

# Vilas County Highway Setback Ordinance #18

*Note: Originally Adopted as Ordinance #5 by Vilas County Board on August 18<sup>th</sup>, 1939. All language originates from Ordinance #5 unless otherwise noted.*

*Note: Some stylistic changes have been made to make references to Highways and legal descriptions consistent throughout.*

## RESOLUTION NO. 1

An ordinance establishing setback building lines as provided by Section 59.97 of the Statutes, in Vilas County Wisconsin. The County Board of Vilas County Wisconsin, does hereby ordain:

### SECTION I – DEFINITIONS:

As used in this ordinance the following words mean:

**Setback Lines:** Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected, moved or permanently maintained. “Within” a setback line means between the setback line and the highway right-of-way.

**Temporary Structures:** A movable structure not designed for human occupancy nor for the protection of good or chattels and not forming an inclosure.

### SECTION II – FINDING AND DETERMINATION

- (1) a. **Set back lines:** That it is found and determines that public safety, welfare and convenience require the establishment of setback building lines along highways, at intersections of highways with other highways and at grade crossing intersections of highways with railroads within the County, outside the limits of incorporated villages and cities, as hereinafter provided. Such setback lines are hereby established, as provided by Section 59.97 of the Statutes. Unless otherwise described, such setback lines shall be parallel to the center lines of the highways, measured at a right angle to the center line of the highway at the distances hereinafter specified for each highway.
- b. At intersections of highways with highways where the grades are not separated, setback lines are hereby established across each sector between the intersecting highways. Such setback lines shall be straight lines connecting two points on the intersecting highway setback lines, which points are located fifty (50) feet distant from the intersections of the highway setback lines. At intersections of highways and railroads where the grades are not separated, the setback lines are straight lines across each sector between the intersecting highways and railroads, connecting points on the highway setback lines and the railroad right-of-way lines, which points are located at distances of one hundred (100) feet from the intersections of such setback lines and right-of-ways lines respectively.
- c. No building or structure of any kind, except necessary highway and traffic signs, temporary structures, and open fences through which there shall be clear vision, shall be hereafter constructed, erected or moved into the space within such setback lines. Except as herein provided no building or structures presently existing within such setback lines shall be re-moved or replaces hereafter in any way, except outside of the setback lines.
- d. No building or part of a building or structure within the established setback lines, except the open fences, necessary highway and traffic signs and temporary structures hereinbefore mentioned, shall be altered, enlarged, or added to. No repairs shall be made to any building, part of a building or structure within the established setback lines, the cost of which shall be in excess of 50% of the assessed value of such building, provided such repairs entail no further encroachment of the setback line.

*History: Original from Vilas County Highway Setback Ordinance #5, enacted August 18, 1939*

*Amended by Vilas County Highway Setback Ordinance #18, enacted March 25, 1955*

e. The provisions of paragraphs “e” and “d” of this section as they effect “temporary structures” shall not apply to the area within the setback lines established across the sectors at the intersection of highways or highways and railways.

f. The provisions of paragraph “b” shall not apply to Class A highways.

(2) **County Line Highways:** In all cases where any of the highways for which set back lines are established by this ordinance are located on the county line, such establishments shall apply only within this county.

### SECTION III – SETBACK LINES ESTABLISHED

For the purpose of this ordinance, all highways in Vilas County outside of the limits of incorporated cities and villages, are divided into Class “A” highways, Class “B” highways, and Class “C” highways.

(1) **Class “A” highways:** For the following highways or parts of highways herein designated as Class “A” highways, setback lines shall be located parallel to the center line at the distances herein specified:

USH 51 from the Oneida County line north to the SW corner of Government Lot 2, Section 36, T 40 N, R 6 E, the setback line is established at a distance of seventy (70) feet from each side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

On Northern Highland State Forest Road “M”, beginning at the south line of Government Lot 1, Section 20, T 42 N, R 7 E, thence northerly to the north line of Section 20, and extending northerly five hundred (500) feet into Section 17, and on Northern Highland Forest Road “K”, through Government Lot 1, Section 20, T 42 N, R 7 E, and extending westerly to the ¼ corner between Sections 17 & 20. The setback line is established a distance of forty (40) feet each side of the centerline.

*History: Original from Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

*Amended Resolution No. 5, enacted November 15, 1940.*

On USH 45 through the South ½ of SE ¼, SW¼. Section 4, the NE¼, NW¼, Section 9, and the North ½ of SE¼, SW¼, Section 9, all in T 41 N, R 10 E., the setback line is established at a distance of thirty (30) feet on the west side of the centerline and seventy (70) feet on the east side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

On CTH “D” in Government Lot 3, Section 8, T 40 N, R 5 E, the setback line is established at a distance of fifty (50) feet on each side of the centerline beginning at the intersection with STH 47 thence southwesterly to Mud Lake.

*Original from Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

*Amended by Vilas County Highway Setback Ordinance #17, enacted March 23, 1955.*

*Note: Mud Lake is now known as Moss Lake.*

On STH 47 in Government Lot 4, Section 5, T 40 N, R 5 E, and Government Lot 3, Section 8, T 40 N, R 5 E., the setback line is established at a distance of sixty (60) feet each side of the centerline beginning at the west side of Section 8 and extending easterly to the intersection of STH 47 and 7<sup>th</sup> Street.

*Original from Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

*Amended by Vilas County Highway Setback Ordinance #17, enacted March 23, 1955.*

Setback on STH 47 from the Oneida County Line 0.6 mile west to be fifty (50) feet each side of centerline.

*History: Resolution 67-64, adopted November 14, 1967.*

On USH 45 beginning at the Eagle River City limits and extending east and south to a point 150 feet north of the north line of the SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub> of Section 34, T 40 N, R 10 E, the setback line is established at a distance of seventy-five (75) feet each side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

On USH 45 that part of the NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Section 4, T 41 N, R 10 E, lying within the “Y” formed by the railroad spurs and said USH 45, the setback line is established at a distance of seventy (70) on the East side of the center line of said U.S. 45 and thirty (30) feet on the West side of the center line.

*History: Ordinance No 35, enacted April 16, 1957, effective May 26, 1957.*

On USH 45 through the N<sup>1</sup>/<sub>2</sub> of the SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Section 4, T 41 N, R 10 E, the setback line is established at a distance of seventy (70) feet on the east side of the center line and thirty (30) feet on the West side of the center line.

*History: Ordinance No 35, enacted April 16, 1957, effective May 26, 1957.*

On CTH “E” though Government Lot 4, Section 2, T 41 N, R 11 E and through the SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> and Government Lot 3 of Section 35, T 42 N, R 11 E, the setback line is established at a distance of fifty (50) feet each side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

On STH 70 through Government Lot 2, Section 2, T 41 N, R 11 E and extending north through Government Lot 3 to a point one hundred (100) feet south of north boundary of Government Lot 3, the setback line is established at a distance of fifty (50) feet each side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

*Note: This highway was renumbered as STH 17 in 1947 with no corresponding ordinance change.*

On STH 70 starting from a point one hundred (100) feet south of the north line of Government Lot 3, Section 2, T 41 N, R 11 E, thence north 328 feet thence east 338 feet to junction with CTH “E”, the setback line is established at a distance of thirty-three (33) feet on each side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

*Note: This highway was renumbered as STH 17 in 1947 with no corresponding ordinance change.*

On STH 70 starting from the junction with CTH “E” in Government Lot 4, Section 2, T 41 N, R 11 E, and extending easterly to the east line of Section 2, the setback line is established at a distance of fifty (50) feet each side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

*Note: This highway was renumbered as STH 17 in 1947 with no corresponding ordinance change.*

On CTH “B” from the south limit of Blocks 1 and 7 to the north limits of Blocks 5 and 4 of the recorded plat of the village of Presque Isle, the setback line is established at a distance of fifty (50) feet each side of the centerline.

*History: Original: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939. Amended Ordinance No. 59, enacted September 15, 1959.*

On USH 51 through Government Lots 2 and 3, Section 9, T 42 N, R 5 E, and Government Lot 8, Section 4, T 42 N, R 5 E, the setback line is established at a distance of sixty (60) feet each side of the centerline.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

CTH “P”, “S”, “A”, “F”, and “KK” be designated Class “A” highways with a setback line of seventy-five (75) feet.

*History: Vilas County Highway Setback Ordinance #18, enacted March 24, 1955*

*Notes: CTH is now part of CTH K.*

On State Forest Road “N” in Section 25 and N½ of Section 36, both in T 41 N, R 7 E, the setback line be established at a distance of fifty (50) feet each side of the center line.

*History: Ordinance No. 30, enacted June 14, 1956.*

Setback to fifty (50) feet of for the West four hundred forty (440) feet of Government Lot 3 in Section 18, T 43 N, R 6 E, of the Fourth Principal Meridian, in the Town of Presque Isle, Vilas County, Wisconsin, lying North of County Trunk P.

*History: Ordinance No. 85, enacted September 16, 1969.*

- (2) Class “B” highways: For all highways or parts of highways herein designated as Class “B” highways, setback lines located parallel to and distant one hundred (100) feet from the centerline are hereby established, on each side of the highway. The following highways are hereby designated as Class “B” highways:

All highways designated as State Trunk Highways [STH], U.S. Highways [USH], County Trunk Highways [CTH] and State Forest Roads, B, K, M, N, O, the Star Lake-Conover Road, except those parts of such highways as are designated as Class “A”.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

On Northern Highland Forest Road “M” beginning at the south line of the NE¼ of Section 20, T 42 N, R 7 E; thence northerly to the north line of Section 20 and extending northerly along said State Forest Road “M” as it is presently located and as it proceeds though Section 17 and Section 16 to the center of Section 9, all in T 42 N, R 7 E, Vilas County, Wisconsin, and on Northern Highland State Forest Road “K” through Government Lot 1, Section 20, T 42 N, R 7 E, and extending westerly to the west line of Sections 17 and 20. The setback line is established a distance of fifty (50) feet each side of the center line.

*History: Vilas County Highway Setback Ordinance #18, enacted March 24, 1955.*

The setback line [shall be] seventy-five (75) feet as to that strip of road from the intersection of CTH “N” and “K” through Sections 14, 15 and 10 along CTH “K” in T 41 N, R 8 E.

*History: Ordinance No. 48, enacted November 12, 1957.*

Government Lot 6, Section 8, T 40 N, R 5 E. (Property North of Elf L Lodge) Change set back from one hundred (100) feet from centerline to fifty (50) feet.

*History: Ordinance No. 51, enacted June 17, 1958.*

*Note: This is taken verbatim from above Ordinance passed. As CTH D is the only County highway within Government Lot 5, Section 8, Town 40 North, Range 5 East and this section abuts a portion of CTH D with a 50 foot setback listed in the Class A portion, it is assumed this is effective on this stretch of road. It is unknown how the parenthetical portion of this Ordinance affects the setback at this time.*

Setback of seventy (70) feet from centerline be put into effect on CTH “W” from the East West Quarter (EW¼) line, Section 9, T 42 N, R 5 E, south to USH 51. Also, sublots 3 and 5 of Lot No. 155, Plat of Rest Lake, Gov’t Lot 3, Section 9, T 42 N, R 5 E.

*History: Resolution No. 460, adopted October 30, 1959.*

Setback line on STH 70, in the Town of Arbor Vitae, shall be ten (10) feet beyond the right-of-way from the west line of Section 29, T 40 N, R 7 E, easterly for a distance of six hundred (600) feet on the north side of STH 70.

*History: Ordinance No. 84, enacted September 16, 1969.*

*Note: It is unclear how this affects the setback along STH 70 since the right of way has been relocated within Section 29.*

Commencing where the centerline of CTH B intersects the West line of Section 31, T 43 N, R 8 E on the West Township line of the Town of Land o' Lakes, thence along said CTH B extending northeasterly through Sections 31, 29, 28, 27, 23, and 24 to the West line of Section 19, T 43 N, R 9 E, thence extending southeasterly through Sections 19, 20, 29, 32, 33, 34, 35, & 36, T 43 N, R 9 E and also through Section 1, T 42 N, R 9 E to the West line of Section 31, T 43 N, R 10 E, thence extending easterly through Sections 31, 32, and 33, T 43 N, R 10 E and through Section 5 and 4, T 42 N, R 10 E to the West line of Section 34, T 43 N, R 10 E, thence extending easterly to the North-South ¼ line of said Section 34, the established highway setback is one hundred (100) feet from each side of Hwy. B centerline.

*History: Ordinance No 2002-4A, enacted June 18, 2002.*

Commencing where the centerline of CTH B intersects the North-South ¼ line of Section 34, T 43 N, R 10 E, thence along side Hwy. B extending northeasterly through Sections 34, and 35 to a point where said CTH B intersects USH 45 and STH 32, the established highway setback is fifty (50) feet from each side of CTH B centerline.

*History: Ordinance No. 2002-4A, enacted June 18, 2002.*

- (3) Class “C” highways: All highways in Vilas County not otherwise classified are hereby classified as Class “C” highways. For all Class “C” highways the provisions of this ordinance shall apply only at the intersection of such Class “C” highways and Class “B” highways.

The provision of paragraph “b”, Subsection 1 of Section II of this ordinance shall be applied along the highway right-of-way line as they affect Class “C” highways.

*History: Ordinance #5, enacted August 18, 1939.*

- (4) Where the setback lines cannot be established on Class “B” highways equi-distant from the centerline, they shall be located so that the full distance between the setback lines is maintained.

*History: Vilas County Highway Setback Ordinance #5, enacted August 18, 1939.*

#### SECTION IV – BUILDING PERMIT:

- (1) No building or structure or any part thereof adjacent to Class A or Class B highways shall hereafter be built, enlarged, altered, or moved within the County of Vilas, outside of the limits of incorporated cities and villages, unless a permit shall first be obtained by the owner or his agent from the County Highway Commissioner of Vilas County, Wisconsin. The term “building” as used in this section shall include any building or structures and any enlargement, alteration, or moving of any building or structure.
- (2) Application for a building permit shall be made in writing upon a blank form furnished by the County Highway Commissioner of Vilas County and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, and shall describe fully the location of the building on the land and in relation to the streets or highways and the purpose for which it is to be used.
- (3) If the County Highway Commissioner finds that the proposed building will comply in every respect to this ordinance, he shall issue a building permit therefore which shall be kept at the site of the proposed building.

- (4) A building permit shall have lapsed and be void unless building operations are commenced within six months from the date of its issuance.
- (5) No fee for the issuance of a building license or permit under the terms of this ordinance shall be required.
- (6) Nothing herein contained shall require any change in the plans, construction, or intended use of a building for which plans have been prepared heretofore, and the construction of which shall have been diligently prosecuted within one month after the date of passage of this ordinance and the ground story framework of which, including the second tier of beams, which have been completed within six months after the date of passage of this ordinance.
- (7) Nothing herein contained shall require the application for or issuance of a license for the restoration of a building destroyed by fire, explosion, act of God or act of the public enemy, subsequent to the passage of this ordinance when such use is destroyed to the extent of less than 25% of its assessed valuation according to the assessment for the fiscal year in which such destruction occurs.

SECTION V – ENFORCEMENTS:

- (1) It shall be the duty of the County Zoning Administrator, in conjunction with the District Attorney, to enforce the provisions of this ordinance.  
*History: Ordinance No 111, enacted April 16, 1975.*
- (2) It shall be the continuing duty of the County Highway Commissioner to report to the Zoning Administrator any violations of this ordinance.  
*History: Ordinance No. 111, enacted April 16, 1975.*
- (3) This ordinance shall be enforced by the County Highway Committee.

It shall be the duty of the County Highway Commissioner to serve notice, by personal service, upon any person violating any of the provisions of this ordinance and to immediately thereafter, serve a copy of said notice of violation upon the district attorney, the county clerk and the chairman of the Highway Committee. The Highway Committee shall thereupon, in its discretion, report the same to the District Attorney and shall sign a complaint for said violation. It shall be the duty of the district attorney to expeditiously prosecute all such violations where such complaint is signed.

*History: Vilas County Highway Setback Ordinance #18, enacted March 24, 1955.*

SECTION VI – BOARD OF ADJUSTMENT:

There shall be a Board of Adjustment consisting of three (3) members to be appointed by the chairman of the County Board with the approval of the County Board and in accordance with subsection two (2) of section 59.99 of the Wisconsin Statutes as amended by the laws of 1935.

Powers and Duties

1. The board shall meet at the call of the chairman, and at such other times as the board may determine, at a fixed time and place.
2. All meetings of the board shall be open to the public.
3. The board shall keep minutes of its proceedings showing vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its

examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

4. The board shall have power to call on any other county departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.
5. The board may adopt such rules as are necessary to carry into effect the regulations of the county board.

### Appeals

Appeals to be Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Vilas County affected by any decision of the administrative officer. Such appeals shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the board of adjustment after the notice of appeal shall have been filed with him by any reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by the court of record on application or notice to the officer from whom the appeal is taken and due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, by publication and also posting in not less than three (3) public places, as well as written notice to the parties in interest. Written notice of such hearing shall also be given to the local town board or alderman. Appeals must be decided within a reasonable time. Upon hearing, any party may appear in person or by attorney. The Board of Adjustments shall have the following power:

- a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official.
- b. To hear and decided special exceptions to the terms of this ordinance.
- c. To grant a permit for the erection of a single family dwelling on a lake shore within the setback line, when such setback line is not over 50 feet from the said center line of the highway.
- d. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the board of adjustment shall have the power, in passing upon appeals, to authorize such variance from the terms of this ordinance as will not be contrary to the public interest and so that the intent of the ordinance shall be observes and substantial justice done.

*Vilas County Highway Setback Ordinance #5, enacted August 18, 1939. Amended Ordinance No. 59, enacted September 15, 1959.*

The Board of Adjustment shall receive the same per diem and mileage rate as members of other county board committees.

*Vilas County Highway Setback Ordinance #18, enacted March 24, 1955.*

### SECTION VII – VIOLATION AND PENALTY:

No person, firm, association, or corporation shall construct, erect, alter, or move and building or structure into or within the setback lines in violation of the provision of this ordinance. Any person, firm, association or corporation convicted of any violation of this ordinance shall be fined not more than ten (\$10.00) dollars, and be required to remove any buildings, structure or part thereof found to be in violation of this ordinance at his or its sole expense within thirty days of such conviction. Thereafter every day that such violation is permitted to continue shall be a separate offense.

*Amended April 20, 1955 Page 39 Minutes Zoning Commission*

**SECTION VIII – SAVING CLAUSE:**

The several terms and provisions of this ordinance shall be deemed severable, and if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons and circumstances shall not be effected thereby.

*Amended April 20, 1955 Page 39 Minutes Zoning Commission*

**SECTION IX – EFFECTIVE DATE:**

This ordinance shall become effective immediately upon publication.