

ORDINANCE #14-04

REPEALING AND RECREATING CHAPTER 98,  
DE PERE MUNICIPAL CODE  
REGULATING SIGNS

THE COMMON COUNCIL OF THE CITY OF DE PERE DO ORDAIN AS

FOLLOWS:

Section 1: Chapter 98, De Pere Municipal Code, is hereby repealed and recreated as follows:

**Chapter 98 SIGN ORDINANCE**

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**Sec. 98-1. Title of chapter.**

This chapter shall be known as the sign ordinance of the city.

**Sec. 98-2. Purpose of chapter.**

(a) The purpose of this chapter is to establish standards to safeguard life, health and property and to promote the public welfare by the regulation, administration and enforcement of outdoor sign advertising and display within the city. This chapter recognizes the need to protect the safety and welfare of the public and the need for well maintained and attractive sign displays within the community, and the need for adequate business identification, advertising and communication while acknowledging that careful control of signage can protect and enhance the community.

(b) This chapter further intends to protect and enhance the historical and cultural role of the city. Given the unique attributes of the city, including the Fox River and the downtown district, and the extensive investment made in revitalizing the downtown district, a significant degree of regulation over the aesthetic nature of signs in this district is considered an important public interest. The downtown district philosophy combines historic preservation with development to establish a thriving and aesthetically pleasing business center that strengthens the economic vitality and values of the community.

(c) To carry out these general purposes, these regulations are intended to:

- (1) Permit the effective use of signs as a means of commercial and non-commercial communication; maintain and enhance the ability of the city to attract sources of economic development and growth;
- (2) Maintain and enhance the ability of the city to preserve and protect special and unique natural and architectural features and historic landmarks;
- (3) Maintain pedestrian and traffic safety and minimize the distractions, hazards and obstructions causes by signs;
- (4) Minimize the possible adverse effects of signs on nearby public and private property;

- (5) Preserve property values within the city and allow signs appropriate to the character of each zoning district;
- (6) Enable fair and consistent enforcement of these sign regulations.

(d) This chapter authorizes the use of signs visible from public rights-of-way, provided that the signs are:

- (1) Compatible with zoning regulations;
- (2) Designed, constructed, installed and maintained in such a manner that the signs do not endanger public safety or traffic safety;
- (3) Legible, readable and visible in the circumstances in which the signs are used; and
- (4) Respectful of the reasonable rights of other advertisers whose messages are displayed.

### **Sec. 98-3. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Abandoned sign* means a sign which no longer correctly advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere for a period of 6 months.

(b) *Advertising vehicle* means signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

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

(d) *Area of sign* means the area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs 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 wall signs, the area of copy will be used.

(e) *Art/Public Art* means items expressing creative skill or imagination in a visual form, such as painting, graphic art, murals and sculpture which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from public areas.

(f) *Awning* means a roof-like covering consisting of fabric, plastic or structural protective cover that projects from the wall of a building which generally serves the purpose of shielding a doorway, entrance, window, or outdoor service area from the elements or to provide decorative distinction.

(g) *Awning sign* means any sign attached to or constructed in, on, or under an awning.

(h) *Backlit/Halo Sign* means a sign that has a source of copy illumination designed to project lighting against the surface behind the copy.

(i) *Banner sign* means a sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.

(j) *Billboard; see Off-premises sign.*

(k) *Blade sign* means a small pedestrian-oriented sign, less than 4 square feet, that projects perpendicular from a structure.

(l) *Building facade* means that portion of a building which is parallel or nearly parallel to the abutting roadway.

(m) *Business Center* means multiple businesses located on a single parcel meeting any of the following criteria:

- (1) Utilizing shared or inter-connected parking areas;
- (2) Utilizing shared access drives.

(n) *Business Center Sign* means a sign identifying the entrance to a business center and/or the names of the businesses located within the business center.

(o) *Business identification sign* means any sign which promotes the name and type of business only on the premises where it is located.

(p) *Canopy* means a roof-like structure projecting from a wall and supported in whole or in part by the building and / or vertical supports from the ground and erected primarily to provide shelter from the weather.

(q) *Canopy sign* means any sign attached to or constructed in, on, or under a canopy.

(r) *Changeable message sign* means a sign such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic,

electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

(s) *Commercial copy* means any sign, wording, logo, or other representation that, directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity. Commercial copy does not include contact or social media information.

(t) *Copy area* means the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

(u) *Directional sign* means any sign which is erected on private property by the owner of the property for the purpose of guiding vehicular and pedestrian traffic on the property. Such sign bears no advertising information.

(v) *Display Time* means the amount of time a message and/or graphic is displayed on an Electronic Message Sign.

(w) *Dissolve* means a mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

(x) *Double-faced sign* means a sign with copy on 2 parallel faces that are back to back, facing in opposite directions.

(y) *Downtown Main Street Overlay District* means a District that is designed to closely match the city Main Street boundaries. A map of the district, as may be amended from time to time, is attached as Appendix A and is on file in the sign inspector's office.

(z) *Dynamic Frame Effect* means an Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

(aa) *Electric sign* means any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.

(bb) *Electronic Message Sign* means A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. (See also following terms principally associated with Electronic Message Signs: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel).

(cc) *Election campaign sign* means a temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or other election.

(dd) *Externally illuminated sign* means a sign lighted by or exposed to artificial lighting by lights on the sign or directed toward the sign.

(ee) *Fade* means a mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(ff) *Flashing sign* means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source, not including changeable message signs.

(gg) *Frame* means a complete, static display screen on an Electronic Message Sign.

(hh) *Frame Effect* means a visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

(ii) *Freeway* means a divided traffic way in respect to which abutting property owners and others have only limited access to and from as determined by the public authority having jurisdiction over such trafficway. Freeway also means interstate.

(jj) *Freeway oriented sign* means any sign located with the sign positioned for primary reading from the freeway.

(kk) *Frontage* means the length of the property line of any one premise parallel to and along each public right-of-way it borders.

(ll) *Grade* means the finished surface of the ground around the sign, consistent with the predominant grade for the site.

(mm) *Gross area* means 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.

(nn) *Height of sign* means the vertical distance from normal grade to the highest point of the sign. Any berming, filling, or excavating solely for the purpose of locating the sign shall be included as a part of the sign height. Note: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest point of the sign face. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade of the sign is lower than the grade of the adjacent public/private street, normal grade shall be construed as the grade of the adjacent public/private street.

(oo) *Holiday display* means displays erected on a seasonal basis in observance of religions, national or state holidays which are not intended to be permanent in nature and which contain no commercial message.

(pp) *Internally illuminated sign* means a sign lighted by or exposed to artificial lighting by lights in the sign.

(qq) *Legal nonconforming sign* means a nonconforming sign that did meet code regulations when it was originally installed.

(rr) *Marquee* means a roof-like structure of a permanent and structural nature which projects from the wall of a building.

(ss) *Marquee sign* means any sign attached to or constructed in, on, or under a marquee.

(tt) *Message Board* means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

(uu) *Monument Sign* means a sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles. Monument sign also means ground sign.

(vv) *Noncommercial message* means a message intended to direct attention to a political, social, community or public service issue or an idea, aim viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

(ww) *Nonconforming sign* means a sign that does not meet code regulations.

(xx) *Off-premises sign* means a sign which advertises goods, products, facilities, events or services not on the premises where the sign is located, or directs persons to a different location from where the sign is located.

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

(zz) *Painted wall sign* means signs painted directly onto a building wall.

(aaa) *Pole sign* means a freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.

(bbb) *Portable sign* means any sign not permanently attached to the ground or a building.

(ccc) *Projecting sign* means a sign, normally double-faced, which is attached to, and projects from, a structure or building facade. Awning, canopy and marquee signs shall not be considered projecting signs.

(ddd) *Roof sign* means a sign erected upon, against or above a roof.

(eee) *Sandwich board sign* means a portable sign which is generally temporary in nature and which is free-standing.

(fff) *Scroll* means a mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

(ggg) *Sign* means any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or nonilluminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

(hhh) *Sign contractor* means any person, partnership or corporation engaged, in whole or in part, in the erection or maintenance of signs, excluding the business which the sign advertises.

(iii) *Sign inspector* means the person(s) charged with the responsibility to see that signage is installed and maintained in compliance with this chapter.

(jjj) *Sign structure* means any device or material which supports, has supported, or is capable of supporting, a sign in a stationary position, including decorative covers.

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

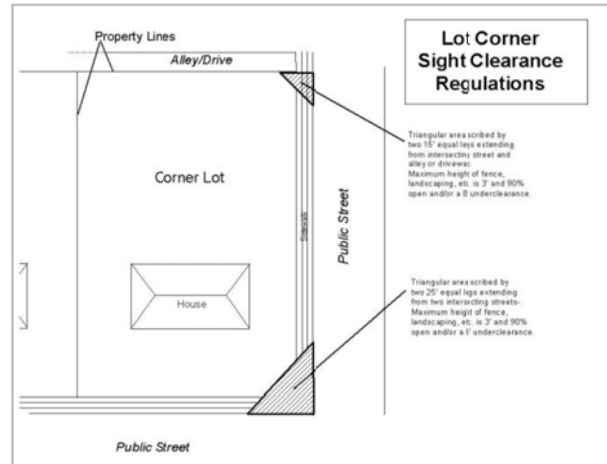
(lll) *Temporary sign* means a banner, pennant, poster or advertising display that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period of time only.

(mmm) *Transition* A visual effect used on an Electronic Message Sign to change from one message to another.

(nnn) *Travel* A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.



(ooo) *Vision Triangle (sight clearance)* means a triangular area enclosing an isosceles triangle scribed by two 25' equal legs extended each way from the vertex of two intersecting streets, such corner determined by projecting the curb lines out to where they meet, or the triangular area enclosing an isosceles triangle scribed by two 15' equal legs extended each way from the vertex of an intersecting street and alley or two alleys, such corner determined by projecting the curb lines out to where they meet. See the following graphic:



(ppp) *Wall sign* means a sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall.

(qqq) *Window sign* means a sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(rrr) *Zoning districts* means as follows:

(1) *Residence districts.*

- R-1, Single Family Residence District
- R-2, Single and Two-Family Residence District
- R-3, General Residence District
- R-4, General Residence Office District

(2) *Business districts.*

- B-1, General Business District
- B-2, Community Shopping District
- B-3, Motor Vehicle Dependent District
- Hwy 41-A, Highway 41 Business Corridor: District A
- Hwy 41-B, Highway 41 Business Corridor: District B

(3) *Industrial districts.*

I-1, Industrial Park District  
I-2, Limited Industrial District  
I-3, General Industrial District  
C-EO, Corporate-Executive Office District  
C-EO-2, Corporate-Executive Office 2 District  
I-B-1, Industrial Business Park 1 District  
I-B-2, Industrial Business Park 2 District

(4) *Conservancy district.*

**Sec. 98-4. Licensing; indemnification; insurance; permits; applications; fees; issuance and denial; appeals.**

(a) *Yearly licensing.* Every person/company engaged in the business of installing, maintaining or removing signs within the city shall first obtain a license to perform such work. Such license shall be issued as of May 1, 2014 by the sign inspector and shall be valid for 12 months. There shall be an annual fee for such license in an amount as determined by resolution of the common council. Fees shall not be prorated. Such fee may include late fees and fees for expedited process.

(b) *Indemnification for sign installation and maintenance.* 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 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 of negligence resulting from the erection, alteration, relocation, maintenance of this sign or any other sign work insofar as this chapter has not specifically directed the placement of the sign.

(c) *Insurance.* Every sign installer shall file with the sign inspector a certificate of insurance indicating the applicant holds a public liability and property damage specifically to include the hold harmless with bodily limits of at least \$1,000,000 per occurrence, and \$2,000,000 aggregate, and property damage insurance of at least \$250,000 per occurrence, and \$250,000 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.

(d) *Permits required.* Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign, or cause the same to be done in the city, without first obtaining a sign permit for each such sign from the sign inspector as required by this chapter. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure. If the work authorized by the permit has not been completed within 6 months after the date of issuance, the permit shall lapse and become null and void. The validity of a permit may be

extended by the sign inspector an additional 3 months beyond the original date for extenuating circumstances.

(e) *Application for a permit.* Application for a permit shall be filed with the sign inspector upon forms provided by the sign inspector and shall contain the following information:

- (1) The name and contact information of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
- (2) The following shall be provided in PDF, Microsoft Word or Microsoft Excel format:
  - a. Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction size, dimensions, and kind of materials to be used in such structure.
  - b. A site plan shall be submitted showing the buildings on the premises upon which the structure is to be erected and maintained, together with location, size and types of existing signs on the premises where the proposed sign is to be located.
  - c. A color rendering showing the sign at the proposed location shall also be provided.
- (3) Calculations or evidence showing that the structure, design and mounts meet the requirements of this chapter for wind pressure load.
- (4) Evidence of liability, insurance policy or bond as required in this section.
- (5) Such other information as the sign inspector may require to show full compliance with this and all other applicable laws of the city.
- (6) Signature of the applicant and property owner.

(f) *Permit applications for signs encroaching upon right-of-way.* If the sign application involves the installation of a sign which encroaches upon or over right-of-way, such permit application shall also require the following:

- (1) Location of encroachment identified in drawings/renderings required under paragraph (e)(2);
- (2) Acknowledgment by property and business owner that city may revoke permission to encroach upon right-of-way if it determines public safety, maintenance, other use or other legitimate reason;

- (3) Property owner agreeing to hold the City of De Pere harmless from any and all injury that may occur to any party as the result of the use of the right-of-way referenced hereunder. This provision is intended to indemnify and hold harmless the City of De Pere to the fullest extent permitted by law and includes the payment of reasonable attorney fees for the defense of any claims brought which can fairly be said to be under the intent and purpose of this hold harmless agreement.
- (4) To secure such hold harmless agreement, property or business owner shall maintain a general liability insurance policy on its business operations in an amount of not less than \$1,000,000 per occurrence and shall produce a Certificate of Insurance demonstrating to the satisfaction of the city that the city is entitled to coverage thereunder under the terms and conditions of this agreement. A copy of the certificate of insurance must be provided and maintained or the permission to encroach on right-of-way shall be revoked.
- (5) The authority to encroach upon right-of-way shall not transfer to any new business or property owner. A new permit is required.

(g) *Permit fees.* Application for permit shall be filed with the sign inspector together with such fee therefore as is determined by resolution of the common council. Such fee may include inspection fees, late fees and fees for expedited process.

(h) *Permit issuance and denial.* The sign inspector shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign within the city when the permit application is properly completed, all appropriate fees have been paid, and the sign complies with the appropriate laws and regulations of the city. If the sign permit is denied, the sign inspector shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial, along with the return of all permit fees and papers.

(i) *Sign permit variance.*

- (1) In the event of a sign permit denial due to the requirements in this section contained causing undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the plan commission under Section 14-27(6) of this code, accompanied with such fee as determined by resolution of the common council. Such fee may include late fees or fees for expedited process. The plan commission shall take action on any variance request within 60 days of receipt of the variance application or the same shall be deemed denied. The sign inspector shall comply with and enforce the plan commission's decision.
- (2) The sign inspector's failure to either formally grant or deny a properly completed sign permit application within 7 days of the date of application

meeting the requirements of this chapter shall be cause for appeal to the plan commission.

**Sec. 98-5. - Legal nonconforming signs.**

(a) *Notification of nonconformance.* After enactment of this chapter, the sign inspector shall survey the city to inventory all signs. Upon determination that a sign is nonconforming, the sign inspector shall use reasonable efforts to so notify, in writing, the user or owner of the property on which the sign is located of the following:

- (1) The sign's nonconformity.
- (2) Whether the sign is eligible for characterization as a legal nonconforming or is unlawful.

(b) *Signs eligible for characterization as legal nonconforming.* Any sign located within the city limits as of the date of adoption of the ordinance from which this chapter is derived, 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 proper sign permit prior to the date of adoption of the ordinance from which this chapter is derived.
- (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 on the date of adoption of the ordinance from which this chapter is derived.

(c) *Loss of legal nonconforming status.* A sign loses its nonconforming status if one or more of the following occurs:

- (1) The sign is abandoned as defined in this code.
- (2) 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.
- (3) The sign is relocated. However, relocation of a sign pursuant to the exercise or the threat of exercise of eminent domain by a governmental authority shall not cause a legal nonconforming sign to lose such status provided the sign is relocated to an area on the same tax parcel and as close as practicable to the original site acquired by said government action.
- (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.

(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. If the cost of such repair and maintenance exceeds 50% of the replacement cost value new of a nonconforming sign, a sign permit shall be applied for and the sign shall be made to conform to this chapter be removed.

**Sec. 98-6. - Removal and disposition of 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 such sign.
- (2) The sign inspector shall require compliance with all standards of this chapter. If the sign is not modified to comply with safety standards outlined in this chapter, the sign inspector shall require its removal in accordance with this section.

(b) *Abandoned signs.* All signs 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 advertises is no longer conducted or, for an off-premises sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the sign inspector shall give the owner 30 days' written notice to remove such sign. Upon failure to comply with this notice, the city may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

(c) *Deteriorated or dilapidated signs.* The sign inspector shall cause to be removed any deteriorated or dilapidated sign under the provisions of Wis. Stats. §66.0413.

**Sec. 98-7. - Administration (sign inspector).**

The city building inspector is designated as sign inspector hereunder to enforce the provisions of this chapter. The sign inspector shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform with the requirements of this code, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the city, and make such reports as the city may require.

**Sec. 98-8. - Prohibited signs.**

The following signs shall be prohibited within the city:

- (a) *Signs within the right-of-way.* Except as provided in Section 98-4(f).
- (b) *Abandoned signs.*
- (c) *Flashing or moving signs.* Changeable message signs are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than 7 revolutions per minute.
- (d) *Swinging signs.*
- (e) *Painted wall signs.*
- (f) *Roof signs.*
- (g) *Manual changeable copy signs.* Except as permitted as a temporary sign under Section 98-13(a).
- (h) *Unclassified signs.* The following signs are prohibited:
  - (1) Floodlighted signs (unless lights are so shielded as to not allow view of the actual light source from any city street or residential neighborhood).
  - (2) Signs which bear or contain statements, words or pictures of obscene, pornographic or which shock the conscience of the public.
  - (3) Signs which are an imitation of, or resemble in shape, size, copy or color, an official traffic sign.
- (i) *Inflatable signs* except:
  - (1) Balloons or inflatable figures used in a parade, festival, civic event or holiday display.
  - (2) Novelty balloons less than 2' in diameter and not more than 3' in any dimension which are tethered or moored not to exceed 20'.

**Sec. 98-9. - Signs not requiring a sign permit**

The following signs are permitted in any zoning district without obtaining a permit, as specified in this section. However, all signs must comply with all other general sign regulations established in Section 98-14. These signs shall not be applied toward the maximum sign allowance specified for a property, except as otherwise indicated in this subsection. No signs are allowed within street right-of-way under this section.

(a) *Address numbers and nameplates.* Residential and professional address numbers and nameplates not exceeding 1 square foot in area per building identifying the owner or occupant of a property or name of a permitted home occupation. Such numbers and nameplates shall comply with Section 22-3 of this code.

(b) *Art/Public art.* Such displays shall not obstruct the vision triangle at intersections and shall not be located within or over any public right-of-way.

(c) *Construction signs.* Two construction signs per construction project not exceeding 50 square feet in sign area per sign. Such signs may be erected no more than 5 days prior to construction, shall be confined to the construction site, and shall be removed no more than 60 days after completion of construction.

(d) *Directional signs.* Directional signs not exceeding 6 square feet in a commercial, mixed-use, or industrial district or 3 square feet in a residential district displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, loading areas, addresses, or similar noncommercial information. Sign height shall not exceed 6'.

(e) *Flags.* Flags, including official government flags, emblems, or temporary displays of a patriotic, religious, charitable, or other civic character, may be displayed provided that such signs are not placed in the public right-of-way.

(f) *Historic plaques.* Plaques or name plates identifying historic buildings, structures, or districts, provided no such historic plaque shall exceed 4 square feet in area.

(g) *Holiday decorations.* National or state holidays which are not intended to be permanent in nature and which contain no commercial message.

(h) *Interior signs.* Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building that are not visible from the public right-of-way. Such signs must comply with the structural, electrical, or materials specifications required by this chapter or the building code.

(i) *Memorial signs.* Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material, provided no such memorial sign shall exceed 4 square feet in area.



(j) *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, apartment or subdivision identification, provided that the legend of such sign or display shall consist only of the neighborhood, apartment or subdivision name.

(k) *Plaques.* One religious symbol, commemorative plaque, or identification emblem, provided no such symbol, plaque, or emblem shall exceed 4 square feet in area and provided all such symbols, plaques, and emblems shall be placed flat against a building.

(l) *Public signs.* Public signs, street signs, warning signs, railroad crossing signs, emergency signs, or signs of public service companies for the purpose of promoting safety.

(m) *Political and campaign signs.* Political and campaign signs on behalf of candidates for public office or issues on election ballots, provided that such signs are subject to the following regulations:

- (1) Permission shall be obtained from the owners or tenants in possession of the property upon which an election campaign sign is placed. No sign shall be located on public property.
- (2) The person or organization responsible for the erection or distribution of any such signs, or the owner, or agent of the property upon which such signs are located, shall cause their removal within 3 days after the election to which the signs are pertinent unless such signs shall continue to be pertinent to a general election to be held within 90 days. If the signs are not removed within the 3 day period, the sign inspector or authorized designee, shall cause such sign to be removed without the necessity of giving notice and the costs thereof placed upon the tax roll for such parcel as a special charge for current services rendered under Wis. Stats. §66.0627.
- (3) Each sign, except billboards, shall not exceed 16 square feet in nonresidential zoning districts and 11 square feet in residential zoning districts. This paragraph does not apply to a sign which is affixed to a permanent structure and does not extend beyond the perimeter of the structure. If the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building code to remain unobstructed.
- (4) No sign shall be placed upon a building or a zoning lot that will create a traffic or safety hazard. The city police department shall be primarily responsible for determining safety and traffic factors of such sign. If it is determined that any signage is a traffic and/or safety factor, the city police department shall have the authority to remove such signage. If such sign is not removed within the time frame given, the police department shall cause such sign to be removed and the costs thereof placed upon the tax

roll as a special charge for current services rendered under Wis. Stats. §66.0627.

(n) *Real estate signs.* One real estate sales sign on any lot or parcel, or two signs per corner lot, provided that such sign is located entirely within the property to which the sign applies and is not directly illuminated.

- (1) In residential districts, such signs shall not exceed 6 square feet in area and shall be removed within 30 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 and shall be removed within 30 days after the sale, rental or lease has been accomplished.

(o) *Seasonal flags, pennants, streamers and banners.* Placement is authorized under a city issued permit or placed upon city right-of-way by city personnel.

(p) *Temporary sales signs.* Temporary sales signs not exceeding 8 square feet and limited to 1 sign per property.

- (1) Signs shall be located on private property where the sale is conducted and shall be set back 5' from all property lines and out of the sight triangle.
- (2) Such signs may be erected for periods not exceeding 3 days and shall be removed at the end of the sale.

(q) *Temporary civic signs.* Temporary signs pertaining to public or civic events or advertising displays not exceeding 16 square feet in area to be displayed for a limited period of time not to exceed 30 days.

(r) *Vehicular signs.* Signs on vehicles operated in the normal course of business, which is not primarily the display of signs.

**Sec. 98-10. - Construction specifications.**

- (a) All signs shall comply with the provisions of the city building ordinance.
- (b) All monument sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (c) Electrical service to ground signs shall be concealed wherever possible.
- (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 10 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 any lateral movement that could cause wear on supporting members or connections.

(f) Cables, anchors, guys, fasteners, lag screws, bolts, or other equipment or materials used in securing any non-temporary sign to its mounting shall be made of galvanized metal or of equal corrosion resisting metal or metal treated so as to be equally corrosion resistant. Supports and braces used to secure or support a sign shall be designed as an integral part of the sign design or sign structure, or be screened from public right-of-way whenever possible.

(g) All electric signs shall also include: for incandescent lamp signs, the number of lamp holders; for electric discharge lamp signs, the input amperes at full load and the input voltage.

**Sec. 98-11. - Installation and maintenance.**

(a) *Safety.*

- (1) All signs shall be installed and maintained in a workmanlike manner using equipment which is adequate and safe for the task.
- (2) At the time of permit application, plans shall be filed with the sign inspector for footings for signs 8' to 20' in height, methods of attachment of projecting signs, and engineering specifications and calculations as required by the sign inspector.

(b) *Electric signs.* This chapter recognizes that electric signs are controlled under the special equipment provisions of the city electrical ordinance/National Electric Code. Electric sign contractors and their employees are herein authorized to perform the following specific tasks:

- (1) Install exterior electric signs, ballasts or high voltage transformers to sockets or outline lighting tubes, and may connect such signs to primary branch circuit, if such circuit already exists outside of the building.
- (2) Install interior electric signs, but may not connect such signs to the primary branch circuit.

**Sec. 98-12. - General design requirements.**

(a) *Design.* Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect. The use of high intensity colors or florescent pigments is prohibited.

(b) *Maintenance.* Every sign shall be constructed and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed, or preserved including all parts and supports.

(c) *Illumination.* Illumination of signs is permitted subject to the following standards:

- (1) Illumination of signs shall be directed or shaded so that the no direct rays shall:
  - a. interfere with the vision of persons on adjacent streets or properties
  - b. be directed onto adjacent residential uses or districts; or,
  - c. create a nuisance condition as determined by the sign inspector and/or designee.
- (2) Where internal illumination of signs is permitted, signs shall be designed to minimize the amount of light that is transmitted through the sign panel. The display of white light should be limited to the sign copy. The display of internal illumination through the background shall be controlled by one or more of the following:
  - a. limiting the illuminated background to 30% of the sign area;
  - b. changing the shape of the sign to reduce the lighted surface area,
  - c. using a dark color; or
  - d. using an opaque screen.
- (3) Underground wiring shall be required for illuminated signs not attached to a building.

(d) *Blanketing.* Blanketing of signs is prohibited.

(e) *Vertical Clearance Areas.*

- (1) **Vehicle Area Clearance.** When a sign extends over a private area where vehicles travel or are parked, the bottom of the overhanging sign must be at least 12' above the ground. Vehicle areas include but are not limited to driveways, alleys, parking areas, and loading and maneuvering areas.
- (2) **Pedestrian Area Clearance.** When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure must be at least 7' above the ground.

(f) *Transitional Areas.* Signs are prohibited within any transitional area required by Chapter 14 of this Code.

(g) *Calculation of Area of Copy.* Sign area shall be calculated as follows:

- (1) *Calculation of Area of Individual Signs.* The allowable area of a sign face shall be measured by enclosing the most protruding points or edges of a sign within the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material, color, or decoration forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Such area shall not include any base, supports, bracing, supporting fence, or supporting wall when they are clearly incidental to the display itself.
- (2) *Calculation of Area of Multi-faced Signs.* The allowable sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 2' apart, the sign area shall be computed by measurement of one of the faces.

(h) *Computation of Height.* The allowable height of a sign shall be measured by calculating the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be the lower of:

- (1) the existing grade prior to construction; or,
- (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

(i) *Assignment of Allowable Sign Area - Multi-Tenant Buildings.* When the allowable area for signs is based on the linear feet of a building exposure, the allowable sign area may be assigned to each tenant as follows:

- (1) allowable sign area multiplied by the percent of building exposure or building space occupied by each tenant;
- (2) the allowable sign area divided by the number of tenants; or,
- (3) the allowable sign area may be assigned at the discretion of the property owner.

**Sec. 98-13. – Special signs.**

(a) *Temporary signs* shall be allowed in excess of the sign limitations for permanent signs, in compliance with the following:

- (1) Temporary signs shall be permitted only in mixed-use, commercial, and industrial districts or in residential districts in conjunction with a new subdivision.
- (2) Signs shall comply with the setback provisions for monument or ground/pylon signs in each zoning district.
- (3) Signs shall be limited to 32 square feet in total area per property.
- (4) Signs shall require a permit from the sign inspector for each location and time-period.
- (5) Signs shall be located on the property the advertising pertains to, unless for a civic or public event which may project over the right-of-way with city approval.
- (6) Signs shall be limited to a maximum of 3 periods per year per property (defined by a single Property Identification Number). Each period not to exceed 30 days.
- (7) All pennants, streamers, banners, and other forms of temporary signs must be maintained and not frayed, torn, or tattered.
- (8) Banners, pennants, searchlights or balloons shall not be used on a permanent basis. No more than 2 banners, balloons, flags, or posters shall be permitted at one time on a property and can only be used for a maximum of ten days. Balloons and other aerial devices may not exceed 20' in height.
- (9) No more than one reader board or other portable ground sign shall be permitted at one time on a property, subject to the time limitations under paragraph (6) above.

(b) *Trailer or Mobile Mounted Signs.* Trailer or mobile signs mounted are permitted for a total of four weeks per year, provided no one period exceeds two weeks, and:

- (1) Each permit is to be issued to a single parcel or identifiable shopping center and not each business therein.
- (2) Such signs may be located in the front yard setback area if it is not within 15' of an intersecting street or driveway to preserve sight distance.

- (3) A site plan accompanies application illustration location.
- (4) Construction and electrical codes of the city shall apply to the extent applicable.
- (5) Portable Electronic Message Center signs are prohibited in residential districts and the Downtown District.

(c) *Public / Private Schools or Colleges and Religious Institutions or Places of Worship Signs* are regulated as follows:

- (1) A wall sign identifying the institution name can be used in combination with a monument sign.
- (2) One monument sign is permitted per street frontage, and one sign attached to a building is permitted per building façade facing a public street.
- (3) Monument signs shall be no larger than 8' in height and contain no more than 50 square feet of sign area (per side). Signs attached to a building shall not have any support structures extending above roof/cornice and shall contain no more than 32 square feet of sign area.
- (4) The monument sign shall be architecturally compatible with the building and have a 1- to 4-foot high masonry base of similar building materials and/or an earth berm.
- (5) The horizontal measurement of the monument sign must be greater than the vertical measurement.
- (6) Monument signs shall be set back not less than 15' from any property line.
- (7) Architectural details compatible with the building design may not exceed 16" above the maximum height.
- (8) The monument sign is to be limited to name, logo, and address.
- (9) Four lines of reader board are permitted on the monument signage, not to be greater than 75% of the sign area. Letters contained within the reader board shall not be less than 6" in height. No additional exterior reader boards and/or changeable copy will be permitted on site.
- (10) The reader board shall be limited to advertising for onsite activities. No off-site advertising shall be permitted.
- (11) Electronic Message Sign (EMC) or sign is permitted subject to:
  - a. Electronic message signs shall be a part of a monument sign.

- b. An electronic message sign shall not operate between 11:00 PM and 5:00 AM.
  - c. The transition time between messages and/or message frames is limited to 1 second in residential districts.
  - d. EMC display features and functions are prohibited: scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.
- (12) A detailed landscape plan is required with a landscape area sufficient to cover an area extending not less than 3' past any part of the ground-mounted sign. The landscape plan is subject to sign inspector approval.

(d) *Subdivision Development.* Two temporary signs in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

- (1) Permit required. Requests for subdivision development signs shall be required to submit a site plan, sign details, and other information, to the office of the sign inspector for review of compliance with all applicable codes. No fee will be required.
- (2) Time limit. Such permits may be issued until 80% of the lots have been sold, or less than 5 lots remain in the subdivision, after which said signs shall be removed.
- (3) Text, content. The temporary subdivision sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate firm, and may refer to materials, appliances, supplies, and building trades used in connection with the dwelling units or services provided by the developer. Said signs may be externally illuminated.
- (4) Location. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located.
- (5) Height and size. Signs shall be no greater than 10' in height with 3' of under-clearance. Maximum sign area shall not exceed a total of 64 square feet.

(e) *Changeable Copy.* Changeable copy signs may be incorporated within or used as institutional identity signs in any district in compliance with the following restrictions.

- (1) Changeable copy signs shall not be utilized as a stand-alone sign and shall be incorporated into or attached to a primary business identification sign so that separation between the 2 signs is limited to 1'.



- (2) The changing sign shall not exceed the following size limitations:

<u>Total Sign Face, One Side</u>	<u>Portion Allowed to be Changing</u>
Less than 24 square feet	Up to 8 square feet
24 square feet to 96 square feet	33% of total sign area
More than 96 square feet	32 square feet or less

- (3) The changing sign message shall consist of letters and numbers only. For changing signs, automatic copy shall not change more than 6 times per minute.
- (4) Color may not be red, green, or amber if sign is located in the front setback if within the vision triangle of an intersection.

(f) *Fuel / Gas Center Signs.*

- (1) A fuel center sign can use digital LED lighting for displaying the fuel cost. The LED lighting display cannot be used for any other type of copy.
- (2) The digits used in such LED shall not exceed 8" in height for monument sign and 12" in height for pole sign.

(g) *Sandwich Board Signs.*

- (1) Uses. A sandwich board sign may be permitted within the city right-of-way for parcels with frontage in the Downtown Main Street Overlay District and must meet the following standards.
- (2) Dimensional/Design Standards:
- Area. Sign face area shall not exceed 8 square feet per sign face.
  - Width. Sign face width shall not exceed 2' measured at the widest point of the sign face.
  - Height. Sign height shall not exceed 4' measured from the ground to the top of the sign.
  - Ballast. A ballast shall be installed at the base of a sandwich board sign to ensure stability in windy conditions.
  - Portability. Signs shall be truly portable and shall not be permanently affixed to any structure or sidewalk.
  - Color/Illumination. The sign shall not be painted traffic yellow or construction zone orange, nor shall it be reflective, fluorescent or illuminated.

- g. Signs shall not resemble or contain any MUTCD-compliant traffic control devices in size, shape, message, or color.
- h. A maximum of one sandwich board sign per individual business shall be permitted. No supplemental sign, notice, flag, balloon or other decoration shall be attached to the sign.
- i. The sandwich board shall be manufactured to a professional standard of construction, finish and graphics; be fabricated of sign grade wood or metal and be free standing and self-supporting and not be affixed to or mounted on wheels.
- j. The sign shall be fold-over or breakaway in design, as to not be capable of producing serious injury to pedestrians, bicyclists, and motorists.
- k. The sign shall be maintained in good repair.
- l. The sign shall not obstruct building exits.

(3) Placement:

- a. Sidewalk Width. Signs shall be placed only on sidewalks where a minimum 5 foot clear sidewalk is maintained. The sign may be placed on the sidewalk fronting the place of business directly adjacent to the property line or building façade.
- b. Removal. Sandwich board signs may be displayed only during the period a business is open to the public and shall be removed at close of business each day. Sandwich board signs shall not be placed in such a way as to interfere with snowplowing of the streets. The area around the sandwich board sign shall be free of snow and ice and shall be placed on the ground at all times. Sandwich board signs shall not be placed on snow banks. Businesses that utilize sandwich board signs will hold the city harmless from damage to the signs due to snow removal.
- c. Location. Signs shall be located according to the following standards:
  - i) No sandwich board sign shall be placed within 10 linear feet of another sandwich board sign, measured from the base of each sign. Sandwich board signs shall not be located adjacent to a bus stop nor in any manner interfere with passengers boarding or alighting from a transit vehicle.

- ii) Signs shall be located in the following portions of the sidewalk, to be determined by the Department of Public Works staff based on accessibility and safety standards, including location and proximity of doorways, width of tree plot, maximum distance between pedestrian obstacles, location of crosswalks, and other physical features of the location that affect accessibility and safety.
  - iii) Signs shall be placed a minimum of 48” from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement. Signs shall be placed a minimum of 10’ from a building corner of pedestrian crosswalk. Signs shall not be closer than 2’ from the face of the street curb.
  - iv) Signs shall not block or interfere with any permanent or temporary traffic control devices.
- d. ADA Compliance. Sign placement shall meet all Americans with Disabilities Act (ADA) requirements.
- (4) Enforcement. More than 2 violations of the sandwich board sign standards in 1 calendar year shall result in the removal of the sandwich board. A new sandwich board sign shall not be permitted for the business for a minimum of 12 months from the date of the sign permit revocation.

**Sec. 98-14. – General Requirements by sign type.**

Three sign types per business may be used outside of the downtown overlay district. In the downtown overlay district, the use of two sign types per business is permitted.

(a) *Awnings/Canopies/Marquees.* Awning, canopy, and marquee signs shall be permitted subject to the following standards:

- (1) Awning/Canopies without signage are permitted above doors and windows.
- (2) Awning/Canopy signage is only permitted at the ground level.
- (3) A minimum clearance of 7’ shall be maintained from ground level.
- (4) Signage shall not extend above the roof or parapet of the structure to which it is attached.
- (5) Signage shall not interfere with street trees or traffic signs.

- (6) Signage shall be supported solely by the building to which it is attached and no columns or posts shall be permitted as supports within the right-of-way.
- (7) The roofs of all marquees/awnings and canopies shall be used for no other purpose than to form and constitute a roof. The roofs of all marquees/awnings and canopies on private property shall not drain directly onto the public right-of-way. The roofs of all marquees/awnings and canopies shall be constructed to support a live load of not less than 60 pounds per square foot.
- (8) No advertising shall be placed on the marquee/awning or canopy except the name or logo of the owner, business or industry conducted within the premises, address of the building, or the building name.
- (9) Any text, logos, or other graphic representation qualifying as a sign which is placed on an awning, canopy, or marquee shall be included within the calculation of total allowable wall sign area and are subject to the requirements of this ordinance.
- (10) Lettering and Logos shall not exceed more than 30% of the total exterior of awning/canopy and cannot exceed 30 square feet.
- (11) Awning/Canopy shall not be white or translucent.
- (12) Awnings with back-lit graphics or other kinds of interior illumination are not permitted.
- (13) Matte finish canvas or acrylic coated fabric is preferred. Vinyl is not a permitted material.
- (14) Lettering or logos shall be painted or otherwise permanently affixed in letters not exceeding 20" in height on the front and side portions thereof.
- (15) Awnings shall be designed to project over individual windows and door openings and not project as a single continuous feature extending over masonry.
- (16) Marquee signs shall be limited to buildings occupied by theaters, cinemas, performing arts facilities, or parking structures.
- (17) The sign copy of marquee signs shall be limited to the business name and changeable copy related to upcoming and future attractions.

- (18) In the Downtown Main Street Overlay District, the sign may project into the public right-of-way, but may not be erected closer than 3' to any street curb line.

(b) *Business Center Signs.* Business center signs shall be permitted subject to the following standards:

- (1) Intended to identify the entrance, the name of the business center, and/or the names of businesses within the business center.
- (2) Business center signs shall keep the first 2' of the sign closest to the ground free of sign copy for the purposes of snow storage and landscaping. This portion of the sign shall not be counted toward the calculation of allowable sign.
- (3) Business center signs in the Downtown Business District shall be monument signs.
- (4) Electronic Message Signs are prohibited.

(c) *Electronic Message Signs (EMS).* Signs whose informational content can be changed or altered by electronic means shall be subject to the following standards:

- (1) EMS must be located on the site of the use identified or advertised by the sign.
- (2) EMS shall not be utilized as a stand-alone sign and shall be incorporated into or attached to the primary business identification sign so that separation between the 2 signs is limited to 1'.
- (3) EMS shall occupy no more than 30% of the sign area.
- (4) No EMS shall conflict with the visibility of any street signage or traffic signals.
- (5) EMS shall be allowed on monument and pole signs.
- (6) EMS shall be perpendicular to the street frontage.
- (7) EMC EMS shall have a minimum display time of 8 seconds.
- (8) The transition time between messages and/or message frames is limited to 3 seconds and these transitions may employ fade, dissolve, and or other transition effects. Flashing or video is prohibited.

- (9) The EMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness. No such sign shall be illuminated that is greater than necessary for adequate visibility. Message center signs that are found to be too bright shall be modified with the order of the city.
- (10) Including an EMS as part of a permanent sign will prohibit the use of any portable signs.
- (11) EMS Signs shall not display off-premise commercial advertising.

(d) *Monument Signs.* Monument signs shall be permitted subject to the following standards:

- (1) Monument signs shall keep the first 2' of the sign closest to the ground free of sign copy. This portion of the sign shall not be counted toward the calculation of allowable sign area.
- (2) Monument signs must incorporate design details, materials, and colors of the associated building(s). EIFS shall not be allowed on the bottom 3'.
- (3) The maximum height of the sign base shall be no more than 1/3 the total sign height.
- (4) Letter heights shall not exceed 8".
- (5) Sign text shall be limited to the building or project name, logos, and the business address.
- (6) Corner lots: 2 monument signs are permitted with a minimum of 250' of frontage on each street.

(e) *Pole Signs.* Pole signs shall be subject to the following standards:

- (1) The structure shall be constructed and designed to incorporate design details, materials, and colors of the associated building(s). EIFS shall not be allowed on the bottom 3'. Poles shall be shrouded and integrated into the overall sign design.
- (2) Sign panels shall not extend more than 2' beyond the width of the architectural support elements on the sign except in the primary view of any freeway.

- (f) *Projecting Signs.* Projecting signs shall be subject to the following standards:
- (1) Projecting signs shall project from the wall at an angle of 90°.
  - (2) One projecting sign is permitted per business if spacing requirements are met.
  - (3) Projecting signs shall be considered double-faced signs.
  - (4) A minimum clearance of 7' shall be maintained from ground level and may project no more than 4' from the building or closer than 3' to the edge of the sidewalk, whichever is less.
  - (5) No projecting sign shall be erected within 15' of any other projecting sign; however, this provision shall not prohibit at least 1 projecting sign per property tax parcel.
  - (6) Projecting signs shall not be mounted above the second floor windowsill in multi-storied buildings.
  - (7) Projecting signs shall have a minimum clearance of 12" between building face and sign, while maintaining a maximum projection of 48".
  - (8) Upper floor businesses may have 1 shared projecting sign per entrance.
  - (9) Mounting hardware shall be an attractive part of the sign design. Simple round pipe brackets with plugged ends or added decorative elements are generally appropriate for signs.
  - (10) Projecting signs are not allowed at the intersection of streets except at right angles to a building front.
  - (11) Projecting signs shall not be internally illuminated.
  - (12) In the Downtown Main Street Overlay District, signs may project into the public right-of-way with a revocable occupancy permit, but shall not be erected closer than 3' to any street curb line.
- (g) *Wall Signs.* Wall signs shall be subject to the following standards:
- (1) Wall Signs shall not project more than 12" from the building surface which must also include the mounting brackets.
  - (2) Wall Signs shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.

- (3) Wall Signs shall not obscure architectural features of the building, including but not limited to windows, arches, sills, moldings, cornices, and transoms.
  - (4) Wall signs shall not be mounted above the second floor windowsill in multi-storied buildings.
  - (5) For multiple story buildings in Downtown Main Street Overlay District, wall signs shall only be permitted as follows (except as provided for in this ordinance):
    - a. on the building frieze;
    - b. in the area between the first floor and the window sill of the second story window; if no windows are present, then no higher than 20'.
  - (6) In the Downtown Main Street Overlay District, no wall sign shall be erected within 15' of any other projecting sign; however, this provision shall not prohibit at least 1 wall sign per property tax parcel.
  - (7) In the Downtown Main Street Overlay District, the width of the sign shall not exceed the width of the storefront.
  - (8) Existing buildings with signage above the height of the window sill of a second story window may replace sign copy with a sign of the same size, shape, and lettering.
- (h) *Window Signs.* Wall signs shall be subject to the following standards:
- (1) The total coverage of all permanent, neon and temporary window signs shall not exceed 30% of the total glass area of the window.
  - (2) Sign copy should not exceed 12" in height.
  - (3) Window signs should be applied directly to the interior surface of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.
  - (4) Neon signs displayed indoors constitute permanent window signs. Only 1 neon sign shall be permitted per business facade.



**Sec. 98-15. – Signs permitted by zoning districts.**

(a) *Signs permitted in residential districts.* The following signs types shall be permitted in the Single Family (R-1), Single / Two Family (R-2), Residence (R-3), and General Residence / Office (R-4) districts.

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.

Signs Permitted in Residential Districts								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
<b>Districts</b>								
R-1	No	No	No See Special Signs	No*	No	No	No	No
R-2	No			No*		No		
R-3	No			Yes*		No	Yes	
R-4	Yes			Yes*		Yes	Yes	
<b>Standards</b>								
Restrictions	See Section 98-14(a)			See Section 98-14(d)		See Section 98-14(f)	See Section 98-14(g)	
Max # of Signs	1			1**		1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	
Max Area	Limited to 5' in width. Lettering limited to 12" in height.			1 sq ft per linear foot of storage frontage or 25 sq ft, which ever is less.		6 sq ft	1 sq ft per linear foot of storage frontage or 25 sq ft, which ever is less.	
Lighting	Lighting under structure is permitted.			External or back lit / halo illumination		External lighting	External or back lit / halo illumination	
Max Height	May not extend above roof			6'		12'	12' or as approved by Plan Commission	
Min Clearance	7'			na		7'	na	
Set Back	na			15' off property line.		na	na	

Notes:

\* See Section 98-13(c) for permitted monument signs for Public/Private Schools or Colleges and Religious Institutions or Places of Worship.

\*\* See Section 98-14(d)(6) for restrictions related to number of signs for corner lots.

(b) *Signs permitted in commercial districts.* The following signs types shall be permitted in the General Business (B-2), Motor Vehicle Dependent Business (B-3), Highway 41 Business A (HWY41-A), and Highway 41 Business B (HWY41-B) districts:

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.

Signs Permitted in Commercial Districts								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
<b>Districts</b>								
B-2	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
B-3								
HWY41-A								
HWY41-B								
<b>Standards</b>								
Restrictions	See Section 98-14(a)	See Section 98-14(b)	See Section 98-14(c)	See Section 98-14(d)	See Section 98-14(e)	See Section 98-14(f)	See Section 98-14(g)	See Section 98-14(h)
Max # of Signs	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 per business center	1 sign	1 per street frontage	1 sign	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.
Max Area	1 sq ft per linear foot of store frontage or 200 sq ft, which ever is less.	200 sq. ft. under 10 stores / 320 sq ft over 10 stores **	Shall not exceed 50% of the allowable area of a ground or wall sign	1 sq ft per linear foot of store frontage or 50 sq ft, which ever is less.	100 sq ft, 150 HWY41-A,B	8 sq ft	1 sq ft per linear foot of store frontage or 100 sq ft, which ever is less.	No more than 30% of the gross first floor window area
Lighting	External	Yes	Yes	Yes	Yes	External lighting only	Yes	No
Max Height	Below 2nd floor windows or 20', which ever is less.	20'	20'	8'	20', 35' HWY41-A,B	Below 2nd floor windows or 20', which ever is less.	Below 2nd floor windows or 20', which ever is less. Or as approved by Plan Commission	na
Min Clearance	7'	10' under clearance if within 15' of ROW line	10' under clearance if within 15' of ROW line	na	10' under clearance if within 15' of ROW line	7'	na	na
Set Back	na	0'	0'	15'	0'	na	na	na
Notes:	** not to exceed 75 sq. ft per sign face for 1st business, 50 sq. ft. per sign face for each business thereafter							

(c) *Signs permitted in industrial districts.* The following signs types shall be permitted in the Industrial Park (I-1), Limited Industrial (I-2), General Industrial (I-3), Corporate-Executive Office (C-EO), Corporate-Executive Office 2 (C-EO-2), Industrial-Business 1 (I-B-1), and Industrial-Business 2 (I-B-2) districts:

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.

Signs Permitted in Business Park and Industrial Districts								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
<b>Districts</b>								
I-1	Yes	No	No, only if permitted under PDD	Yes	No	No	Yes	No
I-2								
I-3								
C-EO								
C-EO-2								
I-B-1								
I-B-2								
<b>Standards</b>								
Restrictions	See Section 98-14(a)			See Section 98-14(d)			See Section 98-14(g)	
Max # of Signs	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.			1 **			1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	
Max Area	1 sq ft per linear foot of business frontage or 200 sq ft, which ever is less.			1 sq ft per linear foot of business frontage or 200 sq ft, which ever is less.			1 sq ft per linear foot of business frontage or 200 sq ft, which ever is less.	
Lighting	External			Yes			Yes	
Max Height	Below 2nd floor windows or 20', which ever is less.			8'			Below 2nd floor windows or 20', which ever is less. Or as approved by Plan Commission	
Min Clearance	7'			na			na	
Set Back	na			15'			na	
Notes:								
** See Section 98-14(d)(6) for restrictions related to number of signs for corner lots.								

(d) *Signs permitted in the Conservancy districts.* Within the Conservancy District (CON), the following signs types shall be permitted:

- (1) All exempt signs, as listed in Section 98-9.
- (2) Temporary signs, as listed in Section 98-13.

<b>Signs Permitted in Conservancy District</b>								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
<b>Districts</b>								
CON	No	No	No	Yes	No	No	No	No
<b>Standards</b>								
Restrictions				See Section 98-14(d)				
Max # of Signs				1				
Max Area				100 sq ft				
Lighting				Yes				
Max Height				6'				
Min Clearance				na				
Set Back				15'				

(e) *Signs permitted in Downtown Main Street Overlay District.* The following signs types shall be permitted in the Downtown Main Street Overlay District and properties zoned Central Business (B-1), General Business (B-2), Motor Vehicle Dependent Business (B-3), districts:

- (1) All exempt signs as listed in Section 98-9. Sign authorization is required for all other signs.
- (2) Temporary signs as specified in Section 98-13.
- (3) For individual businesses that have multiple right-of-way exposure, a maximum of 4 signs are permitted regardless of sign type used.
- (4) Business center signs must comply with the following:
  - a. To be permitted, the building footprint shall not cover more than 50% of the lot area.
  - b. The maximum square footage of sign area is determined by multiplying the total lot square footage x 0.00175. The sign shall not exceed 80 square feet in size.

Signs Permitted in Main Street Overlay District								
	Awning / Canopy / Marquee	Business Center	Electronic Message Center	Monument	Pole	Projecting	Wall	Window
<b>Districts</b>								
R-4	Yes	Yes	No	Yes	No	Yes	Yes	Yes
B-1								
B-2								
B-3								
<b>Standards</b>								
Restrictions	See Section 98-14(a)	See Section 98-14(b)		See Section 98-14(d)		See Section 98-14(f)	See Section 98-14(g)	See Section 98-14(h)
Max # of Signs	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 per business center		1		1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.	1 sign per building street frontage. Multi-tenant building allowed 1 sign per business.
Max Area	Maximum 1 sq ft for each linear ft. of storefront not to exceed 30 sq ft	See paragraph (e)(3) above		1 sq ft per linear foot of storage frontage or 30 sq ft, which ever is less.		Maximum 1 sq. ft. for each linear ft. of storefront not to exceed 8 sq. ft./face	1 sq ft per linear foot of storage frontage or 50 sq ft, which ever is less.	No more than 30 percent of the gross first floor window area
Lighting	External	External		External or back lit / halo illumination		External	External or back lit / halo illumination	Not permitted
Max Height	Below 2nd floor windows or 20', which ever is less.	10'		6'		Below 2nd floor windows or 20', which ever is less.	Below 2nd floor windows or 20', which ever is less.	na
Min Clearance	7'	na		na		7'	na	na
Set Back	na	0'		10'		na	na	na

**Sec. 98-16. – Billboards/off premise signs.**

All billboard/off premise signs are prohibited effective March 7, 2014 (effective date of ordinance to be inserted).

**Sec. 98-17. Remedies.**

Violation or failure to comply with the provisions of this chapter shall be and hereby is declared to be unlawful.

(a) Any sign erected, altered, moved or structurally modified without a permit, or altered with a permit but in violation with the provisions of this chapter, shall be removed at the owner's expense or brought into compliance within 7 days of written notification by the sign inspector. If the violation is failure to obtain a permit, a permit fee shall be required, and the permit fee shall be five times the normal fees. If the owner does not remove or bring into compliance, the sign inspector may order removal, the expenses of which will be assessed to the tax roll of the property on which the noncomplying sign is located.

(b) This section shall not preclude the city from maintaining any appropriate action to prevent or remove a violation of this chapter. If the owner does not remove or bring into compliance, the sign inspector may order the sign removed. If such sign is not removed by the owner within the time period specified, the city may cause removal, with the owner being responsible for all costs. These expenses will be assessed to the tax roll of the property on which the noncomplying sign is located.

Section 2: §14-7(6), *Variance by plan commission in limited circumstances*, is hereby amended by inserting the following as the second sentence therein:

The Plan Commission may also grant variances for signs under §98-4(i) of this code.

Section 3: §1-2(1), *General rule*, is hereby amended by adding the following as the last sentence therein:

Where an ordinance is silent or where rules of construction do not provide a reasonable basis for concluding an action is allowed, the action is prohibited.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: This ordinance shall take effect on and after passage and publication.

Adopted by the Common Council of the City of De Pere, Wisconsin, this 4<sup>th</sup> day of  
March, 2014.

APPROVED:

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Michael J. Walsh, Mayor

ATTEST:

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Shana L. Defnet, Clerk-Treasurer

Ayes: 7

Nays: 0

Publication Date: March 7, 2014

Effective Date: March 7, 2014