

## CHAPTER 11 HIGHWAYS

### 11.01 HIGHWAY SETBACKS

- a. County Trunk Highways.
  1. Setbacks are areas abutting a County Trunk Highway in which structures and improvements cannot be erected, installed or maintained.
  2. The setback area is as set forth in the Door County Comprehensive Zoning Ordinance (“DCCZO”) or Door County Land Division Ordinance (“DCLDO”).
  3. If not addressed in either the DCCZO or DCLDO, then the setback area is the area within seventy five (75) feet of the centerline of a county trunk highway or within forty two (42) feet of the nearer right-of-way of a county trunk highway, whichever is furthest from the centerline.
- b. Averaging
  1. Setback averaging may allow reduced setbacks from the setback requirements hereunder.
  2. Setback averaging, to determine setback reduction (if any), shall be as set forth in the DCCZO or DCLDO.
- c. Variance / Special Exception
  1. Persons may seek a variance to the setback requirements under a. 2. above as provided in the DCCZO or DCLDO.
  2. Persons may seek a special exception to the setback requirements under a. 3. above as provided below.
    - i. The Door County Highway Committee (“Committee”) may authorize special exceptions, but only in appropriate cases when warranted by specific analysis of setback needs and as provided in this sub-section.
    - ii. A special exception may not be contrary to the public interest and shall be in harmony with the general purposes and intent of this section.
    - iii. The Committee may require such conditions and safeguards as will, in its judgment, secure substantially the purposes of this section.
    - iv. Specific analysis for special exception for setback includes:
      - The structure or improvement proposed and its location.
      - The current and forecasted congestion of the abutting highway.
      - The impact of potential highway or other transportation improvements on the continued existence of the proposed structure or improvement.
      - Transportation safety.
      - Preservation of the public interest and investment in the highway.
      - Other criteria to promote public purposes consistent with this section.
    - v. A special exception granted under this section is effective only when the special exception is recorded in the office of the register of deeds.
- d. Vision Corners
  1. Vision corners are triangular areas at intersections in which structures, improvements and landscaping are restricted because they can block the ability of motorists to see oncoming vehicles.
  2. At all County Trunk Highway intersections, the setback building line is hereby established to be a straight line connecting the two vision points on the two

## CHAPTER 11 HIGHWAYS

intersecting setback lines at each corner of the said intersecting highways. The triangle formed thereby shall be defined as a vision corner. At every intersection of setback lines there shall be two vision points. A vision point is hereby established as being located on the setback line and 60 feet back from the intersection of the setback lines. No buildings, signs, billboards or anything that will obstruct the view shall be erected on the lands lying within the vision corner as defined in this paragraph. Any shrubs or trees lying within the said vision corner shall be trimmed to a sufficient height to give a clear view for vehicles.

- e. Directional and Entrance Signs.
  1. All signs and billboards shall conform to the setback lines and vision corners described in this section except directional signs to cities, villages, and entrance signs for places of business and places of residence, not exceeding 8 square feet. Directional and entrance signs as defined in this paragraph may be erected between the highway right-of-way and the highway setback lines. Upon written approval of the Door County Highway Committee, community groups may develop programs for improving all directional signs and may combine a group of individual signs in an attractive and safe display larger than 8 square feet, provided no individual sign exceeds 8 square feet.
- f. Condemnation Proceedings.
  1. Nothing contained in this section shall in any way interfere with or affect the future widening of any County Trunk Highway right-of-way by condemnation or as otherwise provided by law.
- g. Prohibition(s)
  1. No person may erect, install or maintain any structure or improvement within a setback area or vision corner determined hereunder.
- h. Penalties & Enforcement
  1. Penalties.
    - i. Any person violating this ordinance shall:
      - forfeit not less than \$10.00 nor more than \$500.00 for each offense;
      - institute those remedial measures necessary to correct any violation;
      - be enjoined or restrained from further violation; and
      - pay the fees, costs and disbursements incurred by County associated with prosecution of the action.
    - ii. Each day a violation exists or continues constitutes a separate offense.
  2. Enforcement
    - i. The Door County Highway Commissioner may issue a citation, pursuant to and in accordance with § 66.0113 Wis. Stats. or Ch. 35 Door County Code.
    - ii. A cease and desist order may be issued by the Door County Highway Commissioner. The cease and desist order must be reasonably specific and concrete, so as to fairly apprise wrongdoer of specific violation of this and necessary remedial measures.
    - iii. County may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law, including a civil forfeiture or injunction.

## CHAPTER 11 HIGHWAYS

- i. This section does not apply to state trunk highways or town roads. State or town officials should be contacted regarding setback requirements and other standards and prohibitions applicable to state trunk highways or town roads. (45-71, 12/14/71; 4/18/72, 5/16/72; Ord. 2018-18; 12/18/18)

**11.02 RURAL NUMBERING SYSTEM.** There is hereby adopted for Door County a uniform building numbering and road naming system for the rural areas of the county, which system is on file and shall remain on file in the office of the County Clerk. The owner of any building in a rural area shall place a number on the building in conformity with the numbering system herein adopted. (Res. #9-64, 2/17/64)

**11.03 DEBRIS ON HIGHWAYS.** No stones, rocks, brush, rubbish or other debris shall be deposited on or thrown into the highways or this county or into the ditches, butters or shoulders thereof, no along the fence lines on the highway side abutting on the highway.

Any property owner or occupant violating these provisions shall forfeit the sum of \$25 to \$50 for each violation. (Ord. No. 50, 11/18/35)

**11.04 ROAD REFLECTORS ALONG HIGHWAYS.** It shall be unlawful for any person to place or maintain, or allow to be displayed, any blue reflector within the limits of the highway boundary, or within the limits of a highway right-of-way at or near the entrance to a private road or driveway.

The enactment of this section is an expression of the intent of the Board of Supervisors to disapprove placement or maintenance of blue reflectors within the limits of the highway boundary or within the limits of the highway right-of-way at or near the entrance to a private road or driveway in conformity with Section 346.41 (3) of the Wisconsin Statutes.

Any person who violates any of the provisions of this section shall, on conviction thereof, forfeit not more than \$50, together with the costs of prosecution and court costs, and in default of payment thereof, shall be imprisoned in the County Jail for not more than 30 days. (28-70, 9/15/70)

## CHAPTER 11 HIGHWAYS

### 11.05 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

#### TITLE.

- A. This Ordinance shall be known as the Door County All Terrain Vehicles ("ATV") and Utility Terrain Vehicles ("UTV") Ordinance, and shall be codified as Chapter 11-05 Door County Code.

#### AUTHORITY.

- A. This ordinance is enacted under the authority granted by Sections 23.33(8)(b) & (11), and 59.02 Wisconsin Statutes.
- B. All references to the Wisconsin Statutes or Wisconsin Administrative Code include the Statute or Code in effect at the time of enactment of this Ordinance or as subsequently amended or revised.

#### PURPOSE.

- A. The purpose of this ordinance is to regulate the operation of ATV's (as defined in Section 23.33(1)(b) Wisconsin Statutes) and UTV's (as defined in Section 23.33(1)(ng) Wisconsin Statutes) under Sections 23.33(8)(b) and (11), Wisconsin Statutes.

#### OPERATION OF ATV's AND UTV's.

- A. Pursuant to Section 23.33(4)(b), Wisconsin Statutes, except as otherwise provided in Section 23.33(4), Wisconsin Statutes, no person may operate an ATV or UTV on any part of a Door County ("County") highway except those portions of County highways that are designated as ATV and/or UTV routes by this Ordinance.
- B. The operation of ATV's or UTV's on any portion of a County highway designated as an ATV and UTV route hereunder is authorized:
1. In strict conformance with and subject to all applicable laws, orders, regulations, restrictions and rules, including Section 23.33 Wisconsin Statutes and Chapter NR 64 Wisconsin Administrative Code.
  2. If, and only if, the highway is signed in accordance with Section 23.33(8) Wisconsin Statutes and rules promulgated by the DNR. The creation, placement, maintenance, repair, or replacement of ATV/UTV route signs may not require the expenditure of County funds or other County resources.
  3. Only during periods of the year designated, and is prohibited during all other periods of the year, consistent with Section 23.33(8)(d) Wisconsin Statutes and Section NR 64.12(4) Wisconsin Administrative Code.
  4. Subject to the following:
    - a. All ATV/UTV operators shall observe a speed limit of twenty five (25) miles per hour, or the applicable speed limit of the highway, or the speed limit(s) set forth in Section 23.33 Wisconsin Statutes, or the speed limit(s) set forth in Chapter 64 Wisconsin Administrative Code, whichever is lower.
    - b. ATV/ UTV operators are required, at all times, to display a lighted headlamp (white light) and tail lamp (red light) on the ATV or UTV.
    - c. ATV/UTV operators shall ride single file.
    - d. ATV's/UTV's shall be operated during daylight hours only.
    - e. No person under twelve (12) years of age can operate an ATV/UTV under any circumstances.

## CHAPTER 11 HIGHWAYS

### **COUNTY HIGHWAYS, OR PORTIONS THEREOF, DESIGNATED AS ATV AND/OR UTV ROUTES.**

- A. The following routes are designated as ATV / UTV routes:
1. The portion of County Highway(s) DK, N, D, and Y situated within the Town of Union.
  2. The portion of County Trunk Highway W situated within the Town of Washington.
  3. The portion of County Trunk Highways M, SB, and PD situated within the Town of Nasewaupée
  4. The following segments of County Trunk Highways in the Town of Gardner: All of CTH CC, CTH C from CTH CC to Stevenson Pier Road, CTH C from Meadowlark Lane to Lime Kiln Road, and CTH N from Fox Lane southerly to the Gardner Town Line.
  5. The portion of County Trunk DK in the Town of Brussels
  6. The portion of CTH H from STH 42 west to Stone Road in the Town of Forestville.
  7. The portion of CTH J from Mill Road to the easterly Forestville Village Limits.
  8. CTH C from CTH SB to Stone Road, Town of Nasewaupée
  9. CTH EE from Red Cherry Road to CTH F, and CTH F from STH 57 to Meadow Road, and CTH E from CTH A to Red Cherry Road, Town of Baileys Harbor.
  10. CTH E from CTH A to Baileys Harbor Town Line and on CTH EE from Red Cherry Road to North Maple Road.

### **ADMINISTRATION.**

- A. This Ordinance shall be administered by the Door County Highway Commissioner.

### **ENFORCEMENT.**

- A. This Ordinance may be enforced in accordance with Section 23.33(12) Wisconsin Statutes, including the issuance of a citation under Section 66.0113 Wisconsin Statutes.

### **PENALTIES.**

- A. Penalties for violation of this Ordinance shall be as set forth in Section 23.33(13) Wisconsin Statutes.

### **SEVERABILITY.**

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

### **EFFECTIVE DATE.**

- A. This ordinance shall become effective upon enactment and publication.  
B. The County Clerk shall transmit a certified copy of this Ordinance to the DNR and the Door County Sheriff's Department.

(Ord. 2012-26; 12/11/12) (Ord. 2014-02; 02/25/14) (Ord. 2016-04; 02/23/26) (Ord. 2016-08; May 24, 2016) (Ord. 2017-02; 04/18/17) (Ord. 2017-12; 11/14/17) (Ord. 2017-15; 12/19/17) (Ord. 2018-09; 4/17/18) (Ord. 2018-12; 5/22/18) (Ord. 2020-01; 2/25/20)

## CHAPTER 11 HIGHWAYS

### 11.06 Highway Commissioner

A. Appointment [§§59.18(4) & 83.01(1)(c), Wis. Stats.]

1. County administrator shall appoint the county highway commissioner. The appointment is subject to confirmation by the county board
2. County highway commissioner is subject only to the supervision of the county administrator.
3. County highway commissioner may be removed at the pleasure of the county administrator.

B. Term [§83.01(2), Wis. Stats.]

1. Term of service is indeterminate.
2. Subject to A.1. - 3. supra.

(Ord. 2019-14; 11/12/2019)