mobile service support structure and equipment network components, including antennas transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile services support structure.
  - viii. If the application is to construct a new mobile service support structure, a detailed explanation as to why the applicant chose the proposed location and why applicant did not choose collocation, including a sworn statement from the individual who has responsibility over the placement of the mobile services functionality, coverage and capacity; is technically unfeasible or is economically burdensome to the mobile services provider.
  - ix. If an applicant submits an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under i. through vi. above, the Land Use and Development Director shall consider the application complete. If the Land Use and Development Director does not believe the application is complete, applicant shall be notified in writing within ten (10) days of receiving the application, that the application is not complete and outlining the required information needed to complete the application. An applicant may resubmit an application as often as necessary until it is complete.
  - x. The fee for a Conditional Use Permit for a Class 1 Collocation shall be \$3,000.00.
- (3) **Referral to Plan Commission.** After an application is complete as determined by the Land Use and Development Director, the matter shall be referred to the City of Onalaska Plan Commission for review.
- i. Within ninety (90) days of its receipt of a complete application, the Plan Commission and Land Use & Development Director shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 90 day period:
    - a. Review the application to determine if it complies with all applicable aspects of the political subdivision's building code and subject to the limitations in this section and the zoning ordinance.
    - b. Make a final decision whether to approve or disapprove the application.
    - c. Notify the applicant in writing of its final decision.
    - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- (ii) The Plan Commission may deny an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described in 13-6-6(d)(2)(vi) above.
  - (iii) An applicant must provide the Plan Commission with proof that the support structure complies with district setbacks established in 13-1-15(2)(4) or with an engineering certification showing that a mobile service support structure, or an existing structure is designed to collapse within a smaller area than the setback or fall zone area required in 13-1-15(2)(4) including snow and ice fall areas, then the zoning ordinance does not apply to such a structure unless the Plan Commission or Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.
- (4) **Limitations. Conditional Use Permits for siting and construction** of any new mobile service support structure and facilities and land use permits for Class 1 Collocations shall only be granted provided the following conditions exist:
- (i) If the location of the proposed mobile services support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
  - (ii) The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
  - (iii) The applicant and/or agent have copies of Findings of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS) if applicable.
  - (iv) The applicant and/or agent have copies of the determination of "no hazard" from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
  - (v) The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting etc.)
  - (vi) For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas and submits a map identifying the fall zone of the mobile service facility, including ice and snow fall zones
  - (vii) The applicant and/or agent have proof of liability coverage.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- (viii) The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail and the applicant has complied with any airport overlay zoning districts.
  - (ix) The facility of collocation is designed to promote site sharing, such that space is reasonably available to collocators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities are shared by site users whenever possible.
- (f) **Class 2 Collocation.**
- (1) **Conditional Use Permit Required.** A conditional use permit is required for collocation on an existing support structure and mobile service facilities (Class 2 Collocation) and is subject to all of the conditions for a Class 1 Collocation as well as those conditions listed below.
  - (2) **Applications for Conditional Use Permit.** Applications for a conditional use permit shall be provided by the Land Use and Development Director. Applications shall be completed and filed with the Land Use and Development Director and shall include the following information.
    - a. The name and business address of and the contact individual for the applicant, for the property owner, and for the owner of the proposed mobile service facility and for the existing support structure.
    - b. A map detailing the location of the proposed or affected support structure.
    - c. A map detailing the location of the proposed mobile service facility and areas within 1,000 feet of said facility.
  - (3) A Class 2 Collocation is subject to the same requirements for the issuance of building and electrical permits to which any other type of commercial development or land use development is subject including sections 15-1-2 and 15-1-73 of the City Ordinances.
  - (4) The fee for a Conditional Use Permit for a Class 2 Collocation shall be \$500.00 per s. 66.0404(4)(d).
  - (5) If an applicant submits to the Land Use and Development Director an application for a Conditional Use Permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Land Use and Development Director shall consider the application complete. If any of the required information is not in the application, the Land Use and Development Director shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- (6) Within 45 days of its receipt of a complete application, the Plan Commission and Land Use and Development Director shall complete all of the following or the applicant may consider the application complete, except that the applicant and City may agree in writing to an extension of the 45 day period.
  - i. Make a final decision whether to approve or disapprove the application.
  - ii. Notify the applicant, in writing, of its final decision.
  - iii. If the application is approved, issue the applicant the relevant conditional use permit.
  - iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (g) **Information Report.** The purpose of the report under this section is to provide the City with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services within the county or that own or operate telecommunications facilities within the county, to assist the City in enforcement of this subsection and to assist the City in monitoring compliance with local, state and federal laws.
  - (1) Information Report. All telecommunications tower owners of any new telecommunications tower shall submit to the Land Use and Development Director a Telecommunications Facility Information Report (the "Report") within 45 days of the following events:
    - i. Following conditional use permit approval;
    - ii. Receipt of a written request from the City of Onalaska Land Use and Development Director; or
    - iii. Any change in occupancy of the tower.The Report shall include the tower owner name(s), address(es), phone number(s), contact person(s) and proof of bond as security for removal. The tower owner shall supply the tower height and current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the City form provided and designed for such use and shall become evidence of compliance.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

(h) **Removal/Security for Removal.** It is the express policy of the City of Onalaska and this ordinance that telecommunications towers be removed once they are no longer in use and are not a functional part of providing telecommunications service, and that it is the telecommunications provider's responsibility to remove such telecommunications towers and restore sites to original conditions or conditions approved by the City of Onalaska Land Use and Development Director or designee. Restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to 5 feet below the surface. After a telecommunications tower is no longer in operation, the provider shall have 180 days to effect removal and restoration unless weather prohibits such efforts and an extension is granted by the Land Use and Development Director as requested by the telecommunications provider. Permittee shall record a document with the La Crosse County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure. The owner of any telecommunications tower shall provide to the City of Onalaska, prior to the issuance of the conditional use permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures or Twenty Thousand Dollars (\$20,000) whichever is less, to guarantee that the telecommunications tower will be removed when no longer in operation. The City of Onalaska will be named as obligee in the bond and must approve the bonding company. The City may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index. The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days from the City's request. A permittee may substitute a letter of credit in the amount set forth above or in the alternative, a permittee with several sites in the City may submit a master bond to cover all of said sites. A master bond or a letter of credit, may in the City's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount use as the master bond or letter of credit covers any other site in the City.

(i) **Structural Design and Environmental Standards.**

(1) **Mobile Service Support Structure, Antenna and Facilities**

**Requirements.** All mobile service facilities and mobile service support structures except exempt facilities as defined in subsection (d), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below.

- i. Mobile services support structures shall be construed of metal or other nonflammable material, unless specifically permitted by the City to be otherwise.
- ii. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- iii. Equipment compounds shall be constructed of non-reflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
  - iv. Mobile services facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, City of Onalaska Building Code, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at their time of manufacture. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automatic Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the City.
- (2) **Site Development.** A parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential collocators.
- (3) **Vegetation Protection and Facility Screening.**
- i. Except exempt facilities as defined in subsection (d), all mobile service facilities shall be installed in a manner as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, when required by the Plan Commission or Land Use and Development Director. All impacted vegetation (trees, shrubs, etc.) shall be replaced on site on a one-for-one basis. For purposes of this section “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
  - ii. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.
- (4) **Fire Prevention.** All mobile services facilities shall be designed and operated in accordance with all applicable codes regarding fire protection.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- (5) **Noise and Traffic.** All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile services facilities, except exempt facilities as defined in subsection (d):
- i. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holidays) between the hours of 7:00 a.m.. and 7:00 p.m. except in times of emergency repair, and
  - ii. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.
- (6) **Separation Requirements.** Mobile service support structures shall be separated by a minimum of 2,640 feet, except that:
- i. Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval by the City of Onalaska Plan Commission.
  - ii. Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above.
- (j) **Abandonment.** Any antenna, mobile service facility or mobile services support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the City of Onalaska Land Use and Development Director may extend the time limit to abandon once for an additional six (6) month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
- (1) The owner of such antenna, mobile service facility or mobile services support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Land Use and Development Director notifying the owner of such abandonment. If removal to the satisfaction of the Land Use and Development Director does not occur within said ninety (90) days, the City of Onalaska Land Use and Development Director may order removal utilizing the established bond as provided above and salvage said antenna, mobile services facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile services support structure, this provision shall not become effective until all operations of the mobile service support structure cease. If a bond has not been previously established or is not current, the City may perform the work and assess the owner or permit holder of the mobile services support structure.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- (2) The recipient of a conditional use permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Land Use and Development Director within 45 days of the date when the mobile services facility is no longer in operation.
    - (h) **Severability.** If any of provision of this ordinance or its application to any person or circumstance is held invalid according to Wisconsin State Statutes §66.0404, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application and to this end the provisions of this ordinance are severable.
    - (i) **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$500.00, plus the applicable surcharges, assessments and costs for each violation and/or revocation of the conditional use permit. Each day a violation exists or continues constitutes a separate offense under this ordinance.
2. **Radio Broadcast Services and Other Telecommunication Facilities and Structures.**
  - (a) **Purpose.** The purpose of this ordinance is to regulate by conditional use permit the siting and construction of any new Radio Broadcast Services facilities or other non-mobile service telecommunication facilities. Radio Broadcast Services Facilities are defined as facilities for the regular provision of a commercial or noncommercial service involving the transmission, emission or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public including antennas and antenna support structures. Other Tower/Telecommunication Structures shall include any ground or roof mounted pole, spire, structure or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, and masts, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.
  - (b) **Application.**
    - (1) **Conditional Use Permit Required.** A conditional use permit is required for:
      - i. The modification of a pre-existing facility or structure if the modification is inconsistent with the original zoning permit,
      - ii. The construction of any new radio broadcast service facility or structure or other telecommunication facility or structure.
    - (2) **Application.** The Land Use and Development Director will provide a conditional use permit application upon request. An applicant's form will be processed upon completion and submittal of the Application to the Land Use and Development Director. The Application must contain the following information:
      - i. The name and business address of the applicant, along with the name of a contact person. The name and contact of the property owner if different from applicant.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- ii. The location and type of the proposed facility and structure.
- iii. A construction plan describing the existing or proposed facility structure and the equipment and network components, including antennas, base stations, cabling, power supplies, receivers, transmitters and related equipment to be placed on or around the new facility and structure.
- iv. Proof of consent from the property owner, if different from applicant (a copy of the lease will suffice).
- v. A report from a qualified and licensed professional which includes:
  - a. Tower height and design including a cross section and elevation;
  - b. The height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
  - c. Tower capacity, including the number and type of antennas that it can accommodate;
  - d. Steps that applicants will take to avoid interference with established public safety telecommunications;
  - e. Engineers stamp and registration number.
- vi. A Radio Broadcast Service Facility or Other Telecommunication Structure is subject to the same requirements for the issuance of building and electrical permits to which any other type of commercial development or land use development is subject including sections 15-1-2 and 15-1-73 of the City Ordinances except that the fee for a Conditional Use Permit for a radio broadcast facility or other telecommunication structure and facility shall be \$500.00.

If an applicant submits to the Land Use and Development Director an application for a Conditional Use Permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Plan Commission shall consider the application complete. If any of the required information is not in the application, the Land Use and Development Director shall notify the applicant in writing within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (3) **Review.** Within 45 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application complete, except that the applicant and City may agree in writing to an extension of the 45 day period.
  - i. Make a final decision whether to approve or disapprove the application.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

- ii. Notify the applicant, in writing, of its final decision.
- iii. If the application is approved, issue the applicant the relevant conditional use permit.
- iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

The Plan Commission shall review the application to determine if it complies with all applicable aspects of the City's zoning ordinances, subject to the limitations in Wis. Stat. §66.0404.

- (c) **Requirements.** All of the conditions set forth above for a Class 2 Collocation shall remain for a Radio Broadcast Service Structure or Facility and Other Telecommunication Structures. Additionally, the following additional requirements shall be required in the interest of public safety:

- i. **Lighting.** Towers and antennas shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower or antenna, light figures used to illuminate ball fields, parking lots or similar areas may be allowed with approval from the Plan Commission.
- ii. **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- iii. **Antennas Mounted on Roofs, Walls and Existing Towers.** The placement of telecommunication antennas on roofs, walls and existing towers may be approved by the Plan Commission provided the antennas meet the requirements of this Code, after submittal for a Conditional Use Permit and a report prepared by a qualified engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- iv. **Interference with Public Safety Telecommunications.** No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

## Accessory Uses and Miscellaneous Standards

### 13-6-6

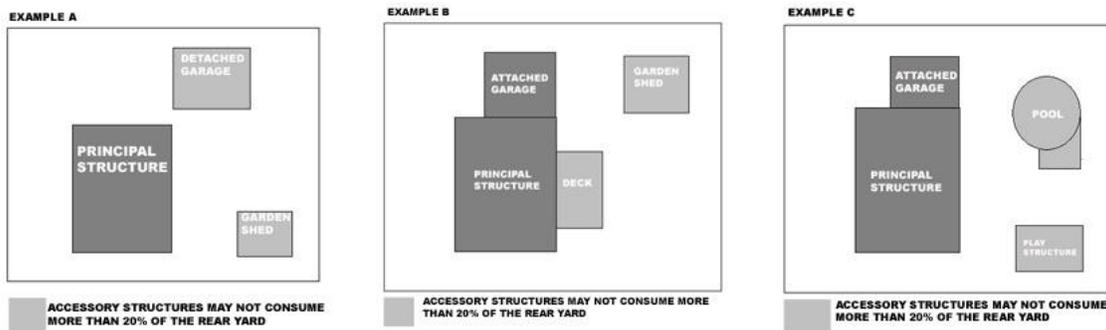
- (d) **Abandonment.** Any antenna, radio broadcast or telecommunication support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the City of Onalaska Land Use and Development Director may extend the time limit to abandon once for an additional six (6) month period as requested by the property owner. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
- (1) The owner of such antenna, radio broadcast or telecommunication facility or radio broadcast or telecommunication support structure shall remove said antenna, facility or service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Land Use and Development Director notifying the owner of such abandonment. If removal to the satisfaction of the Land Use and Development Director does not occur within said ninety (90) days, the City of Onalaska Land Use and Development Director may order removal utilizing the established bond as provided above and salvage said antenna, facility or support structure, including all supporting equipment and building(s). If there are two or more users of a single services support structure, this provision shall not become effective until all operations of the support structure cease. If a bond has not been previously established or is not current, the City may perform the work and assess the owner or permit holder of the mobile services support structure.
  - (2) The recipient of a conditional use permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Land Use and Development Director within 45 days of the date when the mobile services facility is no longer in operation.
- (e) **Severability.** If any of provision of this ordinance or its application to any person or circumstance is held invalid according to Wisconsin State Statutes §66.0404, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application and to this end the provisions of this ordinance are severable.
- (f) **Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$500.00 and/or revocation of the conditional use permit, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

## Accessory Uses and Miscellaneous Standards 13-6-7

### Sec. 13-6-7 Accessory Uses or Structures.

- (a) **Building Permit Required.** No owner shall, within the City of Onalaska, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Department of Inspection. Application for an accessory building permit shall be made in writing to the Department of Inspection. With such application, there shall be submitted a fee pursuant to the City Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (b) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction on the same parcel. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (c) **Placement Restrictions - Residential District.** An accessory use or structure in a Residential District may be established subject to the following regulations:
- (1) **Accessory Building Number Limits** In any Residential District, in addition to the principal building, the following is permitted:
- One (1) detached garage or one (1) attached garage,
  - One (1) swimming pool,
  - One (1) children's play structure, and
  - One (1) additional accessory building.
  - Swimming pools (except small inflatable or plastic children's pools or pools less than fifteen (15) feet in diameter), detached decks, storage sheds, play structures permanently anchored to the ground, and any other permanently anchored structure are considered accessory structures.

Decks attached to the principal structure are not considered a detached structure.



- (2) **Attached Accessory Buildings.** All accessory buildings, which are attached to the principal building, shall comply with the yard requirements of the principal building.

## Accessory Uses and Miscellaneous Standards

### 13-6-7

- (3) **Detached Accessory Structures.** No detached accessory structure shall occupy any portion of the required front or side yard. Garages and other detached accessory structures shall not exceed fifteen (15) feet in height except when permitted in a Traditional Neighborhood Development for the purposes of granny flats or second story apartments. No detached accessory structure shall occupy more than twenty percent (20%) of the rear yard or be located within three (3) feet of any other accessory building or lot line nor five (5) feet to an alley line. An accessory structure shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.
- (d) **Use Restrictions - Residential District.** Accessory uses or structures in Residential Districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes except as provided in (3) above.
- (e) **Placement Restrictions - Nonresidential Districts.** An accessory use or structure in a Business or Manufacturing District may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line. Provided however, that any accessory building without fire rated walls must be set back a minimum of ten (10) feet from all lot lines per Section 51.04 of the State Building Code.
- (f) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (g) **Landscaping Uses.** Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation includes trees, shrubs and flowers and gardens.
- (h) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Land Use and Development Director for up to the term of the building permit or thirty (30) days for uses not having a building permit.
- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

## Accessory Uses and Miscellaneous Standards

### 13-6-7

- (l) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures, and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section, whether such play structures are placed on a foundation or not. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (m) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Sections 6-2-8 and 6-4-2(f) of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
- (n) **Detached Energy Systems.** In addition to the restrictions set forth for fire prevention, no person shall place any detached energy system including wood or other solid fuel burners or liquid burners, boilers or furnaces within one thousand (1,000) feet of an abutting Residential District lot line. Detached energy systems must also address emissions with a minimum chimney height of two (2) feet above grade and must comply with Chapter NR 406 (Construction Permits), NR 415 (Control of Particulate Emissions), and NR 431 (Control of Visible Emissions) of the Wis. Adm. Code. For purposes of this Section, a detached energy system is defined as a freestanding unit situated outside the envelope of the structure to be heated, typically consisting of a closed combustion chamber for the purpose of heating water or air for heating.
- (o) **Mobile Home Parks-Accessory Structures.** In addition to the restrictions set forth in this chapter for all accessory structures located in mobile home parks, regardless of zoning, accessory structures shall be required to have a four (4) foot minimum separation between any detached accessory structure and another accessory structure, principal structure or deck on the same lot or abutting lot.

### Sec. 13-6-8 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time. When a rear yard is used for firewood storage, such storage area shall be counted in computing the rear lot coverage requirements in Section 13-6-7(c)(3).

## Accessory Uses and Miscellaneous Standards 13-6-9

### Sec. 13-6-9 Outside Storage.

No manure, rubbish, inoperable vehicles, salvage material or miscellaneous refuse may be stored within any Residential District when the same may be construed as a menace to the public health or safety or may be held to have a depressing influence upon property values in the area. Junk shall be placed in properly zoned junkyards only.

### Sec. 13-6-10 Fences and Hedges.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
- (b) **Fence Regulations.**
- (1) **Fence Heights.**
    - (d) Fences in residential districts shall not exceed a height of six (6) feet in rear and side yards, unless allowed through an issued Conditional Use Permit. Fences shall not exceed a height of four (4) feet in the street yard.
    - (e) Fence heights for street yard in non-residential zoning districts shall be determined through site plan review and/or review by the Planning Department.
    - (f) Fences in commercial and industrial zoning districts may not exceed eight (8) feet in height in the rear or side yard.
    - (g) Fences in public and semi-public zoning districts may not exceed six (6) feet in height in the rear or side yard.
    - (h) Fence heights may be measured from a point up to (3) three inches above ground elevation to the top of fence.
    - (i) In the event that a fence is placed on top of a retaining wall or similar structure and shares a vertical support system, the height of the fence shall include the height of both structures. If the fence and the retaining wall have independent vertical support structures, the fence and retaining wall heights may be measured separately.
  - (2) **Fence Setbacks.**
    - a. Fences in residential districts may be placed up to the lot line in rear and side yards. Fences shall not be closer than three (3) feet to any public right-of-way, unless it is a decorative style fence less than three (3) feet in height.
    - b. Fences in all non-residential zoning districts adjacent to public right-of-ways shall be set back a minimum of three (3) feet or comply with the specified zoning district street yard setback; whichever is less. Fences may be placed up to the lot line in rear and side yards.
    - c. Property owners shall locate fences so that each side of the fence may be properly maintained by the owner of the fence while on said owners property.

## Accessory Uses and Miscellaneous Standards 13-6-10

- (c) **Prohibited Fences.** No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
- (d) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (e) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. Temporary fences shall not be erected for more than forty-five (45) days.
- (f) **Nonconforming Fences.** Any fence existing on the effective date of this Code of Ordinances and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall occur, unless installed in conformance with this Section.

### Sec. 13-6-11 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

## Accessory Uses and Miscellaneous Standards 13-6-11

- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Department of Inspection. Plans and specifications and pertinent explanatory data should be submitted to the Department of Inspection at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the City Building Code shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Department of Inspection, the Department of Inspection shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
  - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the City now in effect or hereafter enacted.
  - (2) All plumbing work shall be in accordance with all applicable Ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.
  - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City Ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
  - (1) Private swimming pools shall be erected or constructed on rear yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
  - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line.
- (f) **Fence.**
  - (1) **Proper Enclosure Required.** Every swimming pool and wading pool, which extends wholly above the ground or partially above the ground shall, at all times, be enclosed so as to prevent children and animals from accidentally falling into such pool.

## Accessory Uses and Miscellaneous Standards 13-6-11

- (2) **Pool Wall May Serve as Barrier.** An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water-enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure, which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool. Inflatable pools having soft sides do not qualify for the pool wall serving as a barrier.
- (3) **Fence or Other Wall May Serve As Barrier.** An approved barrier shall consist of a properly erected and maintained wall or fence at least fifty (50) inches in height, which entirely surrounds the pool. Every such fence shall be constructed in accordance with the requirements of Section 13-6-10. Every such wall or fence shall be located not less than six (6) feet from the vertical, water-enclosing wall of the pool. All gates in such walls or fences shall be self-enclosing and self-latching, and shall be at least fifty (50) inches in height with latches placed at least fifty (50) inches above the ground level, or such gate latch shall be made inaccessible to small children in some other approved manner.
- (g) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.
- (h) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.
- (i) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (j) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

### Sec. 13-6-12 Home Occupational/Accessory Use.

- (a) The home occupation is limited to a home office-type use and does not exceed twenty-five percent (25%) of the area of any floor.
- (b) The home occupation must be conducted entirely within the enclosed portion of the dwelling by an individual residing on the premises. If the home occupation requires employees not residing on the premises, a Conditional Use Permit is required per Section 13-5-15(d) of the City Zoning Code.
- (c) Any traffic generated by the home occupation other than occasional deliveries is of volume, which can be accompanied by off-street parking facilities on the site.
- (d) The home occupation does not generate customer traffic.

**Accessory Uses and Miscellaneous Standards  
13-6-13**

**Sec. 13-6-13 Garage Sales.**

**Garage sales are a permitted accessory use in all Residential Zoning Districts subject to the following:**

- (a) No more than two (2) garage sales per calendar year, lasting no more than three (3) days each, may be conducted on a given property.
- (b) Garage sale items may not be displayed on public right of way.
- (c) All signs used to advertise or direct traffic to the garage sale must be removed within forty-eight (48) hours of the conclusion of the sale.

**Sec. 13-6-14 Outdoor Sales, Displays and Storage.**

**The intent of this section is to provide for the location and design of outdoor display and sales areas and to mitigate any adverse impacts such uses may have on immediate and adjacent properties and rights-of-way.**

- (a) Outdoor display and sales are a permitted accessory use in the B-1, B-2 and M-1 Zoning Districts subject to the following:
  - (1) Outdoor display and sales must be shown on the site plan for the property and are subject to the approval of the City.
  - (2) Outdoor display and sales are limited to thirty (30) days per calendar year unless approved by the City Plan Commission.
  - (3) Outdoor display and sales shall be limited to the goods sold at the principal use present on the site except for temporary sales events authorized by the City Plan Commission.
  - (4) Outdoor display and sales areas shall not include portable toilets and more than two (2) temporary signs advertising the sale.
- (b) Outdoor storage is not permitted in the B-1, B-2 or M-1 Zoning Districts unless approved by the City Plan Commission as part of a master plan for the development. Storage containers and semi-trailers are not permitted for storage uses in any Zoning District.

**Sec. 13-6-15 Refuse and Recycling Containers.**

**All refuse and recycling containers in all commercial, industrial, mixed use or master planned zoning areas shall be enclosed with a six (6) foot opaque enclosure matching the building architecture or the principal structure. Refuse enclosures shall be subject to the following:**

- (a) A three (3) foot setback is required to any lot line.
- (b) Shall be screened with landscaping from adjacent Residential Districts or public right of way.
- (c) Shall include a durable gate system that remains closed when not in use.
- (d) Allows for easy access by refuse and recycling contractors.

## Accessory Uses and Miscellaneous Standards 13-6-16

### Sec. 13-6-16 Enforcement.

- (a) It shall be unlawful to construct, use, build or locate any accessory use or structure or outdoor storage in violation of any provisions of this Section. In the event of any violation, the Common Council or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
- (b) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-7.

### Sec. 13-6-17 Sign and Billboard Regulations-Purpose.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the City of Onalaska; painting and general maintenance are excepted.

### Sec. 13-6-18 Signs, Canopies, Awnings and Billboards-Definitions.

The following definitions are used in this Article:

- (1) **Area of Sign.** The area is the perimeter, which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one (1) section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (2) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (3) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (4) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (5) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (6) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (7) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

## Accessory Uses and Miscellaneous Standards

### 13-6-18

- (8) **Directory Sign.** An informational freestanding or on-building sign on which the names and locations of occupants or the use of a building is given. Such signs are for pedestrian way finding purposes.
- (9) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling and segmented message displays and animation and video displays.
- (10) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (11) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (12) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (13) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (14) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (15) **Multi-tenant Sign.** A freestanding sign that advertises a development which consists of two or more separate uses/tenants that share a single lot and/or structure and use common access/parking facilities. Such signs are for vehicular way finding purposes.
- (16) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (17) **Portable Sign/Message Boards/Temporary Sign.** Any sign not permanently attached to the ground which is intended to be displayed for no longer than thirty (30) days including real estate or construction site signs, banners, decorative-type displays, signs which are designed to be easily moved from one (1) location to another, or anything similar to the aforementioned.
- (18) **Political Sign.** Any sign displaying a candidate for an election, or a current election's subject matter.
- (19) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (20) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (21) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (22) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.

## Accessory Uses and Miscellaneous Standards 13-6-18

- (23) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than twelve (12) inches from such wall.
- (24) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

### Sec. 13-6-19 Required Permits for Signs, Canopies, Awnings and Billboards.

- (a) **Application.** Except those specified in Section 13-6-20, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Chapter. The sign shall also meet all other structural requirements of other applicable codes and Ordinances of the City of Onalaska. Signs shall not be erected or altered until a permit has been issued by the Department of Inspection. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- (b) **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Department of Inspection which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign.
- (c) **Fee.** The fee for each sign permit shall be a minimum of Twenty Dollars (\$20.00) or sixty cents (.60¢) per square foot of display surface if the display surface of the sign exceeds thirty-five (35) square feet.
- (d) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Department of Inspection before the sign permit is granted.
- (e) **Inspection.** Every sign shall be inspected and approved by the Department of Inspection within thirty (30) days after it is erected or altered.
- (f) **Appeals.** Any person, firm or corporation aggrieved by any permit denial or decision by the Department of Inspection or Land Use and Development Director relative to the provisions of these sign regulations may appeal and seek review of such decision to the Board of Zoning Appeals.

### Sec. 13-6-20 Signs Exempted.

The following signs shall not need a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water. The following signs do not require a permit:

- (a) **Commercial and Industrial Districts.**
  - (1) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

## Accessory Uses and Miscellaneous Standards

### 13-6-20

- (2) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.
- (3) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.
- (4) 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 the structure.
- (5) Official signs, such as traffic control, parking restriction, information and notices.
- (6) Temporary signs, and portable/message boards, when authorized by the Department of Inspection, for a period not to exceed thirty (30) days per year.
- (7) Rummage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
- (8) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Department of Inspection and subject to the following:
  - a. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Department of Inspection for approval.
  - b. The permitted size and location of any such sign shall be at the discretion of the Department of Inspection based upon the character of the area, the type and purpose of the sign and the length of time permitted.
  - c. Where the sign is to be located on the premises involved, such may be permitted for a period up to one (1) year. An extension may be permitted for a period not to exceed two (2) years total.
  - d. Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine (9) months.
- (9) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
- (10) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (11) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (12) Legal notices, identification information or directional signs erected by governmental bodies.
- (13) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (14) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**Accessory Uses and Miscellaneous Standards**  
**13-6-20**

- (15) Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of thirty-two (32) square feet when authorized by the Department of Inspection.
- (16) Directory signs which are either freestanding structures or on-building located in close proximity to customer entrances.
- (b) Residential, Conservancy and Agricultural Districts.**
  - (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed four (4) square feet.
  - (2) Real estate signs not to exceed four (4) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
  - (3) Name, occupation and warning signs not to exceed two (2) square feet located on the premises.
  - (4) Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.
  - (5) Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  - (6) Official signs, such as traffic control, parking restrictions, information and notices.
  - (7) Temporary signs or banners, when authorized by the Department of Inspection, for a period not to exceed thirty (30) days.
  - (8) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
  - (9) House numbers or signs identifying parks or country clubs or official bulletin boards.
  - (10) A sign for the purpose of designating a new building or development, for a promotion of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited time in any district with the approval of the Department of Inspection and subject to the following:
    - a. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Department of Inspection for approval.
    - b. The permitted size and location of any such sign shall be at the discretion of the Department of Inspection based upon the character of the area, the type and purpose of the sign and the length of time permitted.
    - c. Where the sign is to be located on the premises involved, such may be permitted for a period up to one (1) year. An extension may be permitted for a period not to exceed two (2) years total.

**Accessory Uses and Miscellaneous Standards  
13-6-20**

- (11) Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of four (4) square feet when authorized by the Department of Inspection.

**Sec. 13-6-21 Signs Permitted.**

The following signs shall require a permit to be issued by the City of Onalaska's Inspection Department:

- (a) **Commercial and Industrial Districts.** Signs are permitted in all commercial districts and the industrial districts subject to the following restrictions:
  - (1) **Wall Signs** placed against the exterior walls of buildings shall not extend more than sixteen (16) inches out from a building's wall surface, shall not exceed five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller) per wall for any one (1) premises, and shall not exceed the height of the wall for which it is displayed, depending upon the height of the wall. Said wall signs shall not exceed forty-five (45) feet in height in M-1 Light Industrial Districts fronting Federal Aid Primary (FAP) Highways (Interstate 90), and shall not exceed thirty (30) feet in height in other Commercial and Industrial Districts.
  - (2) **Projecting Signs** fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any required yard, shall not extend into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be more than fifteen (15) feet above a driveway, alley or sidewalk and not less than ten (10) feet above a driveway, alley or sidewalk.
  - (3) **Freestanding Signs in M-1 Light Industrial Districts Fronting Federal Aid Primary (FAP) Highways** shall not exceed forty-five (45) feet in height above the centerline of the grade of the street from which access to the premises is obtained , and setback a minimum of five (5) feet from parcel boundaries. Signs on corner lots to follow traffic visibility standards in Chapter 7: Mobility Standards. Freestanding signs shall not exceed three hundred (300) square feet on one (1) side, nor six hundred (600) square feet on all sides for any one (1) premise.
  - (4) **Other Freestanding Signs in Commercial and Industrial Districts** shall not exceed thirty (30) feet in height above the centerline of the grade of the street from which access to the premises is obtained and setback a minimum of five (5) feet from parcel boundaries. Signs on corner lots to follow traffic visibility standards in Chapter 7: Mobility Standards. Freestanding signs shall not exceed two hundred (200) square feet on one (1) side, nor four hundred (400) square feet on all sides for any one (1) premise.

## Accessory Uses and Miscellaneous Standards

### 13-6-21

- (5) **Roof Signs** shall be permitted only by Conditional Use Permit as approved by the City of Onalaska Plan Commission, but in no case shall exceed fifteen (15) feet in height above the parapet line nor higher than thirty (30) feet above the mean grade of the centerline of the street from which access to the premises is obtained.
- (6) **Window Signs** shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
- (7) **Off-Premise Signs, Billboards, Displays** shall be permitted subject to the following:
  - a. Allowed only in B-1, B-2, M-1, M-2 and M-3 Districts.
  - b. Must be a minimum of one hundred (100) feet from Residential District property line.
  - c. Must be minimum of one hundred (100) feet from an intersection.
  - d. Must be a minimum of three hundred fifty (350) feet from a church or school.
  - e. Must be a minimum of one thousand (1,000) feet from another off-premise sign facing the same direction of travel.
  - f. Must be a minimum of five (5) feet from right-of-way and from property line.
  - g. Must be erected in a free standing design - no back bracing or guy wires are allowed.
  - h. Must meet all federal, state and local requirements prior to issuance of permit.
  - i. No off-premise signs, billboards, displays and devices shall be permitted closer than three hundred fifty (350) feet to any church and/or school property line.
  - j. The maximum size of an off-premise sign on a four (4) lane divided roadway shall be three hundred (300) square feet per side of sign structure. All other roadways shall have a maximum sign size of three hundred (300) square feet per side of sign structure.
  - k. No off-premise sign shall be permitted within three hundred fifty (350) feet of the east and west rights-of-way of STH 157 and/or USH 53 from Federal Interstate 90 to CTH OT.
  - l. No off-premise sign shall be permitted within three hundred fifty (350) feet of the east and west rights-of-way of Sand Lake Road (STH S) from Main Street to CTH OT.
  - m. Off-premises signs must be a minimum of one thousand (1,000) feet from another off-premise sign facing the same direction of travel.
- (8) **Multi-Tenant Signs** are encouraged to market shopping center destinations rather than individual businesses. Sign regulations are based upon the applicable zoning district in which they are located.
- (9) **Other Signs.** Any sign qualifying as more than one (1) of the above-listed types shall meet the requirements for each type.
- (10) **Bills and Posters** shall not be posted on the exterior of buildings or windows.

## Accessory Uses and Miscellaneous Standards 13-6-21

- (11) **Transitional Commercial District.** Notwithstanding any other provision of this Section, signs permitted in this zoning district are limited to one (1) wall sign and one (1) freestanding sign per parcel of property and each sign shall be a minimum of ten (10) feet from the closest property line and shall not be larger than thirty-five (35) square feet per side of sign structure.
- (g) **Residential, Places of Worship, and Educational Facilities.**
- (1) **Home Occupation Signage.** One (1) sign per premise, not exceeding three (3) square feet in area, stating only the name and business or profession of the occupant. Sign shall be a permanent sign and not be illuminated.
- (2) **Places of Worship & Educational Facilities.**
- a. **Wall & Projecting Signs.** Allowed an aggregate of up to three hundred (300) square feet, with a maximum of one hundred (100) square feet per wall façade. Maximum of one (1) sign per façade per street frontage.
  - b. **Freestanding Signs.** Allowed up to sixty-four (64) square feet per side, with a maximum of a thirty-two (32) square foot per side Electronic Message Unit Sign. Maximum sign height is fifteen (15) feet and a maximum of one (1) sign per street frontage. Sign(s) setback a minimum of five (5) feet from parcel boundaries. Corner lots to follow traffic visibility standards in Chapter 7: Mobility Standards.

### Sec. 13-6-22 Landscape Features.

Landscape features such as plant materials, berms, boulders, fencing, masonry columns and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

### Sec. 13-6-23 Prohibited Signs.

- (a) **Signs Facing Residential Districts.** No sign, except those permitted in Section 13-6-20, shall be permitted to face a residential district within one hundred (100) feet of such district boundary.
- (b) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (c) **Moving or Flashing Signs.** No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (d) **Number of Signs Permitted.**
- (1) No more than two (2) signs of any type shall be located on any premises.

## Accessory Uses and Miscellaneous Standards

### 13-6-23

- (2) Businesses with streets fronting both sides shall be allowed two (2) types of signs for each street frontage.
- (3) Businesses with a Planned Commercial Industrial District (PCID) or Planned Unit Development (PUD)
- (e) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.
- (f) **Distance Between Freestanding Signs.** The distance between freestanding signs shall be a minimum of two hundred (200) feet throughout the street frontage in order to prevent congestion and maintain traffic visibility. Freestanding signs may be placed at less than two hundred (200) feet where the street frontage of the parcel and adjacent parcels is less than two hundred (200) feet and does not permit the minimum spacing. Where this condition exists, the maximum available spacing must be maintained but no more than one (1) freestanding sign is permitted per parcel where there is less than two hundred (200) feet between signs. Signs not meeting the two hundred (200) foot minimum spacing must be monument style signs only and may not exceed fifteen (15) feet in height and sixty (60) square feet per side in area. Notwithstanding any other provision of this section, in no case may freestanding signs be placed at less than one hundred (100) feet from another freestanding sign on the same street frontage.
- (g) **Distance Between Billboard Signs.** The distance between billboard signs shall be a minimum of one thousand (1,000) feet from another sign on the same side of the street throughout the street frontage in order to prevent congestion and maintain the City's clean visibility look.
- (h) **Prohibited Sign Area.** No signage shall be permitted on the west side of Second Avenue (State Highway 35) from John Street to Sunset Vista Road.
- (i) **Signs at Intersections.** Signs at intersections shall comply with traffic visibility standards in Chapter 7: Mobility Standards.

### Sec. 13-6-24 Dangerous and Abandoned Signs.

- (a) **Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of thirty (30) days or when, in the judgment of the Department of Inspection, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Common Council, or its designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Common Council's, or its designee's, decision to the Board of Appeals.
- (b) **Alterations.** For signs erected before the adoption of this Sign Code, said signs shall be rebuilt or relocated to conform to this Chapter if the cost of reconstruction or relocation is fifty percent (50%) or more of its replacement value.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Chapter are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Common Council, or its designee, may bring an action to abate the nuisance in the manner set forth in the Wis. Stats.

## Accessory Uses and Miscellaneous Standards 13-6-25

### Sec. 13-6-25 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals, following a recommendation from the Plan Commission.

### Sec. 13-6-26 Construction and Maintenance Regulation for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Department of Inspection.
- (b) **General Requirements.**
  - (1) **Construction Standards.** Signs shall be constructed in a safe structural manner in accordance with the National Building Code and the National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive. All signs shall withstand a wind load pressure of thirty (30) p.s.f. of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of thirty (30) p.s.f. per American Society of Engineering.
  - (2) **Roof Signs.** No sign shall be located so as to project above the parapet line, unless approved by the Plan Commission. Roof sign structures shall be constructed entirely of steel or aluminum, and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.
  - (3) **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.
  - (4) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
  - (5) **Blanketing.** Blanketing of signs shall not be allowed.
  - (6) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
  - (7) **Annexed Areas.** All signs in newly annexed areas shall comply with this Chapter within five (5) years of annexation.
- (c) **Search Lights.** The Common Council may permit the temporary use of a search light for advertising purposes in any district provided that the search light will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than five (5) days in any six (6) month period.
- (d) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

**Accessory Uses and Miscellaneous Standards  
13-6-27**

**Sec. 13-6-27 Specific Requirements.**

**(a) Electronic Message Unit Signs.**

- (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information and shall conform to Section 13-6-21 for placement and area standards.
- (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
- (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (4) Signs having animation or video are only permitted by Conditional Use Permit.
- (5) Electronic signs are not permitted within one hundred (100) feet of a residential district lot line.
- (6) Electronic Signs size requirements shall be as follows:
  - a. Sign face shall not exceed one hundred (100) square feet per side and a total of two hundred (200) square feet total on both sides.
  - b. All electronic signs within 300 feet of a residential district lot line shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet for both sides. Electronic signs may only be operational between 7:00A.M. and 10:00 P.M. to preserve the integrity of the surrounding neighborhood.
- (7) Dimmer Control. Electronic Message Unit signs must have an automatic dimmer control such as a photocell or other ambient light sensing mechanism that automatically adjusts the sign's brightness in direct correlation with the natural ambient light conditions.
- (8) Brightness. Electronic Message Unit signs shall not exceed 0.3 footcandles above ambient light. Such measurements shall be taken using a footcandle (Lux) meter at a preset distance depending on sign area, measured as follows:

**Accessory Uses and Miscellaneous Standards  
13-6-27**

Area of Sign	Measurement
Square Feet	Distance (ft.)
10	32
15	39
20	45
25	50
30	55
<u>35</u>	<u>59</u>
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

**(b) Portable Signs/Message Boards.**

- (1) Such signs shall be limited in use to thirty (30) days at a time following approval by the Department of Inspection prior to display of any sign. Provided, however, that the Department of Inspection shall not give approval for placement of a portable sign/message board if it presents a vision obstruction and said sign not be displayed more frequently than one (1) time per year at any one (1) location. No more than one (1) sign per premises shall be permitted.
- (2) The maximum size shall be twenty-five (25) square feet on each face, back-to-back.

**Sec. 13-6-28 Nonconforming Signs.**

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the City of Onalaska limits of the date of adoption of this Chapter hereafter which does not conform with the provisions of this Chapter is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:
  - (1) The sign was covered by a proper sign permit prior to the date of adoption of this Sign Ordinance.
  - (2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this Sign Ordinance.

## Accessory Uses and Miscellaneous Standards 13-6-28

- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
- (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Chapter.
  - (2) The sign is relocated so as to be a minimum of five (5) feet from the property line (off the right-of-way) and twenty (20) feet from any corner.
  - (3) The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
  - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Chapter with a new permit secured therefore or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Chapter shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Chapter regarding safety, maintenance and repair of signs.

### Sec. 13-6-29 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such

awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
- (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
- (3) **Setback from Curb Line.** No awning shall extend beyond a point four (4) feet into the right-of-way.
- (4) **Advertising.** No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.
- (4) **Awning Insurance Requirements.** Every applicant for a permit for a awning which will overhang the public street or sidewalk shall, before the permit is granted, file with the City Clerk a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for property damage which shall indemnify and save harmless the City of Onalaska from any and all damages, judgments, costs or expense which the City may incur or suffer by reason of the granting of said permit.

## Accessory Uses and Miscellaneous Standards

### 13-6-29

- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
- (1) **Support.** The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Department of Inspection as in compliance with the Building Code of the City. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 13-6-26 of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
  - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
  - (3) **Setback From Curb.** No canopy shall extend beyond a point four (4) feet from the face of a wall or building.
  - (5) **Advertising.** No advertising shall be placed on any canopy, except that the name of the establishment may be painted or placed in a space not exceeding twenty-four (24) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight (8) inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.
  - (5) **Canopy Insurance Requirements.** Every applicant for a permit for a canopy which will overhang the public street or sidewalk shall, before the permit is granted, file with the City Clerk a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars (\$100,000.00) for any one (1) accident and Ten Thousand Dollars (\$10,000.00) for property damage which shall indemnify and save harmless the City of Onalaska from any and all damages, judgments, costs or expense which the said City may incur or suffer by reason of the granting of said permit.

### Sec. 13-6-30 Abandoned Billboards and Signs.

Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Common Council, or its designee, shall give the owner a thirty (30) day written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Common Council, or its designee, may take any other appropriate legal action necessary to attain compliance.

**Accessory Uses and Miscellaneous Standards  
13-6-31**

**Sec. 13-6-31 Violations of Sign Code.**

- (a) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Chapter prior to the granting of a permit shall pay a penalty of four (4) times the amount of the permit otherwise required.
- (b) If the Department of Inspection finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (c) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within five (5) days after such notice, the Department of Inspection may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Chapter.
- (d) Any person, firm or corporation who violates any provision of this Chapter shall be subject to the penalties prescribed in the City Zoning Code. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

**Sec. 13-6-32 through Sec. 13-6-35**

**Reserved for Future Use.**

