

ORDINANCE 2021-11

AN ORDINANCE TO AMEND THE ZONING CODE AND RELATED CODE PROVISIONS REGARDING THE REQUIREMENTS FOR A VISION TRIANGLE AT CORNER LOTS

Purpose: To amend the Zoning Code and related Code provisions to revise the requirements that a vision triangle be maintained at corner lots.

Sponsor: Community & Economic Development Director Andrew Bremer

Recommended Referral: Plan Commission (Required)

Public Hearing: Required; Preceded by Class 2 Notice

WHEREAS, the Zoning Code requires that a vision triangle be maintained for traffic safety purposes; and

WHEREAS, the current regulations regarding vision triangles are in need of clarification; and

WHEREAS, the Village Board finds that amending the Zoning Code and related provisions of the Code with respect to vision triangles is in the public interest.

NOW, THEREFORE, the Village Board of the Village of McFarland, does ordain as follows:

1. Section 62-4(156) is amended to read as follows:

(156) *Vision triangle.*

A vision triangle is the triangular area located at the street corner formed by connecting the point of intersection of the curbs of the intersecting streets, or the point of intersection of the asphalt edges of the streets if no curb is present, with two other points located a distance away from the point of intersection along the line of the intersecting curb, or the asphalt edge of the street if no curb is present.

On collector and arterial streets, the distance away from the point of intersection to the point along that collector or arterial street is 35 feet. For local streets, the distance away from the point of intersection to the point along that street is 30 feet. For private streets, the distance away from the point of intersection to the point along that street is 25 feet. For alleys, the distance away from the point of intersection to the point along that alley is 20 feet. The functional classification of streets and alleys shall be determined by the Village Engineer consistent with the definitions provided under Section 56-2.

2. Section 62-169. – Vision clearance, is amended to read as follows:

No structure, screening, vegetation or embankment of any kind shall be erected, placed, maintained or grown between the heights of three feet and ten feet above the top of the adjacent curb, or edge of asphalt if no curb is present, within a vision triangle. This prohibition does not apply to mailboxes, natural landscaping permitted adjacent to mailboxes under Section 59-59(c)(1), Village approved street trees, traffic and other government signs, and government utilities. This section is not a limitation on the Village's authority to prohibit and regulate any other visual obstruction to a street or alley, which regulations include, but are not limited to, those provisions set forth under Section 59-27.

3. Section 59-27.- Trees and shrubbery obstructing view at intersection or view of traffic signs, is amended to read as follows:

- (a) Notwithstanding any other provision of this Article, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village any hedge, tree, shrub or other growth that may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection. These restrictions apply to all areas in the Village, including those areas outside of a vision triangle, as defined in Section 62-4(156).
- (b) It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind that is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) No vegetation shall be between the heights of three feet and ten feet above the top of the adjacent curb, or edge of asphalt if no curb is present, within a vision triangle, as defined in Section 62-4(156), unless otherwise authorized by the Village.
- (d) If the Village Forester determines that a property, or property owner, is not in compliance with this Section, then the Village Forester may, by written notice, order the owner or occupant of the property, or other responsible person, to remove or trim the tree, shrub, or other vegetation, and to take such other action to comply with this Section. If such owner or occupant fails, within ten days of posting or mailing of the notice, to comply with the order, then the Village Forester and/or Director of Public Works may order Village employees to trim the vegetation or otherwise remove the obstruction. The cost of trimming vegetation and removing the obstruction shall be levied and collected as a special charge upon the property pursuant to Wis. Stats. § 66.0627. Notwithstanding the foregoing, if the Village Forester determines that the vegetation or other obstruction is so great as to require immediate mitigation, no notice is required and the Village may take

immediate action to mitigate the hazard and levy a special charge upon the property for the cost of such action.


- (e) Any person who is an owner, occupant, firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (d) of this Section shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-16.

4. Section 59-59(c)(2) is amended to read as follows:

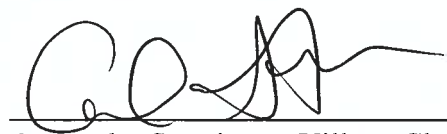
No natural landscaping shall be higher than three feet above the top of the adjacent curb, or edge of asphalt if no curb is present, within a vision triangle, defined in Section 62-4(169) except as provided in Section 59-59(c)(1).

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the _____ day of _____, 2022.

APPROVED:


 Carolyn Clow, Village President

ATTEST:


 Cassandra Suettinger, Village Clerk-Treasurer

ORDINANCE 2021 – 11	
MOTION	SECOND
Clow	St. Clair
ACTION	DATE
Adopted	01/10/2022
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Clow – Aye	Wreh - Aye
Brassington – Aye	Flaherty – Aye
Nelson – Aye	St. Clair – Aye
Rupert – Aye	
VOTING RESULTS	
Motion Carried	7 – 0 – 0
Motion Defeated:	