Article G: Signs, Canopies, Awnings and Billboards

Sec. 13-1-100 Purpose of Sign, Canopy and Awning Regulations.

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 tenant 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 Village of Elk Mound; painting, posting and general maintenance are excepted.

Sec. 13-1-101 Signs, Canopies, Awnings and Billboards—Definitions.

(a) The following definitions are used in this Article (Note: Not all types of signs defined herein are permitted under this Article):

(1) ***Abandoned Sign.*** A sign which no longer correctly advertises a bona fide business, owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

(2) ***Animated Sign.*** Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of physical position.

(3) ***Area of Copy.*** The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration.

(4) ***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 section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface.

(5) ***Awning.*** A movable 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. For purposes of this Article, an "awning sign" is any awning. Decorative awnings without lettering or imagery are not considered signs.

(6) ***Banner.*** A banner sign is generally constructed of a flexible non-rigid material (i.e. canvas, cloth, plastic, etc.) upon which goods, events or advertising has been placed, mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

(7) ***Billboard.*** A flat surface, as of a panel, wall or fence on which signs are posted advertising goods, products, 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.

(8) ***Blanketing.*** The unreasonable obstruction of view of a sign caused by the placement of another sign.

(9) ***Building Front.*** The horizontal, linear dimension of that side of a building which faces a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts a building side with an entrance open to industrial employees also shall qualify as a building front.)

(10) ***Bulletin Board.*** A sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

(11) ***Canopy.*** Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.

(12) ***Canopy Sign.*** Any sign attached to or constructed in, on or under a canopy for the purpose of this Article, canopy signs shall be controlled by the rules governing projecting signs.

(13) ***Changeable Message Sign.*** A sign such as a manual, electronic or electric controlled time and temperature sign message center, or reader board, whether electronic or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

(14) ***Copy Area.*** The geometric area in square feet that encloses the actual copy message of the sign.

(15) ***Directional Sign.*** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot and does not contain any advertising copy.

(16) ***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.

(17) ***Directory Sign.*** Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.

(18) ***Display Surface or Face.*** The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.

(19) ***Distance of Sign Projection.*** The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

(20) ***Electric Sign.*** Any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.

(21) ***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 or segmented message displays.

(22) ***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.

(23) ***Flat Sign/Flush Mounted.*** See definition for "Wall Signs."

(24) ***Freestanding (Ground and/or Pylon Sign).*** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

(25) ***Grade.*** The elevation or level of the sidewalk closest to the sign to which reference is made. If no sidewalk is present, then grade shall be defined as the elevation or level of the street at the same point, measured at the street's centerline.

(26) ***Gross Area.*** The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area of Copy apply.

(27) ***Ground Sign.*** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building. Also known as a "freestanding sign."

(28) ***Height of Sign.*** The vertical distance measured from the mean centerline street grade to the highest point of the sign. If sign and sidewalk are not in essentially parallel planes, then measured vertically at the horizontal midpoint of the sign.

(29) ***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.

(30) ***Illuminated Awning.*** An internally illuminated awning fabricated from a translucent material, or one which is backlighted as to appear to illuminate the awning sign. An illuminated awning may be used for an awning sign when other requirements are met.

(31) ***Illuminated Canopy.*** An internally illuminated canopy, or one which is backlighted as to appear to illuminate the canopy sign.

(32) ***Illuminated Sign.*** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

(33) ***Indirectly Illuminated Sign.*** A sign that is illuminated from a source outside of the actual sign.

(34) ***Joint Identification Sign.*** A sign which serves a common or collective identification for two (2) or more businesses or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof.

(35) ***Legal Non-Conforming Sign.*** Any sign which was already in existence and displayed on the effective date of this Article, which met code requirements when originally installed, but not meeting the requirements and limitations of this Article.

(36) ***Marquee.*** 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.

(37) ***Marquee Sign.*** Any sign attached to or constructed in a marquee.

(38) ***Nonconforming Sign.*** Any sign which does not conform to the regulations of this Article.

(39) ***Off-Premise Third Party Sign.*** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.

(40) ***On-Premise Sign.*** A sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.

(41) ***Painted Wall Signs.*** Signs painted directly onto a building wall.

(42) ***Political Sign.*** Any sign displaying a candidate for an election, or a current referendum's or election's subject matter.

(43) ***Portable Sign/Message Boards.*** Any sign not permanently attached to the ground or a building which is designed to be easily moved from one location to another.

(44) ***Projecting Sign.*** A sign other than a wall sign which projects from a wall or roof and is supported by a wall or roof of a building. (See "Wall Sign".)

(45) ***Pylon Sign.*** Any freestanding sign mounted on a pole or other pylon.

(46) ***Real Estate Sign.*** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

(47) ***Roof Line.*** The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.

(48) ***Roof Sign.*** A sign erected upon or above the roof line or parapet of the building or structure.

(49) ***Sandwich Sign.*** A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the roadway.

(50) ***Sign.*** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

(51) ***Sign Contractor.*** Any person, partnership or corporation engaged in whole or in part, in the business of erection or maintenance of signs, excluding the business which the sign advertises.

(52) ***Sign Inspector.*** That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this Article. In the Village of Elk Mound, the Sign Inspector will be the Zoning Administrator or Building Inspector.

(53) ***Sign Permit.*** A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to this Article and the Building Code of the Village of Elk Mound.

(54) ***Sign Structure.*** Any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.

(55) ***Subdivision Identification Sign.*** A sign identifying a subdivision wherein only the name of the subdivision is specified.

(56) ***Swinging Sign.*** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging.

(57) ***Temporary Sign.*** Any sign which is erected or displayed for a limited period of time not to exceed thirty (30) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed thirty-two (32) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Article, a portable sign is not a temporary sign.

(58) ***Time and Temperature Sign.*** An electrically controlled sign displaying time and temperature for public service information and may be incorporated into a business identification sign.

(59) ***Third Party Sign.*** Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.

(60) ***Wall Sign.*** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.

(61) ***Window Sign.*** Any sign located completely within an enclosed building and visible from a public way. For purposes of this Article a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

Sec. 13-1-102 Required Permits for Signs, Canopies, Awnings and Billboards.

(a) **Permit Required.**

(1) Except those specified in Section 13-1-103, no sign, billboard, awning or canopy, as defined in this Article, 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 Article.

(2) Signs also shall meet all other structural requirements of other applicable codes and ordinances of the Village of Elk Mound.

(3) Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

(4) The required sign permit fee shall accompany each sign application and shall be required for all new signs and any modifications of any existing sign face or sign structure.

(5) Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.

(b) **Application for a Permit.** Any person, firm, corporation or organization desiring to place, erect, alter or relocate a sign, as herein defined, except an exempt sign, shall make application to the Zoning Administrator and shall provide in writing the following information:

(1) The name, address and telephone number of the applicant.

(2) The name and address of the owner or owners of the premises upon which the sign is to be attached or erected, including written proof of consent from the property owner upon which the sign(s) are to be erected and maintained.

(3) The street number and street name or tax parcel number of the land upon which the sign is to be attached or erected.

(4) A legible scaled drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign's proposed location on the building or site.

(5) The basic materials to be used in the construction of the sign.

(6) The name, address and telephone number of the owner of the sign if he or she is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.

(7) A description of all electrical equipment if the sign is to be lighted or illuminated.

(8) Proof of payment of the appropriate sign permit fee, when required.

(9) Any other item of information that may be reasonably required by the Zoning Administrator or other Village officials for the purpose of application evaluation.

(c) **Plan Commission Application Review.** If the application is complete and the sign conforms to the basic requirements of this Article, the following actions shall be taken:

(1) If the sign is less than six (6) square feet in area, the Zoning Administrator may issue a permit.

(2) If the sign is larger than six (6) square feet, the sign shall be reviewed by the Plan Commission, except those signs designated in Section 13-1-106.

(3) The Plan Commission shall review all applications within thirty (30) days of submittal. The Plan Commission shall review the applications and apply the established Sign Design Review Guidelines prescribed in Subsections (d) and (e). If the Plan Commission cannot act to approve, deny or to agree with the applicant to extend the time within the thirty (30) day review period, the Zoning Administrator shall be authorized to act on the application using the established Sign Design Review Guidelines.

(d) **Basis for Granting.** In reviewing a sign permit application, the Zoning Administrator and/or Plan Commission may consider the following factors in deciding whether or not to grant the issuance of a sign permit [see also Subsection (e) below):

(1) Whether the sign is designed, installed, and maintained to promote the surrounding environment desired by the general public, pursuant to the objectives of proper design and zoning criteria.
(2) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
(3) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.
(4) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
(5) Whether the sign is in compliance with the provisions of this Article.
(6) Whether the sign is in compliance with the provisions of this Code of Ordinances relating to traffic safety, traffic visibility setbacks, historic preservation and zoning.

(e) **Sign Design Review Guidelines.** In addition to the criteria established in Subsection (d) above, the following Sign Review Guidelines shall be used by the Plan Commission in acting on sign permit applications and by the Zoning Board of Appeals in acting on appeals or variance requests:
(1) Any signage affixed to a building should be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
(2) All signs should be designed to fit the zoning and status character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in special planning areas, such as the downtown, or historic preservation areas, will be required to conform to the planned dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a residential nuisance.
(3) As a general guidelines and where feasible, ground mounted, free standing signs larger than six (6) square feet shall be located at least one hundred (100) feet apart.
(4) Signs illuminated by floodlight or spotlights must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians, and may not exceed three (3) footcandles at the lot line.
(5) As a general guideline, the number of colors and materials should be kept to a minimum.
(6) Landscape features will be encouraged as part of all ground mounted signs. Landscape plantings or other landscape materials will not be counted as part of the allowable signage area.

(f) **Permit Issuance/Denial.**
(1) All sign permit applications shall be reviewed by the Zoning Administrator who shall deny or grant such applications or refer the application to the Plan Commission, within ten (10) business days of receipt of the complete application and payment of fee. If the sign meets the requirements of this Article, all other ordinances of the

Village and the approval of the Plan Commission as established herein, the Zoning Administrator shall issue a permit therefor.

(2) If the sign permit is denied by the Zoning Administrator or Plan Commission, within five (5) days, a written notice of the denial shall be provided to the applicant, together with a brief written statement of the reasons for the denial.

(3) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(g) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who may inspect the premises to inspect whether the sign complies with the regulations of this Article.

(h) **Appeal of Denial of Sign Permit.**

(1) Any decision of the Plan Commission or Zoning Administrator under this Article may be appealed to the Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of permit denial.

(2) A majority vote of the Board of Appeals is required to modify the earlier determination of the Zoning Administrator or Plan Commission.

(i) **Permit Revocation; Appeal.**

(1) A sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.

(2) The holder of a revoked sign permit may appeal such revocation action to the Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of the original permit revocation.

(3) Upon any permit revocation or failure to prevail before the Board of Appeals, the sign(s) subject to such revoked permits shall be removed by the licensee within thirty (30) days of such revocation.

(4) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.

(j) **Standards for Board of Appeals in Reviewing Appeals.** The Board of Appeals may authorize upon appeal, in specific cases, issuance of a sign permit when such decision will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship and so that the spirit of this Article shall be observed and substantial justice done. No Board of Appeals's appellate decision shall have the effect of allowing in any district uses prohibited in that district or permit standards significantly lower than those required by state law or this Article.

(k) **Stay of Proceedings During Appeals.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her

opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

(l) **Signs in Historic Districts.** In addition to these sign regulations, all signs within any historic district shall be subject to the provisions of the Village's Historic Preservation Code.

(m) **Permit Validity.** Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within one hundred eighty (180) days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

Cross-Reference: Section 13-1-113, Variances.

Sec. 13-1-103 Signs Not Requiring a Permit.

The following signs may be erected and maintained in all zoning districts, except where noted, without a permit and without being deducted from gross sign surface area permitted.

(a) **Bulletin Boards.** One bulletin board per street frontage, and not over thirty-two (32) square feet in area, for public, charitable or religious institutions located on site.

(b) **Government Signs.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty. Included within this definition are off-premise institutional signs.

(c) **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way.

(d) **Memorial Signs.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building.

(e) **Occupant Signs.** Signs limited in content to name of occupant, address of premises, and signs of danger. Occupant signs shall be a maximum of one (1) per street front and no more than three (3) square feet in sign area.

(f) **Governmental Notices.** Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes or to identify streets or to warn of danger.

(g) **Temporary Construction Safety Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.

(h) **Traffic and Service Signs on Private Premises.** Traffic and parking signs and devices privately-owned and on private premises, and containing messages such as "exit only", "restricted for _____", and the like, the sole purpose of which is to direct and control traffic on the premises and which does not exceed ten (10) feet in height nor contain more than twelve (12) square feet per face. 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 permit under this exception.

(i) **Signs Required by Law.** Signs required by law, statute or ordinance, constructed and maintained according to the law, statute or ordinance under which the sign was erected.

(j) **Real Estate Signs.** One sign per street frontage may be placed on the offered property and shall not be more than seven (7) square feet in size for residential property and not more than thirty-two (32) square feet in area for non-residential property. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company, or individuals and their respective addresses and telephone numbers, posting the sign. Such signs shall be removed within thirty (30) days after sale, rental or lease of the property.

(k) **Signs in Display Windows.** Signs in the display window of a business which relate to services or products offered therein. This display sign exception is only permitted for properties in the following zoning districts: B-1 General Commercial District and B-2 Highway Commercial District. The window sign must direct attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises. Window signs shall be placed only on the inside of commercial buildings and shall not exceed thirty-five percent (35%) of the glass area of the pane upon which the sign is displayed.

(l) **On-Premise Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.

(m) **On-Premise Temporary and Portable Signs in Residential Districts.** Temporary or portable signs under twenty (20) square feet for the purpose of an on-site open house, model home demonstration, special event such as a birthday or anniversary, and for five (5) days thereafter, but may not exceed a total period of thirty (30) days per twelve (12) month period.

(n) **Civic Event Temporary Signs.** Temporary off-premises signs not exceeding four (4) square feet in residential or public lands districts, or thirty-two (32) square feet in the B-1, B-2, B-3 and I-1 Districts, pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations, provided such signs are posted not more than thirty (30) days before said event and removed within seven (7) days after the event.

(o) **Political Signs.** Political message, public election or referenda signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats., limited to one (1) per premises per

candidate or referenda question. Political signs may be posted sixty (60) days before an election and must be removed within seven (7) days after said election. Said sign shall be a maximum of sixteen (16) square feet.

(p) **Rummage/Garage Sale Signs.** Rummage or garage 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. Rummage or garage sale signs may only be located on the day of the garage sale within street right-of-way lines between the private property line and the pavement edge with the permission of the adjoining private property owner or renter in a location which does not create a visibility or traffic hazard (as determined by the Zoning Administrator or a law enforcement officer).

(q) **Open/Close Signs.** Illuminated and non-illuminated signs not exceeding ten (10) square feet in area announcing that a business is open or closed.

Sec. 13-1-104 Residential Signs Requiring a Permit.

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-103, the following nonflashing, nonilluminated signs (except as otherwise provided) are permitted under the conditions specified in all residential, mobile home, and agricultural districts, and planned unit developments (residential) established by the Village's Zoning Code.

(a) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:

(1) ***Content.*** The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, of lots for sale, or for the identification of other nonresidential uses under construction.

(2) ***Area, Number and Setback.*** Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.

(3) ***Height.*** No sign shall project higher than eight (8) feet above curb level.

(4) ***Time Limitations.*** The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit or when the parcels being advertised are sold, whichever occurs first.

(b) **Permanent Subdivision Identification Signs.** Subject to the following:

(1) ***Content.*** The signs shall bear only the name of the subdivision or development.

(2) ***Area and Number.*** There shall be not more than two (2) signs located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area. Such identification signs shall only be erected after review and approval by the Zoning Administrator.

(3) ***Height.*** No sign shall project higher than twelve (12) feet above curb level.

(4) ***Location.*** The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign.

(c) **Nonflashing, Illuminated Church Bulletins.** Subject to the following:

(1) ***Area and Number.*** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed thirty-two (32) square feet in area nor be closer than five (5) feet from any lot line.

(2) ***Projection.*** No sign shall project beyond the property line into the public right-of-way.

(3) ***Height.*** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.

(d) **Bed and Breakfast Signs.** Subject to the following:

(1) ***Content.*** The sign shall bear only the name, address and other pertinent information regarding the bed and breakfast establishment.

(2) ***Area and Number.*** There shall not be more than one (1) sign per lot street frontage. No sign shall exceed sixteen (16) square feet in area. Such sign shall have a ten (10) feet setback from a public right-of-way or lot line.

(3) ***Projection.*** No sign shall project beyond the property line into the public right-of-way.

(4) ***Height.*** No sign shall project higher than six (6) feet above the street level.

(e) **Home Occupation/Professional Home Office.** Subject to the following:

(1) ***Content.*** The sign shall bear only the name, address, hours and other pertinent information regarding the on-site home occupation or professional home office maintained in compliance with the Village's Zoning Code.

(2) ***Area and Number.*** There shall not be more than one (1) sign per lot. No sign shall exceed six (6) square feet in area. Such sign shall have a ten (10) foot setback from a public right-of-way or lot line.

(3) ***Projection.*** No sign shall project beyond the property line into the public right-of-way.

(4) ***Height.*** No sign shall project higher than six (6) feet above the street level.

Sec. 13-1-105 Commercial and Industrial Signs Requiring a Permit.

(a) **Permitted Signs.** The following signs shall require a permit to be issued by the Village of Elk Mound. Signs may be permitted in specific zoning categories, subject to the following restrictions.

(b) **Height and Setback Requirements.** In commercial or industrial zoning districts where setbacks are required for building construction, no part of any sign shall extend over the property line. In zoning districts where no front yard setbacks are required, a sign must be

attached to the building and shall project no more than four (4) feet over the abutting public sidewalk or established street grade.

(c) **Number of Signs Permitted.**

(1) ***Total Number.*** No more than two (2) signs of any type shall be located at any business, except that premises occupied by a shopping center may, as an alternative, have one (1) detached directory sign plus one (1) wall sign for each place of business located in said shopping center, provided that the aggregate total area of all signs located on any premises so occupied shall not exceed the total area permitted for one (1) detached sign and one (1) flat sign as set forth in this Article.

(2) ***Corner Lots.*** Businesses with streets fronting both sides shall be allowed two (2) types of signs for each street frontage; no street frontage buildings shall be allowed two (2) of the same type of sign for that particular business.

(d) **Types of Signs, Maximum Size, Number and Location.**

(1) ***Directory Signs.*** Directory signs advertising a business or activity conducted, an area of interest, or a service available at a specific location are permitted in the B-1, B-2, B-3 and I-1 Districts when a part of a Village-sponsored directory sign program. Such signs shall be not more than twenty-four (24) square feet in gross area. There shall not be more than two (2) such signs relating to any one (1) such use in the approaching direction along any one (1) highway. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Plan Commission if the Plan Commission shall find it necessary for directing the traveling public. The Plan Commission shall designate a uniform sign design for such directory signs.

(2) ***Wall Signs.*** Wall signs are permitted in the B-1, B-2, B-3 and I-1 Districts. Wall signs placed against the exterior walls of buildings shall not extend more than sixteen (16) inches outside of a building's wall surface, nor extend above or beyond the wall itself. Total sign area (including multiple business/tenant signs on a single property) shall not exceed one (1) square foot for each lineal foot of the building parallel with the main street frontage. Rear or side entrance signs are subject to the same size restrictions as that found at the principal (front/main) entrance to the building. Signs on other building facades (i.e. non-entrance side facades) are limited to one-half (1/2) square foot per lineal foot of such facade. All signs attached or affixed to a building shall not exceed twenty (20) feet in height above the mean centerline street grade.

(3) ***Projecting Signs.*** Projecting signs fastened to, suspended from, or supported by a building or structure, shall not exceed in gross area for any one (1) premise: forty (40) square feet on each of two (2) faces in the B-2 Highway Commercial District or B-3 Business Park District, and forty (40) square feet on each of two (2) sides in an Industrial District. With the exception of existing marquee signs of historic interest, permits shall not be issued for new projecting signs in the B-1 General Commercial District. Such signs shall not extend into any public right-of-way; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a pedestrian walk nor less than fifteen (15) feet above an alley or driveway.

(4) ***Ground Signs.*** Ground signs and their supporting structure shall comply with all setback requirements of the District in which they are located, except that ground signs in a B-2 Highway Commercial District may be located up to a public right-of-way. Ground signs shall not exceed in gross area for any one (1) premise: forty (40) square feet on each side in a B-1 General Commercial District; one hundred twenty (120) square feet on each side in a B-2 Highway Commercial District; or one hundred sixty (160) square feet on each side in an I-1 or B-3 Industrial District. Such signs shall not exceed at their highest point twenty (20) feet in height above mean centerline street grade. One (1) ground sign is permitted on a street frontage provided there is no pylon sign on that side. Any ground sign in a B-2 Highway Commercial District, B-3 Business Park District or I-1 Industrial District shall have a minimum landscaped area of sixteen (16) square feet around the base of the ground sign.

(5) ***Pylon Signs.*** Pylon signs shall not exceed thirty (30) feet in height in a B-2 or B-3 Business District or I-1 Industrial District. Pylon signs shall not be placed in the B-1 General Commercial District. Height is measured above the mean centerline of street grade. The sign shall be completely within the property upon which it is located. One (1) pylon sign per street frontage is permitted. Size is limited to one hundred (100) square feet for one (1) side, or two hundred (200) feet for all sides. When there exists a property zoned in a B-2 Highway Commercial District with continuous road/highway frontage in excess of three hundred (300) feet, the size is limited to two hundred (200) square feet per side or four hundred (400) square feet for all sides. Any pylon sign shall have a minimum landscaped area of sixteen (16) square feet around the base of the pole.

(6) ***Off-Premise Third Party Signs.*** Off-premise third party signs are prohibited except that a business in a B-2 Highway Commercial District may have an off-premise pylon or ground sign shared with a physically adjacent business on the adjacent business' property. Such a shared sign shall comply with the dimensional requirements of Subsections (d)(4) and (5) above, except that the secondary sign's dimensions shall not exceed fifty percent (50%) of the primary sign's maximum allowable dimensions. Such signs shall share the same pylon or ground sign mountings.

(7) ***Shopping Center/Industrial Park Directory Signs.*** In a shopping center or industrial park, one (1) free-standing identification/directory sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed thirty-two (32) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not more than sixteen (16) feet above a driveway or alley. Double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not

exceed one hundred (100) square feet for one (1) side and a total of two hundred (200) square feet for all sides. That portion of the directory sign which advertises the individual store/business name shall not exceed sixteen (16) square feet for one (1) side and a total of thirty-two (32) square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.

Sec. 13-1-106 Special Sign 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.
   (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.

(b) **Portable Signs/Message Boards.** Such signs shall be limited in use to seven (7) days at a time following approval by the Zoning Administrator, provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than four (4) times per calendar year at any one (1) location, not more than seven (7) days each time. The maximum size of a portable sign/message board shall be ten (10) square feet on each face, back to back. Portable signs/message boards shall not be located in any public right-of-ways and shall be securely fastened to prevent any hazardous condition.

(c) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight 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. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.

(d) **Sandwich Signs.** In instances where the property owner or business tenant in a B-1 General Commercial District or B-2 Highway Commercial District wishes to erect a sandwich board, there is a limit of one (1) sandwich board per business tenant and such sign shall not exceed four (4) feet in height and eight (8) square feet per side display area. Sandwich signs may be placed only after issuance of a sign permit and shall be placed in a manner so as not to present a hazard.

(e) **On-Site Banner Signs.** On-site banner signs, whether permanent or temporary, are not permitted.

(f) **Over-the-Street Banners.** Over-the-street banners are not permitted, except for civic activities.

(g) **Neon Signs.** Exterior neon or gas illumination signs require a sign permit.

Sec. 13-1-107 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) ***Awning Extension from Curb Line.*** No entrance awning shall extend beyond a point eight (8) feet into the right-of-way.

(4) ***Advertising.*** No advertising shall be placed on any awning, except that the name and logo 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.

(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 properly designed and be approved by the Zoning Administrator as in compliance with the Building Code of the Village. All frames and supports shall be designed to withstand a wind pressure as provided in this Article. All canopies and awnings shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and/or awning 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) ***Canopy Extension from Curb Line.*** No entrance canopy shall extend beyond a point eight (8) feet from the face of a wall or building.

(4) ***Advertising.*** No advertising shall be placed on any canopy, except that the name and logo 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.

Sec. 13-1-108 Prohibited Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with freestanding signs are encouraged and shall not be counted as allowable sign area. The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

Sec. 13-1-109 Prohibited or Restricted Signs.

(a) **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.

(b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights, bare reflecting-type bulbs, or utilizes a spot or beacon light to illuminate a sign, except those giving public service information such as time, date, temperature, weather or similar information. Public information display signs require approval by the Plan Commission. 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.

(c) **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 Article.

(d) **Billboards.** No new billboards shall be permitted in the Village of Elk Mound after the original effective date of this Article. Billboards located upon property annexed to the Village and existing as of the effective date of this Article are permitted to remain unless the owner structurally alters such billboard in any manner. If damaged, or if structural alteration is made/required, such billboard shall be permanently removed. However, any billboards existing as of the effective date of this Article must be removed permanently within three (3) years following annexation, and with such removal being agreed to in writing by the owner/lessor/lessee thereof in writing prior to such annexation.

(e) **Painted Wall and Other Prohibited Signs.** Painted wall signs are signs which are painted directly onto the surface of the building; painted wall signs are prohibited in the Village of Elk Mound. No person shall paste or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name or any disfiguring mark within any street right-of-way, on any sidewalk, curb, gutter, street, post, fire hydrant, pole or tree, any other sign, building, fence or other structure, nor shall any of said objects be defaced in any manner. No signage shall be used except those types specifically permitted by this Article.

(f) **Immoral Sign Subjects.** Signs which bear or contain statements, words, pictures, or symbols of obscene, pornographic or immoral subjects are prohibited.

(g) **Roof Signs.** Roof signs are prohibited in the Village of Elk Mound.

(h) **Swinging Signs.** Swinging signs are prohibited.

(i) **Third-Party Signs.** Third-party signs and billboards are prohibited, except as provided in Section 13-1-105(d)(6).

(j) **Advertising Vehicle Sign Configuration.** No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purposes of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles containing typical business signage and which are actively used on a daily basis for business purposes, are exempt from this prohibition.

(k) **Floodlighted and Illuminated Signs.** Signs may be floodlighted or illuminated, subject to the following restrictions:

(1) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle, are prohibited.

(2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property, and which are of such intensity or brilliance as to cause a public nuisance, are prohibited.

(3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

(4) Spotlights and beacons are restricted under Subsection (b) above.

Sec. 13-1-110 Nonconforming Signs.

(a) **Nonconforming Signs.**

(1) ***Nonconforming Sign Criteria.*** Signs existing as of the effective date of this Article which do not conform to the provisions of this Article are nonconforming signs and shall be subject to the provisions of this Section. Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article. [Refer to Subsection (b) below.] Compliance is the responsibility of the property owner.

(2) ***New Signs Not Permitted.*** Business signs on the premises of a nonconforming use or building may be continued per this Section, but new signs for such uses shall not

be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.

(3) ***Removal of Nonconforming Signs After Amortization Period.*** The Village Board finds that the Village's development and increased competition among various businesses located in the Village has significantly increased the number of signs. The result has been an excessive number of signs, which tend to increase public confusion, interfere with other signs, distract operators of motor vehicles, and cause visual blight. The Village Board has determined that it is in the public interest to eliminate legal nonconforming signs. The Village Board also recognizes that owners of signs may have property interests of value in such nonconforming signs that may be amortized over time and thus is adopting a reasonable phase-out period. All legal nonconforming signs which could not be erected under the standards of this Article shall be removed, at the cost of the property owner, within ten (10) years of the effective date of this Article.

(4) ***Removal Upon Business Termination.*** Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 13-1-114. Closing businesses must remove their signs within thirty (30) days of closing.

(5) ***Change in Sign User.*** Whenever there is a change in the sign user (excluding off-premise signs) or owner of the property on which the sign is located, the new sign user or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.

(b) **Alteration of Signs.**

(1) ***Alteration Defined.*** For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including: changing the message (except for marquee or off-premise advertising signs), symbols, color, material, height or location.

(2) ***Maintenance Exception.*** Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premise advertising sign.

(c) **Loss of Legal Nonconforming Status.**

(1) In addition to the standards in Subsections (a) and (b) above, a sign may also lose its nonconforming status if one (1) or more of the following occurs:

a. If said sign is damaged by fire, flood, explosion, earthquake, vandalism, 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 Article.

b. The sign is relocated;

c. The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

(2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.

(d) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article 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 Article regarding safety, maintenance and repair of signs. However, legal nonconforming signs shall not be reinstalled, reconstructed or have their useful life extended.

Sec. 13-1-111 Dangerous and Abandoned Signs.

(a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or tenant of the premises upon which the sign is located if in the judgment of the Zoning Administrator, 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 tenant fails to remove it, the Zoning Administrator may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Building Inspector to the Board of Appeals.

(b) **Abandoned Signs.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, 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 Zoning Administrator may take any other appropriate legal action necessary to attain compliance.

(c) **Violations**. All signs constructed or maintained in violation of any of the provisions of this Sign Code after the date of adoption are hereby declared public nuisances within the meaning of the Village of Elk Mound Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes or Village ordinance.

Sec. 13-1-112 Construction and Maintenance Regulations 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 Building Inspector or Zoning Administrator.

(b) **General Requirements.**

(1) ***Construction Standards.*** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.

(2) ***Projection.*** Signs including supports shall not interfere with surrounding properties or traffic.

(3) ***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.

(4) ***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.

(5) ***Annexed Areas.*** All signs in newly annexed areas shall comply with this Article within three (3) years of annexation.

Sec. 13-1-113 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals following a recommendation from the Zoning Administrator, pursuant to the procedures of the Village Zoning Code.

Sec. 13-1-114 Violations of Sign Code.

(a) **Construction Without Permit.** Any person, firm or corporation who begins, erects, improperly alters, or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.

(b) **Compliance Notice.**

(1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, or has been improperly erected, altered or maintained, it shall give written notice to the sign owner and to the property owner.

(2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article, per Sec. 66.0627, Wis. Stats.

(c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:

(1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation, upon conviction thereof, be subject to a forfeiture as prescribed by Section 13-1-175.

(2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from also maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-115 through Sec. 13-1-119 Reserved for Future Use.