

**ORDINANCE 2023-06**  
**VILLAGE OF MISHICOT**

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF MISHICOT BY DELETING AND REPEALING CHAPTER 395-47 THEREOF, SIGNS, AND REPLACING IT WITH A NEW CHAPTER 395-47, TO BE ENTITLED "SIGNS", WHICH CHAPTER PROVIDES FOR RULES AND REGULATIONS REGARDING THE DISPLAY OF SIGNS WITHIN THE VILLAGE LIMITS.

It is hereby ordained by the VILLAGE OF MISHICOT, Manitowoc County, Wisconsin, as follows:

**A. PURPOSE AND INTENT**

The intent of this Section is to provide comprehensive and balanced sign regulations that will preserve the right of free speech and expression; avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; and ensure that signs are well-constructed and maintained and expressive of the identity of individual activities and the community as a whole.

**B. COMPLIANCE**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conformance with the provisions of this Section and a sign permit, unless exempted from sign permit requirements under subsections D or G.

**C. NONCOMMERCIAL SIGNS**

Any sign authorized by this Section may contain a noncommercial message. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other specifications set forth in this Section.

**D. EXEMPTIONS**

The following signs are exempt from the regulations contained in this Section:

- (1) A Sign Posted by: the Village; a County, State or Federal agency; or school, college or university (including both on-premise and off-premise signs).
- (2) A Sign Integrated into or on an automatic teller machine, coin-operated machine, or vending machine.
- (3) A Sign Carried by a person.
- (4) A Sign Not Visible from any public right-of-way, public property, or navigable water. This includes signs located within the interior of any building which is not oriented or intended to be visible from outside the building.
- (5) Street Addresses and Numbers.
- (6) Murals and other works of art that are not related by logo, pictorial depiction, or other means to the advertisement of any product or service or the identification of any business.
- (7) Seasonal, holiday or other temporary lights and decorations containing no commercial message and displayed during the appropriate time of year.
- (8) Flags of the United States and Wisconsin and other countries or states, up to a maximum of three per lot or parcel. If the flag is displayed on a flagpole, the maximum dimension of any flag shall be proportional to the flagpole height, and the hoist side of the flag shall not exceed 20 percent of the vertical height of the pole. Flags must be flown in accordance with protocol

established by the U.S. Congress. Any flag not meeting these requirements shall be considered a sign subject to the requirements of this Section and not allowed as an exemption under this subsection E.

## **E. PERMIT PROCEDURES**

- (1) **Permit Required.** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conformance with the provisions of this Chapter and a sign permit, except a sign permit shall not be required for the following:
  - (a) A change of copy of any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and sign structure.
  - (b) Signs exempted in subsections D or G.
- (2) **Application for a Sign Permit.** Application for a permit shall be filed with the Building Inspector upon forms provided by the Village and shall include the following information:
  - (a) Applicant and Property Owner. Name, address, and telephone number of the applicant and property owner.
  - (b) Location. Location of the building, structure, or lot upon which the sign is to be attached or erected.
  - (c) Responsible Parties. Name of the person, firm, corporation, or association erecting the sign.
  - (d) Consent. Written consent of the owner or lessor of the building, structure, or lot upon which the sign is to be affixed. No written consent is required if the property owner is the applicant.
  - (e) Sign Plan. A scaled drawing or image of the sign, including colors to be used. A written description of the drawing shall also be submitted, including a detailed description of the materials and colors to be used; the sign dimensions; the type of illumination, if any; and the method of construction and attachment. A foundation plan, prepared by a professional engineer, may be required at the discretion of the Building Inspector.
  - (f) Site Plan. A scaled drawing of the site indicating the location and position of the sign in relation to nearby buildings and structures, existing signs on the site, property lines, public rights-of-way, and easements.
  - (g) Other Permits. Copies of any other permits required and issued for the sign.
  - (h) Additional Information. Additional information as may be required by the Building Inspector or Plan Commission.
- (3) **Application Fee.** All permit applications shall be accompanied by a fee established by the Village of Mishicot Board of Trustees. Any costs associated with a third-party consultant hired by the Village for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.
- (4) **Permit Review.**
  - (a) The Building Inspector shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 20 working days of receipt of a complete application, unless Plan Commission review is required or the time is extended by written agreement with the applicant. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit.

- (b) If deemed necessary because of sign type, location, or proposed construction, the Building Inspector may refer any application for a sign permit to the Plan Commission for review and guidance. The Plan Commission shall review and make a recommendation within 45 days of receiving the application.
- (c) When reviewing a sign permit application, the Village shall consider the following:
  - 1. Compliance with this Section and other appropriate laws and regulations.
  - 2. The location, appearance, material, lighting, height, and size of the proposed sign and supporting structure in relation to the site and surrounding uses.
  - 3. The safety of pedestrians, bicyclists, and vehicle operators on adjoining streets and highways and occupants of abutting properties.
  - 4. The effect of the sign on the scenic beauty or character of the streetscape, neighborhood, and community.
- (5) **Time to Construct.** A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance. The Building Inspector may approve an extension of up to three months based on a written request from the applicant.
- (6) **Financial Surety.** Applicants for a sign permit, before the permit is granted, may be required to execute a cash bond or other appropriate surety in a sum fixed by the Plan Commission upon recommendation of the Building Inspector, but not to exceed \$25,000. The cash bond or other surety shall be of a form and type approved by the Village Attorney. The form of the cash bond or other surety shall indemnify the Village against all loss, cost of damages, or expense incurred or sustained by or recovered against the Village by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Section may be permitted by the Plan Commission in lieu of a bond or other surety.
- (7) **Indemnification.** By applying for a sign permit, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify, defend, and hold harmless the Village, its officers, agents, and employees from and against any and all third-party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.

## **F. STANDARDS**

### **(1) General Provisions**

- (a) Signs Facing Residential Districts. No sign, except those permitted in subsections D, G, I and M, shall be permitted to face a residential district within 50 feet of such district boundary. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the residential zoning district, in a straight line without regard to intervening structures.
- (b) Words or phrases on signs should be minimized to allow reading or interpretation from a moving vehicle at posted speed limits without hazard. A combination of 10 words, sets of numbers, logos, or pictures normally will be considered as a guide and the applicant may be requested to modify the sign to delete excessive verbiage or numbers.
- (c) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices and shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (d) Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- (e) Sign Colors.
  - 1. Florescent colors shall not be permitted. Where such colors constitute a component of a

- standard corporate theme or identity, muted versions of such colors shall be used.
2. Color schemes and lettering styles shall be used consistently on all signage used on a single lot, shopping center or other multi-tenant building.

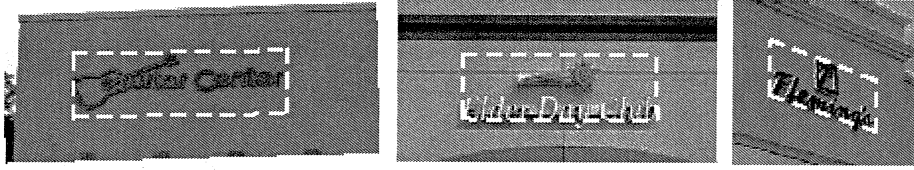
## **(2) Construction and Maintenance**

- (a) Wind Pressure and Dead Load Requirements. All signs and supporting structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the Village Building Code or other applicable ordinance.
- (b) Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped or fenced off, or otherwise isolated.
- (c) Maintenance. The owner of any sign shall keep the sign and supporting structure in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, and weeds. Restoration or painting which changes the size, color, or location of a sign will require a new sign permit.
- (d) Supporting Foundations, Posts, or Braces.
  1. Supporting foundations, posts, or braces shall be constructed of galvanized iron or properly treated wood, steel, copper, brass, or other noncorrosive and noncombustible material.
  2. Projecting signs shall be attached to the supporting building or structure by noncorrosive metal bolts, anchors, cable, or other metal attachments so as to ensure permanent and safe construction, and shall be maintained free from rust or other defects.
    - a. Every means or device used for attaching any sign shall extend through the walls of the building should the Building Inspector determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the underside of two or more roof or ceiling joists in accordance with instructions given by the Building Inspector.
    - b. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.
- (e) No Signs or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe. No sign or any sign anchor, brace, or guide rod shall be erected or maintained so as to hinder or prevent ingress or egress through any door, window, or fire escape or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.
- (f) Signs with electrical wiring shall require an electrical permit from the Village Building Inspector. Overhead electrical wiring shall be prohibited.

## **(3) Measurement Standards**

- (a) Measuring Sign Area.
  1. In calculating the area of a sign to determine whether it meets the requirement of this Section, the Building Inspector shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation.
  2. The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
  3. When a sign has more than one display face, the combined surface area of all display

faces that can be viewed simultaneously shall be considered the sign area.



- (b) Measuring Sign Height. The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.

#### **(4) SETBACKS**

- (a) All freestanding signs, including all components, shall be set back a minimum of five (5) feet from any property line or public right-of-way line.
- (b) All projecting signs, including all components, shall be set back a minimum of five (5) feet from any side or rear property line
- (c) No sign, including all components, shall be erected within the vision clearance triangle of any road intersection.

#### **(5) Illumination**

- (a) Signs may be illuminated provided they are not located in an R-1 Single-Family Residential District, R-2 Single- and Two-Family Residential District, or R-3 Multiple Family Residential District.
- (b) Signs, other than public traffic control signs, shall have no elements that are flashing, blinking, rotating, or pulsating. Bare (uncovered) light bulbs are prohibited. Signs that include changeable copy reader boards and Electronic Message Boards (EMBs) shall not be considered flashing or pulsating signs, provided they comply with all other applicable provisions of this Section.
- (c) No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of property containing a residential use or property in a R-1 Single-Family Residential District, R-2 Single- and Two-Family Residential District or R-3 Multiple Family Residential District, other than that of the sign owner; nor shall the glare or any light source be so directed as to impair the safety of moving vehicles.
- (d) Internal illumination, including neon lighting, shall be static in intensity and color.
- (e) External illumination shall be by a steady, stationary light source that is static in intensity and color, shielded, and directed either downward or solely at the sign.
- (f) If External Illumination is approved, the fixture shall be mounted on a permanent unmovable base and the neck soldered so as to prevent the fixture from being tampered with or redirected.

#### **(6) Electronic Message Boards (EMBs) and Changeable Copy Reader Boards.** EMBs or changeable copy reader boards shall be subject to the following additional requirements:

- (a) Blinking or flashing messages are prohibited.

- min.
- (b) Text or images, or any portions thereof, on an EMB shall not change more frequently than once every five (5) seconds and shall not change more than six (6) times per minute.
  - (c) The maximum illumination of any electronic message or manual changeable letter sign shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 24 inches.
  - (d) Each sign shall be placed in such a manner so as to not interfere with, confuse, or present any hazard to traffic or pedestrians.
  - (e) A sign containing an EMB shall not be located closer than 50 feet from a property in an R-1 Single-Family Residential District, R-2 Single- and Two-Family Residential District or R-3 Multiple Family Residential District. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the property in a R-1, R-2 or R-3 District, in a straight line without regard to intervening structures.
  - (f) Audio speakers and all forms of pyrotechnics are prohibited.

#### **G. SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT**

The following signs are permitted in all zoning districts without a permit, subject to the specified conditions:

- (1) **Signs carved into or affixed flat to a building** in such a way that they are not directly illuminated, are not made of a reflecting material, do not contrast sharply in color with the building, and do not exceed two (2) inches in thickness. Examples include but are not limited to memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or constructed of metal.
- (2) **Temporary freestanding or wall signs** on properties or buildings for sale, lease, or rent, subject to the following requirements:
  - (a) For properties in the A-1, R-1, R-2, R-3, and C-1 Districts, such signs shall not exceed six (6) square feet in area and a maximum of six feet in height.
  - (b) For properties in the B-1, I-1, and I-2 Districts, such signs shall not exceed 24 square feet in area and a maximum of 12 feet in height.
  - (c) Such signs shall be removed within 10 days after the property or building is sold, leased, or rented.
- (3) **One additional temporary freestanding sign**, not exceeding six square feet in area, provided that no such signs shall exceed four feet in height or be erected or placed within a public right-of-way. Such temporary signs are limited to no more than three days duration two times in any calendar year.
- (4) **One (1) permanent wall sign** not to exceed two (2) square feet in area and mounted flush against a dwelling.
- (5) **Two (2) permanent on-premise flag signs** not to exceed 32 square feet in area. Such flag signs shall meet the setback requirements described in subsection F. (4) of this Section.
- (6) **Election Campaign Signs.** As provided in Section 12.04 of the Wisconsin Statutes, election campaign signs are permitted in residential zoning districts subject to the following requirements:
  - (a) The sign shall not be erected prior to the first day of the “election campaign period” as

defined in the Wisconsin Statutes, and shall be removed within 10 days following the election.

- (b) Election signs shall not exceed 11 square feet in area unless the sign is affixed to a permanent structure; does not extend beyond the perimeter of the structure; and does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by the Village building code to remain unobstructed.
- (c) No election campaign sign shall be placed within a public right-of-way nor so close to a pedestrian way as to hinder or endanger safe passage.

#### **H. SIGNS PERMITTED IN AGRICULTURAL AND CONSERVANCY DISTRICTS WITH A PERMIT**

The following signs are permitted in the A-1 Agricultural and Residential and C-1 Conservancy Districts:

- (1) **On-premise wall signs** affixed to or painted on non-residential buildings, provided the total cumulative area of such signs shall not exceed 100 square feet.
- (2) **One (1) on-premise freestanding sign**, subject to the following requirements:
  - (a) Maximum Sign Height: Eight (8) feet in height above the mean centerline street grade.
  - (b) Maximum Sign Area: 32 square feet.
- (3) **One (1) off-premise freestanding sign**, subject to the following requirements:
  - (a) Maximum Height: Eight (8) feet in height
  - (b) Maximum Sign Area: 32 square feet.
- (4) **Signs located on backrests of pedestrian benches**, subject to the following requirements:
  - (a) Such signs may only be permitted as a conditional use pursuant to the provisions of § 395-44 of this Chapter.
  - (b) Maximum Sign Area: 12 square feet.

#### **I. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A PERMIT**

The following signs are permitted in the R-1 Single-Family Residential, R-2 Single- and Two-Family Residential, R-3 Multiple Family Residential Districts:

- (1) **One (1) permanent ground sign** placed at the entrance to a subdivision or development, subject to the following requirements:
  - (a) Such sign shall not be located in a public right-of-way.
  - (b) The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
  - (c) The Subdivider, condominium association, or homeowners' association shall be responsible for paying all costs for maintenance of the sign and associated landscaping. Written agreements shall be on file between the Village and the Subdivider, condominium association, and/or homeowners association as to the maintenance and care of the sign and landscaping. The agreement shall also identify the responsible party for paying the costs of removing the sign in the event it is not properly maintained.

- (d) All subdivision or development ground sign placement, replacement, relocation, and removal shall be at the expense of the Subdivider, condominium association, or homeowners' association. If the sign is in disrepair or becomes a hazard to public safety, the Village shall have the authority to remove the sign and assess the costs as provided for in the agreement.
- (2) **Temporary signs** on land actively being subdivided or developed, subject to the following requirements:
  - (a) Maximum Sign Height: Eight (8) feet in height above the mean centerline street grade.
  - (b) Maximum Sign Area: 32 square feet on one side or 64 square feet on all sides.
  - (c) The sign shall be removed at the time development has been completed, as determined by the Building Inspector.
- (3) **One (1) on-premise wall sign** on a property containing a home occupation, public, institutional, or nonconforming land use, subject to the following requirements:
  - (a) Such sign shall not extend more than 12 inches from the wall surface.
  - (b) Maximum Sign Height: Such sign shall not extend above the building's roof line.
  - (c) Maximum Sign Area: 16 square feet
  - (d) Such sign shall not be illuminated.
- (4) **One (1) on-premise ground sign** on a property containing a home occupation, public, institutional, or nonconforming land use, subject to the following requirements:
  - (a) Maximum Sign Height: Eight (8) feet in height above the mean centerline street grade.
  - (b) Maximum Sign Area: 16 square feet.
- (5) **Signs located on backrests of pedestrian benches**, subject to the following requirements:
  - (a) Such signs may only be permitted as a conditional use pursuant to the provisions of § 395-44 of this Chapter.
  - (b) Maximum Sign Area: 12 square feet.

**J. SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS WITH A PERMIT**

The following signs are permitted in the B-1 General Business, I-1 Light Industrial, and I-2 General Industrial Districts:

- (1) **On-premise wall signs**, subject to the following requirements:
  - (a) Such signs shall not extend more than 12 inches from the wall surface.
  - (b) Maximum Sign Height: 20 feet in height above the mean centerline street grade or above the building's roof line, whichever is lower. For signs affixed on the face of a parapet, the top plane of the parapet shall be considered the building's roof line.
  - (c) Maximum Sign Area: 200 square feet.
- (2) **On-premise freestanding signs**, subject to the following requirements:



- (a) Maximum Sign Height: 20 feet in height above the mean centerline street grade.
  - (b) Maximum Sign Area: 100 square feet.
- (3) **One (1) off-premise freestanding sign**, subject to the following requirements:
- (a) Maximum Height: 20 feet in height above the mean centerline street grade.
  - (b) Maximum Sign Area: 32 square feet on one side or 64 square feet on all sides.
- (4) **On-premise projecting signs**, subject to the following requirements:
- (a) Location:
    - 1. Such signs shall not extend more than three (3) feet into a required side or rear yard.
    - 2. Such signs may extend a maximum of three (3) feet into a public right-of-way, upon approval by the Village Board.
    - 3. Such signs shall be located a minimum of 10 feet above any sidewalk and a minimum of 15 feet above any driveway or alley.
  - (b) Maximum Sign Height: 20 feet in height above the mean centerline street grade or above the building's roof line, whichever is lower. For signs affixed on the face of a parapet, the top plane of the parapet shall be considered the building's roof line.
  - (c) Maximum Sign Area: 100 square feet of total, cumulative sign area for all projecting signs.
- (5) **Electronic Message Boards (EMBs) and changeable copy reader boards**, subject to the requirements of subsection F. (6) of this Section.
- (6) **On-premise awning, canopy, or marquee signs** affixed flat to the surface of the marquee, awning, or canopy, subject to the following requirements:
- (a) Location:
    - 1. A marquee, awning, or canopy shall not extend more than three (3) feet into a required side or rear yard.
    - 2. A marquee, awning, or canopy may extend a maximum of three (3) feet into a public right-of-way, upon approval by the Village Board.
    - 3. A marquee, awning, or canopy shall be located a minimum of 10 feet above any sidewalk and a minimum of 15 feet above any driveway or alley.
    - 4. Such signs shall be applied only to the surface and shall not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy.
  - (b) Maximum Sign Height: 20 feet in height above the mean centerline street grade.
  - (c) Maximum Sign Area: 25% of the marquee, awning, or canopy area.
- (7) **On-premise menu boards**, not to exceed two per drive-through or walk-up food establishment.
- (8) **On-premise window signs**, subject to the following requirements:
- (a) Except for painted signs and decals, such signs shall be placed only on the inside of commercial buildings.
  - (b) Such signs shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
- (9) **On- or off-premise wayfinding and directional signs** provided that no sign shall exceed four (4) square feet in area or exceed a height of four (4) feet.

(10) **Signs located on backrests of pedestrian benches**, subject to the following requirements:

- (a) Such signs may only be permitted as a conditional use pursuant to the provisions of § 395-44 of this Chapter.
- (b) Maximum Sign Area: 12 square feet.

(11) **Combinations and maximum number of signs.**

- (a) Combinations. Combinations of any of the above signs shall meet all the requirements for that type of sign.
- (b) Maximum Number of Signs. The total number of signs shall be limited as follows:
  - 1. Shopping centers or other multi-tenant buildings may provide one (1) freestanding sign for each 500 feet of street frontage. The shopping center or multi-tenant building may also provide one (1) wall, canopy, and/or fascia sign for each business in the shopping center or multi-tenant building.
  - 2. The Village may require the owner of a shopping center or other multi-tenant building to submit a master sign plan for review and approval. The number and size of signs shall conform to the requirements of this Section.
  - 3. Gasoline and/or service stations may provide:
    - a. One (1) freestanding sign and one (1) wall sign per street frontage.
    - b. Additionally, gas pump protection canopies may contain one (1) wall sign per street frontage, not to exceed 50 percent of the street-facing gas pump protection canopy wall.
    - c. Price signs for gasoline or diesel fuel sales required by State or Federal regulatory agencies shall be incorporated into permanent sign(s) as permitted in this Section.
  - 4. Maximum Number of Signs. For all other free-standing businesses and industries, total signs shall be limited by the following table:

Floor Area (square feet)	Maximum Number of Signs Permitted
0 – 20,000	3
20,001 – 50,000	4
Greater than 50,000	5

- 5. Menu boards, wayfinding/directional signs, window signs, flag signs and signs located on backrests of pedestrian benches shall not be included in the calculation of the maximum number of signs under subsection L. (12).

**K. TEMPORARY AND PORTABLE SIGNS**

In addition to the temporary signs allowed under subsections D and G, the following temporary and portable signs are permitted in all districts without a permit subject to the following requirements:

- (1) **Temporary Flag Signs and Banners** are permitted without a permit in any district. A maximum of two (2) total temporary flag signs and/or banners may be erected/displayed at any one time for a period not to exceed 30 consecutive days. Temporary flag signs and banners shall not exceed 32 square feet in area.

- (2) **Temporary Signs.** A temporary sign other than a flag or banner is permitted in any district without a permit for up to 30 consecutive days, provided the sign is not permanently mounted or affixed to the ground. The sign area shall not exceed 32 square feet and shall meet the setback requirements described in subsection F. (4) of this Section. Only one (1) temporary sign in addition to temporary flag signs or banners described in subsection K. (1) of this Section may be located on a lot.
- (3) **Moveable Signs.** Moveable signs on sidewalks are permitted without a permit in the B-1 General Business District. The sign shall not exceed 2.5 feet in width or four (4) feet in height. The sign shall not be permanently attached to the sidewalk and shall not be chained or attached to street trees, street furniture, or other structures or fixtures. The sign shall be displayed only during hours in which the business it advertises is open, and shall be located within 10 feet of the main building entrance. The sign shall be placed to allow at least three feet of sidewalk width for pedestrian movement.

#### **L. SIGNS PROHIBITED IN ANY DISTRICT**

The following signs are not permitted in any zoning district:

- (1) **Roof Signs.**
- (2) **Abandoned or Discontinued Signs.** See subsection N.
- (3) **Advertising Vehicles or Trailers.** A vehicle or trailer which has attached to or located thereon any sign or device for the purpose of advertising a business, product, or service or for directing people to a business or activity. No person shall park any such vehicle or trailer on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way. This provision is not intended to prohibit vehicle signs that are customarily attached, lettered, or painted on a vehicle or trailer to identify the ownership or function of the vehicle, provided the vehicle is operated in the normal course of business which is not primarily the display of signs.
- (4) Signs Whose Content Violates Village, County, State, or Federal laws or regulations, including but not limited to the obscenity provisions of Chapter 944 of the Wisconsin Statutes.
- (5) Signs Painted, Attached, or affixed to trees or other living vegetation.
- (6) See subsection F. (1) for additional types of prohibited signs.

#### **M. NONCONFORMING SIGNS**

- (1) Signs Lawfully Existing at the time of the adoption or amendment of this Chapter may be continued although the use, size or location does not conform with the provisions of this Chapter. Such signs shall be deemed nonconforming uses or structures and the nonconforming use and structure provisions of § 395-45 shall apply. Maintenance of a nonconforming sign shall comply with subsection F. (2) (c).
- (2) When a Business or Other Use Changes necessitate a new sign message or sign structure, the sign shall be brought into conformance with the provisions of this Section, including an application for a sign permit.
- (3) A sign loses its legal, nonconforming status if one of the following occurs:
  - (a) The sign is structurally altered in any way, except for normal maintenance and repair.
  - (b) The sign is relocated.
  - (c) The sign is abandoned.

(d) The permitted or conditional use associated with the sign changes.


#### N. ABANDONED OR DISCONTINUED SIGNS

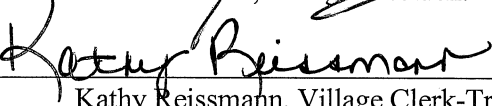
- (1) All signs, sign messages, and/or supporting structures, as applicable, shall be removed by the owner or lessee of the premises upon which a sign is located if such sign has been abandoned or discontinued, or if the sign is dilapidated or beyond repair under the provisions of §66.0413, Wis. Stats.
- (2) A sign is abandoned or discontinued if for a period of 12 months or longer it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair (*See Trans 201.10(2)(f), Wis. Adm. Code*).
- (3) If the owner or lessee fails to remove such signs or sign structures, the Building Inspector shall give the owner a 30-day written notice by certified mail to remove said sign. Upon failure to comply with the first notice, the Building Inspector shall, by certified mail, send a second notice giving the owner an additional 10 days to remove the sign. Upon failure to comply with the second notice, the Village may cause removal to be executed. Removal expenses of which will be charged to the owner of the sign or to the owner of the property where the sign is located. In the event removal costs are unpaid by the owner of the sign or to the owner of the property, removal costs shall be assessed as a special tax to the property on which the abandoned sign is located.

This ordinance shall take effect the day after posting.

Passed and adopted this 16<sup>th</sup> day of May, 2023.

Vote For: 7      Vote Against: 0      Not Voting: 0

Signed by:       Date: 5/16/23  
Bernie J. Samz, Village President

Attest:       Date: 5/16/23  
Kathy Reissmann, Village Clerk-Treasurer

Date adopted: 5/16/23

Date posted: 5/17/23

Date effective: 5/18/23