



RESOLUTION # 20-5/11

TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS

ITEM # 5-18

**BOARD ACTION**

Adopted:   
For: 23  
Against: 10  
Abstain: 1  
Abs/Excd: 1  
Vote Req: \_\_\_\_\_  
Other Action: \_\_\_\_\_

**PLANNING, RESOURCES, & DEVELOPMENT COMMITTEE ACTION**

Adopted:   
For: 6  
Against: -  
Abstain: -  
Abs/Excd: 1

**RE: APPROVE A TEMPORARY MORATORIUM ON CERTAIN TYPES OF OUTDOOR ADVERTISING**

**WHEREAS**, La Crosse County is a beautiful county of rivers lakes, marshes, bluffs, hills and prairies with cities, villages and towns whose residents and businesses have made significant financial and other investments in their homes, businesses, institutions, infrastructure and natural resources; and,

**WHEREAS**, La Crosse County is committed to utilizing available tools and resources to promote the preservation and improvement of the health, welfare, and public safety of the citizens of La Crosse County; and,

**WHEREAS**, La Crosse County is committed to protecting the health and welfare of its citizens through the regulation of outdoor advertising and preventing driving distractions, visual clutter and other harmful effects of improperly or poorly regulated signs, including off-premises signs (billboards) and on-premises signs; and,

**WHEREAS**, Wisconsin Statute s. 84.30 and Trans 201 based on 23 Code of Federal Regulations (FCR) Title 23 - Highways - Part 750 Highway Beautification allow the erection and maintenance of new off-premises signs (billboards) and new on-premises signs, including Commercial Electronic Variable Message Signs (CEVMS) adjacent to Interstates and Federal Aid Primary (FAP) highways [now National Highway System (NHS) roads]; and,

**WHEREAS**, proposed La Crosse County Ordinance 17.14 REGULATION OF OUTDOOR ADVERTISING adopts state laws and regulations which allow for the erection and maintenance of new billboards on land that is zoned commercial or industrial as well as the erection and maintenance of new electronic variable message billboards, the conversion of existing billboards to electronic variable message billboards, as well as the erection and maintenance of new CEVMS; and,

**WHEREAS**, proposed La Crosse County Ordinance s. 17.14 "REGULATION OF OUTDOOR ADVERTISING" addresses "signs along and adjacent to any system of interstate, defense, federal primary or federal secondary highways" and defers all license and permits for such signs to the Wisconsin Department of Transportation (WisDOT); and,

**WHEREAS**, WisDOT currently has some 267 outdoor advertising signs in their inventory of La Crosse County, with about 100 within the jurisdiction of La Crosse County; and

**WHEREAS**, once a billboard or CEVMS is erected it cannot be ordered to be reduced in size, height or illumination, moved on that parcel or to another parcel, or removed entirely without just compensation, a process that can be long and expensive and amount to payments of tens of thousands or hundreds of thousands of dollars, thus it is likely to remain for decades and hinder or block future development that increases tax base and jobs; and,

**WHEREAS**, billboards are leasehold property not real property and thus subject only to personal property tax; and,

**WHEREAS**, billboards derive their value for rental solely from the volume of traffic on the adjacent public street, road or highway, and the personal property taxes paid providing very little tax base in proportion to the benefits provided; and,

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**WHEREAS**, during the Comprehensive Plan process in 2006, a random survey was sent to the residents of the County with an above average rate of return and response, with the results that "Respondents were not in favor of new billboards along highways, or altering community character"; and,

**WHEREAS**, La Crosse County Board adopted a Comprehensive Plan on March 20, 2008 that called for updating of the zoning ordinance with "Sign Regulations: Local governments may adopt regulations, such as sign ordinances, to limit the height and other dimensional characteristics of advertising and identification signs. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful, and attractive environment"; and,


**WHEREAS**, the La Crosse County Board believes it is in the best interest of the citizens of La Crosse County to provide for the reasonable, proper and balanced regulations and controls of outdoor advertising, including billboards, CEVMS and all other signs adjacent to all public streets, roads and highways; and,

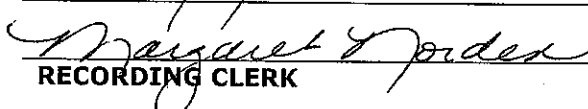
**WHEREAS**, the La Crosse County Board intends to undertake a comprehensive review and revision of the portions of the County's regulation and control of outdoor advertising, including billboards, CEVMS and all other signs adjacent to all public streets, roads and highways in conjunction with its planning department, legal counsel and the public.

**NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby place a temporary moratorium on the erection and maintenance of any new billboards and CEVMS within the unincorporated areas of La Crosse County, including the conversion of existing billboards to electronic variable message billboards, for six (6) months, or until the approval of a revised regulations and controls on outdoor advertising via a sign ordinance or sign standards in a zoning ordinance, whichever occurs first. Any person, corporation, or entity that violates the conditions of this moratorium shall be subject to a forfeiture of \$500/day, plus costs of removal.

**BE IT FURTHER RESOLVED**, that this resolution and temporary moratorium shall become effective upon its passage and publication.

**FISCAL NOTE:** The Zoning, Planning & Land Information Department indicates it is difficult to estimate the amount of the administration and enforcement costs for the moratorium on billboards.

Date: 5/2/11  
  
**PLANNING, RESOURCES AND DEVELOPMENT COMMITTEE CHAIR**

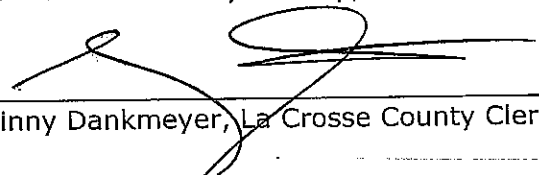
Date: 5/2/11  
  
**RECORDING CLERK**

	Reviewed Only	Recommended	Not Recommended	
Co. Admin.	<u>50</u>	_____	_____	Requested By: Maureen Freedland Date Requested: April 19, 2011 Drafted By: Corporation Counsel
Fin. Director	<u>61</u>	_____	_____	
Corp. Counsel	<u>297</u>	_____	_____	
Board Chair	<u>SD/ma</u>	_____	_____	

Adopted by the La Crosse County Board this 19 Day of May, 2011

STATE OF WISCONSIN  
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original resolution required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 19<sup>th</sup> day of May, 2011.

  
Ginny Dankmeyer, La Crosse County Clerk