

**CHAPTER 10-4. SIGNS AND AWNINGS<sup>1</sup>****Sec. 10-4-1. Purpose.**

- A. The purpose of this chapter is to create the legal framework to administer and enforce outdoor sign and awning regulations within the City of Two Rivers. This chapter recognizes the need to protect the safety and welfare of the public; the need for well-maintained and attractive sign displays within the community, and the need for adequate business identification, advertising, and communication.
- B. This chapter authorizes the use of signs visible from public right-of-way, provided the signs are:
  - (1) Compatible with zoning regulations.
  - (2) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
  - (3) Legible, readable, and visible in the circumstances in which they are used.
  - (4) Respectful of the reasonable rights of other advertisers whose messages are displayed.
- C. Notwithstanding any other provision contained herein to the contrary, noncommercial messages may be contained on any authorized sign.

**Sec. 10-4-2. Definitions.**

For the purpose of this chapter, certain words and terms are hereby defined as follows:

*Abandoned sign.* A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, activity conducted or product available.

*Animated, moving or revolving sign.* Any sign which includes action or motion by means of flashing, scintillating, blinking or traveling lights or by means of moving components. This term does not include changing signs which are separately defined.

*Area of copy.* The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement, or decoration of a sign.

*Area of sign.* The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregular-shaped sign area shall be computed using the actual sign-face surface. In the case of signs, the area of copy will be used.

*Awning.* A retractable, roof-like cover, temporary in nature, which projects from the wall of a building and is intended to provide shade and shelter from the weather. An awning may have an on-premises sign as part of the fabric, which shall be considered either a projecting or wall sign.

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<sup>1</sup>Editor's note(s)—Adopted by the city council of the City of Two Rivers (Title 10, Ch. 3, of the 1981 Code). Amendments noted where applicable.

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*Banner.* Any sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners.

*Building facade.* That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation. Parallel portions of a building facing the same direction shall be considered one building facade.

*Business identification sign.* Any sign which promotes the name and type of business only on the premises where it is located.

*Canopy or marquee.* A roof-like structure projecting from a wall and erected to provide shelter from the weather and/or architectural enhancement.

*Changing sign.* A sign, such as an electronic- or an electric-controlled time-and-temperature sign, message center or reader board, whether electronic, electric or manual, where different copy changes.

*Directional off-premises sign.* Signs which provide direction or instruction to a location not on the property upon which the sign is located.

*Directional sign.* A sign which provides direction or instruction and is located entirely on the property to which it pertains and which does not in any way advertise a business.

*Electric sign.* Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

*FAP (Federal Aid Primary) highway.* That portion of a state or county highway which extends into or through the city and is designated as "Federal Aid Primary Highway" according to maps on file in the offices of the city engineer and of the Wisconsin Department of Transportation.

*Flag.* Any fabric containing distinctive patterns or symbols, used as a symbol of a nation, political subdivision, or corporate entity, mounted on a pole. Also see "flag, business."

*Flag, business.* A flag used for the purpose of promoting an on-premises business or other nonresidential use which may display a business emblem, identify a product sold, or state a business is open.

*Frontage.* The length of the property line of any one premises parallel to and along each public right-of-way it borders. Said public right-of-way may be known as a "frontage street." All signs, the areas of which are calculated on the basis of the dimension of a street frontage, shall be so placed and oriented for primary reading from such street.

*Ground sign.* A sign erected on a freestanding frame, mast or pole, or more than one such mast or pole, not attached to any building; the area of double-faced ground signs shall be calculated on one face only, which shall be the largest face.

*Height of sign.* The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign, including its structure.

*Marquee.* See "canopy."

*Movable sign.* Any sign not permanently attached to the ground or a building.

*Off-premises sign.* A sign which advertises 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.

*On-premises sign.* Any sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.

*Pennant.* Any plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wiring or string, usually in series, designed to move in the wind.

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*Projecting sign.* A sign, normally double-faced, which projects at a lateral angle of 15° or more in relation to the facade of a building and may be attached to a structure, building facade, canopy or marquee. The area of projecting signs is calculated on one face only, which shall be the largest face.

*Reflective sign.* A sign containing a material designed to reflect light directed to it for the purpose of night-time visibility without self-illumination.

*Roof sign.* A sign erected upon a roof or above a parapet wall of a building and which is wholly or partially supported by said building.

*Sandwich sign.* A double-faced advertising device not permanently attached to the ground and intended to be displayed for a limited period of time.

*Sign.* Any identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including permanently installed or situated merchandise; or any emblem, painting, banner, placard or temporary sign designed to advertise, identify, or convey information, with the exception of window displays, pennants and flags. For the purpose of removal, "sign" shall also include all sign structures and restoration of the site to its original condition.

*Sign structure.* Any structure or material which supports, has supported, or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers.

*Swinging sign.* A sign installed on an arm, mast, or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

*Vehicle-mounted electronic changing message (ECM) mobile sign.* An ECM sign mounted on a vehicle or trailer advertising any product, service or business activity or directing people to property on which a business activity is located, which may be moved between locations and temporarily parked and which is visible from the public right-of-way.

*Wall sign.* A sign attached to or erected against the wall of a building or on a canopy or marquee with the face at a lateral angle of less than 15° to the plane of the building wall. For purposes of wall signage, a roof pitch less than 25° shall be considered an extension of the wall below.

*Window sign.* A sign installed inside a window for purposes of viewing from outside the premises.

Editor's note(s)—Amended at time of adoption of Code.

State law reference(s)—See title 1, general provisions, Ch. 1-1, Art. III.

### **Sec. 10-4-3. Permits required.**

Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge or structurally modify any sign or awning in the city, or cause the same to be done, without first obtaining a permit for each such sign or awning from the zoning administrator as required by this chapter. Permits shall not be required for a change of copy on any sign or for the repainting, cleaning and other normal maintenance or repair of signs, sign structures or awnings. Permits shall become null and void if installation is not completed within one year from date issued.

### **Sec. 10-4-4. Application for permit.**

A. *Application.* Application for a permit shall be filed with the zoning administrator upon forms provided by the zoning administrator and shall contain or have attached thereto the following information:

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- (1) The name, address, and telephone number of the owner, the property owner where a sign is or will be located, and the contractor.
  - (2) Clear and legible scale drawings with description and nominal dimensions of the proposed sign or awning, the construction size and dimensions, kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained, together with location, size, and types of existing signs, canopies and awnings on the premises where the proposed sign or awning is to be located.
  - (3) If required by the zoning administrator, calculations showing that the structure and design meet the requirements of this chapter for wind pressure load and such other information as may be required to show full compliance with this chapter and all other applicable ordinances or regulations.
  - (4) Signature of the applicant.
- B. *Permit fees.* Application for the permit shall be filed with the zoning administrator together with a permit fee for each sign or awning. The fee for a permit, exclusive of any other required permit, shall be as specified in section 1-2-1 of this Code.

#### **Sec. 10-4-5. Awnings and signs requiring annual special permits.**

- A. Any awning, sign or advertising device extending into or over the right-of-way of any public street or alley shall require a special permit therefor from the zoning administrator, which shall be renewed annually upon payment of a permit fee as specified in section 1-2-1 for each device. Annual permits shall expire on March 30. No fee shall be prorated.
- B. The zoning administrator shall keep accurate and current records of all canopies and signs or advertising devices specified above, and he or his assistants shall annually inspect and inventory all such canopies, signs and advertising devices to determine that they are in such condition as to be structurally sound and not present a hazard to vehicular or pedestrian traffic.
- C. The zoning administrator annually shall submit a report to the city manager concerning his activities in performing the duties herein specified, together with such other statistical data as may be pertinent and in keeping with the spirit of this section.
- D. Until such time as this chapter shall be certified by the Wisconsin Department of Transportation, no permit shall be issued by the zoning administrator for any off-premises sign or advertising device to be located within the jurisdictional limits of such department of transportation along any FAP highway until a permit therefor has been issued by said department.

#### **Sec. 10-4-6. Permit issuance and denial.**

The zoning administrator shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign or awning within the city when the permit application is properly made, all appropriate fees have been paid, and the sign or awning complies with the appropriate ordinances of the city. If the permit is denied by the zoning administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

#### **Sec. 10-4-7. Appeal from decision of zoning administrator.**

- A. There is hereby created the sign board of appeals, the membership of which shall consist of those members appointed to the zoning board of appeals. It shall be the duty of such board to review and interpret the provisions of this chapter in such manner as to carry out the intent and purpose thereof.

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- B. The zoning administrator shall act as secretary to the sign board of appeals and he shall transmit to the board all petitions, plans, and other materials constituting the record in the matter of the appeal.
  - C. The zoning administrator shall comply with and enforce the decision of the sign board of appeals.
  - D. The failure of the zoning administrator to either formally grant or deny a permit within ten days of the date of an application is filed shall be cause for appeal to the sign board of appeals.
  - E. In cases of extraordinary hardship to an appellant, the board may either grant or deny the appeal or grant the appeal with modification.

#### **Sec. 10-4-8. Indemnification for sign installation and maintenance; insurance.**

- A. *Indemnification.* All persons engaged in the business of installing or maintaining signs which involves in whole or in part the erection, alteration, relocation, maintenance of a sign or other sign work in, over, or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or public property is used or encroached upon by the sign contractor shall agree to hold harmless and indemnify the city, its officers, agents and employees from any and all claims resulting from the erection, alteration, relocation or maintenance of any sign or any sign work insofar as this chapter has not specifically directed the placement of the sign.
- B. *Insurance.* Every sign contractor shall file with the zoning administrator a certificate of insurance indicating the applicant holds a public liability insurance policy, including workman's compensation, public liability and property damage specifically to include the hold harmless with bodily injury limits of at least \$300,000.00 per occurrence, and \$300,000.00 aggregate, and property damage insurance of at least \$100,000.00 per occurrence and \$100,000.00 aggregate. Such insurance shall not be canceled or reduced without the insured first giving 30 days' notice in writing to the city of such cancellation or reduction.

#### **Sec. 10-4-9. Remedies upon violation.**

- A. Failure to comply with the provisions of this chapter shall be and hereby is declared to be unlawful.
- B. Any ground, roof, projecting or wall sign or awning erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this chapter shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the zoning administrator. All other signs and business flags in violation of this chapter shall be brought into compliance within five days from the date of written notice. If the violation is failure to obtain a permit, a permit shall be required, and the permit fee shall be doubled; in the event that the owner does not remove or bring into compliance, the zoning administrator may order removal, the expenses of which will be assessed against the property on which the noncomplying sign is located.
- C. This section shall not preclude the city from maintaining any appropriate action to prevent or remove a violation of this chapter.

#### **Sec. 10-4-10. Notification of nonconformance.**

- A. After enactment of this chapter, the zoning administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming, the zoning administrator shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
  - (1) The reason for the sign's nonconformity.
  - (2) The procedure for appeal of the status of a sign.

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- B. *Signs eligible for characterization as legal nonconforming.* Any sign located within the city limits on the date of adoption of this chapter, or located in an area annexed to the city hereafter, which does not conform with the provisions of this chapter is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
    - (1) The sign was covered by a sign permit or variance immediately prior to the date of adoption of this chapter, if one was required under applicable law.
    - (2) If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law immediately prior to the date of adoption of this chapter.
  - C. *Loss of legal nonconforming status.* A sign loses its nonconforming status if one or more of the following occurs:
    - (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration.
    - (2) The sign is relocated.
    - (3) The sign is replaced.
    - (4) The sign fails to conform to this chapter regarding maintenance and repair, abandonment or dangerous or defective signs.
    - (5) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this chapter with a new permit secured therefor or shall be removed.
      - (a) Exception: A legal nonconforming sign that is partially or completely destroyed by an act of God or some other person beyond the control of the owner may be restored to its state before such destruction; provided, however, that this does not apply to situations where the owner's negligence or neglect significantly contributed to the destruction of the sign.
  - D. *Legal nonconforming sign maintenance and repair.* Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs.

#### **Sec. 10-4-11. Maintenance and repair; abandoned, deteriorated or dilapidated signs.**

- A. *Maintenance and repair.*
  - (1) Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning and other acts required for the maintenance of said sign.
  - (2) The zoning administrator shall require compliance with all standards of this chapter. If the sign is not maintained to comply with safety standards outlined in this chapter, the zoning administrator shall require its removal in accordance with this section.
- B. *Abandoned signs.*
  - (1) Except as otherwise herein provided, all signs and/or sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertised is no longer conducted there. If the owner or lessee fails to remove the sign, the zoning administrator shall give the owner 50 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.

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- (2) Upon receipt of a written request from the owner of record, his heirs or agent, of the real property involved, the zoning administrator may at his discretion grant a ten-month extension of time within which on-premises signs meeting all of the following conditions are to be removed:
    - (a) Such signs conform to the provisions of this chapter.
    - (b) Permits have been issued for such signs.
    - (c) Such signs are in good physical repair.
    - (d) Such signs are located upon a vacant premises within or upon which a use can be reestablished in accordance with the Code similar to the former use.
    - (e) Such signs are so constructed as to readily permit their reuse by means of replacing message copy or lettered faces.

#### **Sec. 10-4-12. Prohibited signs.**

The following signs shall be prohibited within the City of Two Rivers:

- A. Signs painted directly on the building walls, except water towers which may display the name or symbol of the owner or operator and wall signs for on-premises advertising up to 100 square feet.
- B. Sandwich and movable signs, except for those described below:
  - (1) Permitted in B-1, B-2, B-3, waterfront business and office/service business districts.
  - (2) Movable signs shall comply with the following:
    - (a) Be limited to one on-premises sign.
    - (b) Not to exceed 36 square feet.
    - (c) Be located on private property and set back at least five feet from all property lines.
    - (d) Be located outside of vision clearance triangles as set forth in title 10.
  - (3) Sandwich signs shall comply with the following:
    - (a) Be limited to one sign per business. A business located on a corner shall be limited to two signs, no more than one sign shall be located on each frontage street.
    - (b) Shall advertise only merchandise or services provided at the subject business.
    - (c) Not to exceed six square feet per side for copy area and eight square feet for entire sign structure.
    - (d) Signs in the B-2, B-3 and office/service districts shall be located on private property and set back at least five feet from all property lines and be located outside of vision clearance triangles as set forth in title 10.
    - (e) Signs in the B-1 and waterfront business districts may:
      - [1] Be located in the terrace area (between the sidewalk and the curb) to allow a minimum 60-inch-wide paved pedestrian corridor between the sign and any adjacent street appurtenance, landscaping feature or other structure.
      - [2] Be located outside of vision clearance triangles as set forth in title 10.
      - [3] Not be attached by any means to a public appurtenance or sidewalk (signs must be portable).

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- [4] Be displayed only during the period a business is open to the public and shall be removed at close of business each day.
  - [5] Not have moving parts or be electrically powered.
  - [6] Not be painted traffic yellow, construction zone orange or fluorescent yellow-green, nor shall it be reflective, animated, fluorescent or illuminated.
  - [7] Be fabricated of quality sign-grade wood, metal or fiberglass and be freestanding and self-supporting and be designed and weighted to prevent overturning.
  - [8] Be maintained in a high quality state of repair, with no peeling, broken, cracked or faded paint components.
  - [9] Have all fittings be set flush with the surface of the sign. The sign shall be free of splinters, slivers, sharp projections or sharp edges.
- (4) Notwithstanding section 10-4-12.D. and E. to the contrary, the zoning administrator may issue a special permit for a vehicle-mounted electronic changing message (ECM) mobile sign subject to the following requirements:
- (a) Such sign may be permitted in the B-1, B-2, B-3 business districts, waterfront business (WFB) district, office/service business (OSB) district, institutional/public facilities (IPF) district, I-1 and I-2 Industrial districts and I-3 business park district and on publicly owned property, but not within public roadway rights-of-way, unless expressly so provided in the permit.
  - (b) Any vehicle-mounted ECM mobile sign for which a permit is issued shall comply with the following:
    - [1] Any such sign permit shall expire ten consecutive calendar days after the date on which it is issued.
    - [2] Such sign may be located only on a parcel or series of contiguous parcels under a single ownership.
    - [3] No such sign may be displayed at any one location a cumulative total of 60 days in any one calendar year.
    - [4] No such sign may exceed a total area of 150 square feet per vehicle.
    - [5] Any such sign shall be set back at least five feet from all property lines and outside of vision clearance triangles as set forth in title 10.
    - [6] No permit may be issued for any such sign which will adversely affect public safety by distracting or confusing motorists because of placement or operational characteristics of the sign relative to nearby traffic signals and signs.
    - [7] No such sign may create a public nuisance because of operational characteristics or visibility from nearby residential uses.
    - [8] No permit may be issued for a sign using a flashing message or other device or logo.
    - [9] Such sign may display on-premises and/or off-premises advertising messages, subject to other provisions of this chapter which may be applicable.
    - [10] Such sign may be located on a closed public street in accord with street closure requirements approved by the city council.
    - [11] Applicant shall provide property owners written authorization for placement of the sign during the permit period in conjunction with the sign permit application process.

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- [12] Such sign shall comply with requirements in section 10-4-8 regarding indemnification, property damage and insurance requirements.
- C. *Abandoned signs.*
  - D. *Parking of advertising vehicles prohibited.*
    - (1) No persons shall park any vehicle on a public right-of-way or public property 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 purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises.
    - (2) This section shall not prohibit "for sale" signs on vehicles for sale, provided the vehicle is not parked on a public right-of-way.
  - E. *Animated or moving signs.* No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights of over 15 watts per lamp. Public service information signs and other electronic message or mechanical message centers are classified as changing signs and may be permitted as described in section 10-4-17B. Barber pole signs which revolve around a vertical axis at speeds less than seven revolutions per minute also may be permitted without plan commission approval.
  - F. *Swinging signs.*
  - G. *Banners and portable signs.* Banners, searchlights, balloons or other gas- or air-filled figures shall not be used on a permanent basis. They may be permitted as a special promotion in a commercial or industrial establishment for a total period not to exceed 30 days and will be allowed in residential districts in conjunction with an open house or model home demonstration for a period not to exceed a total of 16 days bimonthly.
  - H. *Unshielded illuminated signs.*
    - (1) No sign shall be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device or signal.
    - (2) No sign shall be illuminated in such manner or intensity as to cause glare or impair the vision of or otherwise interfere with any driver's operation of a motor vehicle.
  - I. *Reflection illuminated signs.* Reflection illuminated signs whose light source is positioned so that 25 percent or more of its light intensity is visible from a public right-of-way by vehicular traffic or whose light source is visible from residential property are prohibited.
  - J. *Unclassified signs.* All signs are prohibited which:
    - (1) Purport to be or are an imitation of, or resemble, an official traffic sign or signal, or which bear the words "stop," "caution," "warning," or similar words that are displayed in the colors normally associated with them as official signs.
    - (2) Interfere with official traffic signs, signals or devices. No awning, sign or advertising device shall be located or installed in such manner as to obscure or otherwise physically interfere with the effectiveness of any official traffic sign, signal or device, obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
    - (3) Bear or contain statements, words or pictures of obscene, pornographic, immoral character or contain advertising matter which is untruthful.

### **Sec. 10-4-13. Signs not requiring permit.**

All the following signs must otherwise comply with all other provisions of this chapter:

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A. *Construction and alteration signs.*

- (1) *At residential construction and alteration project sites.* With the property owners' permission, at sites where a building permit has been issued for construction of a new dwelling or a new accessory building or for additions or alterations to the exterior of an existing dwelling or accessory building, four nonilluminated contractor's signs not more than four feet in height and six square feet in area may be displayed in the front yard or street side yard of the property during the actual time of construction but not more than 60 days in a 12-month period, whichever is less. This provision, however, shall not apply to premises occupied by the contractor. Such signs as are herein permitted shall conform to all other applicable provisions of this Code.
- (2) *At other than residential construction and alteration sites.* Four nonilluminated construction signs per business, institutional or industrial construction site not exceeding 100 square feet in area and 15 feet in height, which shall be confined to the site of construction, but no closer than 15 feet to the street line except where there is no building setback required, and shall be removed within 30 days after completion of construction or prior to occupancy after construction, whichever is sooner.

B. Directional and instructional signs which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed six square feet each in area and do not in any way advertise a business. This includes but is not limited to such signs as those identifying restrooms, telephones, parking areas, entrances and exits. Signs identifying berths for charter fishing vessels and containing such pertinent data as the name of the captain, address, and telephone number, not to exceed one sign for each vessel or berth not exceeding six square feet in area nor eight feet in height, shall be included in this category.

C. *Directional off-premises signs.* Directional off-premises signs for public and private schools, places of worship and museums. The director of public works is authorized to grant authority to public and private schools, places of worship and museums, at their expense only, to have the department of public works install off-premises directional signs in the terrace along city-maintained connecting state highways (STH 42, STH 147 and STH 310), CTH VV and CTH O at such locations and subject to such other conditions as may be established by the director of public works.

D. *Government signs.* Government signs to direct or regulate pedestrian or vehicular traffic and for 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 public duty. Government signs may be located in public rights-of-way.

E. *Home occupation signs.*

- (1) One sign associated with an on-premises home occupation, as defined in section 10-1-7, provided such sign is a nonilluminated wall sign that does not exceed two square feet in area.
- (2) One sign displaying the hours of operation, provided such sign is a nonilluminated wall or ground sign not to exceed two square feet in area. Such sign shall not be combined with any other sign on the premises and shall be located within the subject parcel.

F. *House numbers and nameplates.* House numbers and nameplates not exceeding two square feet in area for each residential, business or industrial building.

G. *Interior signs.* Signs located within the interior of any building.

H. *Memorial signs and plaques.* Memorial sign or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area.

I. *"No trespassing" or "no dumping" signs.* "No trespassing" and "no dumping" signs not to exceed one and one-half square feet in area per sign.

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- J. *Public notices.* Official notices posted by public officers or employees in the performance of their duties.
  - K. *Public signs.* Signs required as specifically authorized for a public purpose by a law, statute or ordinance.
  - L. *Political and campaign signs.*
    - (1) No sign shall exceed 11 square feet in area unless the sign is affixed to a permanent structure and 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 an applicable building code to remain unobstructed.
    - (2) No sign shall obstruct, impede or in any other form interfere with traffic or pedestrian safety.
    - (3) Any sign having any electrical, mechanical or audio auxiliary shall comply with all general provisions of this chapter of this Code.
    - (4) This section does not apply to signs prohibited from being erected under Wis. Stats. § 84.30.
  - M. *Real estate signs.* One real estate sales sign on any lot or parcel; two real estate sales signs on a corner lot or parcel, and two real estate signs on a through-lot or parcel, provided no more than one sign shall be located on each frontage street. A real estate sign shall be located entirely within the property to which the sign applies and is not to be directly illuminated.
    - (1) In residential districts such signs shall not exceed four feet in height and six square feet in area and shall be removed within 15 days after the sale, rental or lease has been accomplished.
    - (2) In all other districts such signs shall not exceed 32 square feet in area nor the height of other permitted signs and shall be removed within 15 days after the sale, rental or lease has been accomplished.
    - (3) No sign shall be located within 25 feet of the public right-of-way at a street intersection nor over the right-of-way.
    - (4) One temporary "open house" event sign may be located entirely within the property to which the sign applies but shall not be displayed more than five calendar days prior to the open-house event and shall be removed immediately following the open-house event.
    - (5) One off-premises temporary "open house" event sign per lot with the owner's permission, provided such sign is erected on the day of the open house event and removed immediately following the open-house event.
  - N. *Window and door signs.* In business and industrial buildings, the inside surface of any window or door may be used for attachment of on-premises signs.
  - O. *On-premises insignia.* Insignia and commemorative plaques of recognized historic agencies or religious orders not exceeding four square feet in area.
  - P. *On-premises and off-premises temporary signs.* Temporary signs not exceeding 32 square feet in area pertaining to events of civic, philanthropic, educational, or religious organizations, provided such signs are posted with the property owner's permission and not more than 30 days before said event and removed within five days after the event.
  - Q. *Vehicular signs.* Truck, bus, trailer or other vehicle signs while operating in the normal course of business; which is not primarily the display of signs.
  - R. *Neighborhood identification signs.* In any zone, a sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or tract identifications, provided that the legend of such sign or display shall consist only of the neighborhood or tract name, not exceeding four square feet in area.
  - S. *Rummage/garage sales signs.* See section 9-6-4.F.

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T. *Business flags.*

- (1) Only one of the following types of business flag per business premises may be displayed for the purpose of promoting a business or other nonresidential use as follows:
  - (a) On-premises building-mounted business flags extending into public rights-of-way shall not exceed 15 square feet and shall maintain a vertical clearance of six feet above grade when extending more than 30 inches from the building facade.
  - (b) Movable business flags shall have a weighted base not to exceed two square feet, shall have a rigid pole to support the flag; shall not exceed 18 inches in width, and shall not exceed ten feet in height measured from the bottom of the base to the tip of the flag. These flags may be located in the terrace area immediately adjacent to the business and shall be displayed only during business hours.
- (2) Business flags located on private property shall not exceed 24 square feet and be located in accord with the general design requirements of this section.
- (3) Business flags shall advertise only merchandise or services provided at the subject business. These provisions do not apply to flags of nations or political subdivisions. Business flags are not permitted in conjunction with a home occupation.

U. *Sandwich signs as permitted in section 10-4-12.B.*

**Sec. 10-4-14. Construction specifications.**

- A. All signs shall comply with the provisions of the city building code and the National Electrical Code, as amended, and the additional construction standards hereinafter set forth, where applicable.
- B. All ground and roof sign structures shall be self-supporting structures as defined in the building code and permanently attached to sufficient foundations.
- C. Electric service to ground signs shall be concealed.
- D. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
  - (1) For solid signs, 30 pounds per square foot on the largest face of the sign and structure.
  - (2) For skeleton signs, 30 pounds per square foot of the total face cover of the letters and other sign surfaces or ten pounds per square foot of the gross area of the sign, as determined by the overall dimensions of the sign, whichever is greater.
- E. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent lateral movement that could cause wear on supporting members or connections.

**Sec. 10-4-15. Installation and maintenance.**

- A. *Safety.* All signs and awnings shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task. This chapter recognizes that there is a great peril to the public safety by improper performance of sign contractors through use of inadequate equipment. Therefore, the zoning administrator may deny a sign permit if the sign installer does not have or does not arrange for use of adequate equipment. The zoning administrator may also cite the sign contractor for a violation of this chapter if he fails to use proper equipment in the maintenance of signs.

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- B. *Electric signs.* This chapter recognizes that electric signs are controlled under the special equipment provisions of the National Electric Code (Article 600) and the city electrical code. It is also recognized that electric sign contractors have developed a specialized trade of high-voltage discharge electric sign installation and maintenance to properly install and service high-voltage electric signs.
    - (1) Electric sign contractors and their employees are hereby authorized to perform the following specific tasks:
      - (a) Install exterior electric signs, ballasts or high voltage transformers to sockets or outline lighting tubes, but may not connect said signs to primary branch circuits.
      - (b) Install interior electric signs, but may not connect said signs to the primary branch circuit.
      - (c) Maintain and replace any electric component within the sign, on its surface, or between the sign and building for exterior signs only.
    - (2) This chapter prohibits the electric sign contractor or its employees from performing work on electric signs in contradiction to the National Electrical Code or the city electrical code.

#### **Sec. 10-4-16. General design requirements.**

- A. Any provision set forth in this chapter which is found to be less restrictive than the rules of the Wisconsin Department of Transportation or the state statutes over which such department has jurisdiction shall not be construed to supersede such state rules or statutes.
- B. A ground sign, any part of which is closer than nine feet to the right-of-way shall have a minimum vertical distance of eight feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three feet in height above grade.
- C. Any ground sign, projecting sign, awning, canopy or marquee within 25 feet of a street intersection shall maintain a minimum vertical distance between the bottom of the sign, awning, canopy or marquee and the grade at the right-of-way line of ten feet or shall be not more than three feet in height above grade at the right-of-way line.
- D. Ground signs and awnings shall not project more than 72 inches into the public right-of-way, but in no case be closer than two feet to the curbline as measured from the property line.
- E. All other projecting signs, awnings, canopies and marquees shall maintain a minimum vertical distance between the bottom of the sign, awning, canopy or marquee and the grade at the right-of-way line of eight feet.
- F. Except where provided for elsewhere in this Code, projecting signs and roof signs may extend not further than six feet from the building to which they are attached, but in no case more than 72 inches into the public right-of-way, and in no case be closer than two feet to the curbline, as measured from the property line.
- G. A roof sign shall not extend more than eight feet above the highest point of the roof on which it is installed. A roof sign that projects beyond the facade of a building shall be governed by the requirements for a projecting sign.
- H. Projecting and wall signs shall not extend more than five feet above the front of the building to which they are mounted.
- I. No projecting sign shall be spaced closer than 50 feet from another projecting sign on a building facade utilized by the same occupant.
- J. Any sign located in an area that is accessible to vehicles shall have a minimum vertical clearance of 16 feet. (See National Electrical Code 600.10(b))

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- K. No advertising device of any type shall be in any way attached to any utility, sign or other municipal poles or structures located in the public right-of-way.
  - L. No more than six signs shall be attached to a single sign structure.
  - M. Unless otherwise specified, the minimum distance between off-premises signs oriented upon FAP highway systems shall be 100 feet.

#### **Sec. 10-4-17. Special signs.**

- A. *Subdivision development signs.* The zoning administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:
  - (1) Such permits may be issued for a period of not more than one year and may be renewed for additional periods of up to one year upon written application at least 30 days prior to its expiration.
  - (2) Signs as used in this section refers to all types of signs, except those excepted or prohibited by this chapter.
  - (3) The sign must be located on the property being developed and must comply with all applicable building setback requirements.
  - (4) The sign may not exceed 80 square feet.
  - (5) One sign is allowed for each major street adjacent to the subdivision.
- B. *Changing signs.* The plan commission may approve a changing message sign, provided the following findings can be made by the commission:
  - (1) The sign regulations applicable to the district would allow a static message sign of identical size and placement as the proposed changing sign.
  - (2) Proximity of the changing sign to nearby traffic signals would not adversely affect public safety by distracting or confusing motorists.
  - (3) Visibility of the changing sign from nearby residential properties would not create a nuisance for nearby residents.
  - (4) That "changing" does not mean flashing of the message.
  - (5) That the intensity of the changing message lights shall not create a nuisance.

#### **Sec. 10-4-18. Signs permitted by zoning district.**

- A. *Conservancy and residential districts.*
  - (1) Signs not requiring a permit.
  - (2) On-premises business identification signs for authorized, conditional or nonconforming uses.
    - (a) Permitted signs. One wall sign and one ground sign per frontage road, provided all buildings are set back at least 25 feet from the right-of-way line.
    - (b) Area restrictions. Twenty-four square feet for each ground sign and the total area of wall signs is not to exceed 0.5 square feet per linear foot of building facade facing a right-of-way up to 24 square feet.
    - (c) Height restrictions. Ground signs are not to exceed a height of 15 feet.

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- (d) Setbacks. All ground signs shall be located at least 25 feet from interior side or rear lot lines and completely outside the public right-of-way.

B. *Business districts.*

- (1) Signs not requiring a permit.
- (2) Awnings.
- (3) On-premises signs for authorized, conditional and nonconforming uses.
  - (a) Wall signs. Two per building facade calculated at six square feet of area per linear foot of building facade to a total maximum area of 300 square feet per facade.
  - (b) Ground, roof, and projecting signs. Any combination not exceeding three such signs per frontage street calculated at two square feet of area per linear foot of lot frontage to a total maximum area of 300 square feet. Such signs shall not exceed 25 feet in height nor project more than six feet into the public right-of-way, nor be less than two feet from the curb.
  - (c) Setbacks. All freestanding ground signs shall be not less than ten feet from interior side and rear lot lines in B-2 and B-3 districts.
- (4) Off-premises signs.
  - (a) Wall signs. Where the maximum area for on-premises signs is not used, one off-premises wall sign per building facade may be permitted, calculated at six square feet per linear foot of the building facade. The combined total of on-premises and off-premises wall signs shall not exceed 300 square feet per facade. Said off-premises wall signs may be attached to or painted on any building. However, no building shall have more than two off-premises wall signs with no one sign exceeding 100 square feet in area. Off-premises ECM signs may be permitted in accordance with section 10-4-17.B.
  - (b) Ground signs. Where the maximum area for on-premises signs is not used, one off-premises sign per frontage street, calculated at two square feet per linear foot of lot frontage. The combined total of on-premises and off-premises signs shall not exceed 300 square feet. However, no one off-premises sign shall exceed 100 square feet. Such off-premises signs shall not face residential zoning districts and shall not exceed 25 feet in height. Off-premises ECM signs may be permitted in accordance with section 10-4-17.B.
  - (c) Setbacks. All freestanding ground signs shall be so located as to not extend into the public right-of-way nor into required front and street side yard setback areas and shall be not less than 25 feet from interior side and rear yard lot lines.
- (5) Exceptions: Rogers Street Fishing Village.
  - (a) It is the intent of this section to recognize the unique character of the Rogers Street Fishing Village and to encourage design concepts which preserve and enhance the aesthetic character of the historic fishing village to the greatest possible extent within that area bounded by Jackson Street, the East Twin River, 17th and 22nd Streets. The plan commission is hereby authorized to approve the use of materials and designs other than are required in other districts, at its discretion, within the intent of this chapter, in keeping with the Rogers Street Fishing Village Development Plan, and within the following specific parameters:
    - [1] Off-premises signs not referring to businesses in the Rogers Street area shall not be permitted.
    - [2] Setbacks. Projecting signs shall not extend more than two feet into public rights-of-way which are less than 50 feet wide.

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- [3] Height. Signs shall not exceed a height of 25 feet.
  - (6) Shopping centers (multitenant buildings) and office buildings.
    - (a) Signs not requiring a permit.
    - (b) Awnings.
    - (c) Signs for authorized, conditional and nonconforming uses, including:
      - [1] Two tenant on-premises wall signs per tenant facade calculated at six square feet per linear foot of facade to a maximum area of 300 square feet per tenant. Wall signs for multiple tenants may be placed on a shared wall in lieu of the preceding on the same basis, to a total area of 300 square feet.
      - [2] Shopping center identification on-premises wall, roof or ground signs, the gross area of which shall be calculated at two square feet per linear foot of lot frontage, to a maximum of 400 total square feet.
      - [3] Height. Ground signs shall not exceed a height of 50 feet.
      - [4] Setback. No portion of any ground sign or directional entrance-exit sign shall extend into the right-of-way.

C. *Industrial districts.*

- (1) Signs not requiring a permit.
- (2) Awnings.
- (3) On-premises signs for authorized, conditional and nonconforming uses.
  - (a) Wall signs. Two per building facade calculated at six square feet of area per linear foot of building facade to a total maximum area of 300 square feet per facade.
  - (b) Ground, roof and projecting signs. Any combination not exceeding three such signs per frontage street calculated at two square feet of area per linear foot of lot frontage to a total maximum area of 300 square feet. Such signs shall not exceed 25 feet in height nor project more than six feet into the public right-of-way, nor be less than two feet from the curb.
  - (c) Setbacks. Ground signs other than directional entrance-exit signs shall be setback at least 25 feet from interior and rear lot lines and no portion of such signs shall project into the street right-of-way.
- (4) Off-premises signs.
  - (a) Wall signs. Where the maximum area for on-premises signs is not used, one off-premises sign per building facade may be permitted, calculated at six square feet per linear foot of the building facade. The combined total of on-premises and off-premises signs shall not exceed 300 square feet per facade. Said off-premises signs may be attached or painted on any building. However, no building shall have more than two off-premises signs with no one sign exceeding 100 square feet in area. Off-premises ECM signs may be permitted in accordance with section 10-4-17.B.
  - (b) Ground signs. Where the maximum area for on-premises signs is not used, one off-premises sign per frontage street, calculated at two square feet per linear foot of lot frontage. The combined total of on-premises and off-premises signs shall not exceed 300 square feet. However, no one off-premises sign shall exceed 100 square feet. Such off-premises signs shall not face residential zoning districts and shall not exceed 25 feet in height. Off-premises ECM signs may be permitted in accordance with section 10-4-17.B.

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- (c) Setbacks. All freestanding ground signs shall be so located as to not extend into the public right-of-way nor into required front and street side yard setback areas and shall be not less than 25 feet from interior and rear lot lines.
  - D. *Signs oriented upon high-speed FAP highways.* The following specific provisions shall be optional in business and industrial districts along FAP highways whereon the posted speed limit is at least 35 miles per hour and, where utilized, supersede any other conflicting provisions regarding on-premises and off-premises ground, projecting or roof signs.
    - (1) *Area restriction.* Off-premises signs shall be a total maximum area of 300 square feet.
    - (2) *Height.* Fifty feet from ground level for both on-premises or off-premises signs.
    - (3) *Setback.* Not less than 100 feet nor more than 660 feet from the right-of-way, not less than 50 feet or a distance equal to its height, whichever is greater, from any other public right-of-way.
    - (4) *Spacing.* No off-premises sign shall be located nearer than 300 feet to any other off-premises sign or to a residential property or residential district. A back-to-back double-faced sign shall be considered a single sign for the purpose of this section.
  - E. *Additional on-premises signs.* Section 10-4-18.A. through D. shall apply in the zoning district indicated. However, additional on-premises signage may be authorized on a fully developed site exceeding two acres or having more than 500 feet of road frontage for the following purposes: shopping center identification and single-tenant site, business or industrial identification signs. Such signs shall be planned in a manner that is consistent with the intent of this chapter and subject to the approval of the plan commission and city council.

(Amended 6-7-2021)

### **Sec. 10-4-19. Violations and penalties.**

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-1-5 of this Code. The zoning administrator shall enforce the provisions of this chapter, and he may take any appropriate legal action necessary to obtain compliance with this chapter, including but not limited to forfeiture, injunction and nuisance abatement.