

**CHAPTER 6**

**SIGNS**

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## CHAPTER 6

### SIGNS

**6.01 DEFINITIONS.** As used in this Chapter 6, the following words have the following meanings unless the context clearly requires otherwise:

(1) **Sign** - any device or medium, including its structural and component parts, which has upon it any word, letter, figures, numbers, phrase, sentences, emblem, banner, design, trade name or trade mark by which anything is known and which is used to promote, identify, illustrate, display or directs attention to an individual, business or project, identification, announcement, or advertising purposes, and is visible from any public place or road or from the water.

(2) **On-Premises Sign** - a sign placed on the property on which the individual, business, or project promoted on the sign is located.

(3) **Off-Premises Sign** - a sign not placed on the property on which the individual, business, or project promoted on the sign is located.

(4) **Double-Sided Sign** - any sign structure which has lettering on both sides. A double-sided sign for the same business is considered one sign. Any double-sided sign which has a different business on each side is to be considered two signs and a separate permit is required for each such side.

(5) **Produce** – Fruits and Vegetables. [Ordinance#133 05-19-00]

(6) **Electronic Variable Message (EVMS)** A sign or portion there of which may be electronically or mechanically controlled and capable of showing a series of different messages in any sequence. This includes “Changeable Copy Signs”, “LED Displays”, “Dynamic Displays”, “Animated Signs” and all other similar signs. [Amended by Ordinance#176, 2013]

**6.02 PERMIT REQUIRED FOR SIGN.** No person shall hereafter locate, erect, move, reconstruct, extend, enlarge, convert, or alter a sign without a permit from the Town Board.

(1) Banners for Civic Events are allowed a total of 4 banners not to exceed sixty square feet each and must meet all sign ordinance requirements. The banner can not be up more than 35 days.

**6.03 EXCEPTIONS.** The following signs shall be exempt from permits: [Ordinance#133 05-19-00]

(1) Official traffic control signs and informational or directional signs erected by federal, state, county, or local units of government.

(2) "No Hunting" or "No Trespassing" signs, provided that no such sign shall exceed four (4) square feet in gross area.

(3) On-premises NAME PLATES for residences and businesses, provided that no such name plate shall exceed three (3) square feet in area. [Amended by Ordinance #147, 2004.]

(4) Bulletin Boards for public, charitable or religious institutions. They shall not exceed thirty-two (32) square feet in gross area and must be located on the premises.

(5) Cemetery name signs not to exceed thirty-two (32) square feet in gross area located on the premises. [Am.#122 03-23-99]

(6a) Any political campaign sign in compliance with Wisconsin Statutes regarding same, which affects traffic or pedestrian safety, can be ordered, by the Town or its designee, resized, removed or replacement to ensure traffic and pedestrian safety.

(6b) Any political campaign sign in compliance with Wisconsin Statutes regarding same which sign exceeds eleven (11) square feet in area, can be ordered, by the Town or its designee, to be resized to eleven (11) square feet in area, reshaped or replacement. 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.

(7) Signs advertising for sale, for rent or lease or communicating opinions of the owner or tenant of the property on which the sign is placed. Such advertising signs shall not exceed four (4) square feet in gross area and only one sign shall be placed on such property.

(8) Signs which identify a product. Each such sign shall be three(3) square feet or less and all such signs shall not exceed fifteen(15) square feet totally. These signs shall only have the identity of the product on said signs. These signs are exempted only if they are attached to a building or located in a window. These signs are separate and distinct from the two off-premises signs and the two on-premises signs permitted and found at Section 6.08 of this Chapter.

(9) Temporary signs which indicate in-season produce availability, provided, however, that such signs may not exceed thirty-two(32) square feet and must comply with sign

setback requirements as required by this Chapter at Section 6.05 and all other setback requirements by any other entity having jurisdiction over signs.

#### **6.04 PROHIBITED CHARACTERISTICS OF SIGNS**

- (1) No sign shall be located in the public right-of-way.
- (2) No sign shall be located so as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision.
- (3) No sign shall resemble, imitate or approximate the size, shape, form or color of an official traffic sign, signal or device.
- (4) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (5) No sign shall contain, include or be illuminated by flashing lights to simulate or resemble danger or hazard. Illumination by external lights shall be full cut off lighting per Chapter 12 of this code book to prevent glare or brilliant light from being cast upon neighboring properties and passing motorists. [Amended by Ordinance #147, 2004.]
- (6) There shall be no off-premise signs created in the Town of Egg Harbor which are not in compliance with Section 6.07 hereof as non-conforming signs. No new off-premise signs shall be created after the adoption of this provision. [Amended by Ordinance#189, 2017]
- (7) All signs must be kept in good repair.
- (8) [Removed per Ordinance #147, 2004.]
- (9) No sign shall exceed in height the peak of the roof.

#### **6.05 SPECIAL SIGNS—ELECTRONIC VARIABLE MESSAGE SIGNS (EVMS)**

(1) EVMS signs are only allowed on-premise. Only one EVMS sign is permitted and requires the removal of all other on-premise signs including those listed under 6.08 and 6.03(2)(3) through (8) prior to operation. No other signs, as permitted under 6.08 are allowed to be installed while the EVMS exists, operating or not.

(2) Yard, Visual Clearance, Setback.

(a) The maximum EVMS display area shall be 130 square feet. The illuminated or message display area of the EVMS shall be included within the area to be regulated as the maximum area of the sign.

(b) EVMS signs shall meet the following setbacks as well as those listed under 6.06;

- (1) No EVMS shall be located within 100 feet of an off-premise residence.

(3) Operational standards.

(a) EVMS signs shall not be permitted to attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or devise. EVMS signs shall not be permitted where they prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic. The EVMS shall only display static messages and such displays shall not have movement, animation or scrolling, or the appearance or illusion of movement.

(b) All messages displayed shall promote only goods or services provided by companies occupying the site on which the sign is erected. EVMS may be used to display public emergency announcements such as weather alerts, national and local security events and Amber Alerts.

(c) EVMS shall not be permitted to emulate flashing signs or flashing lights.

(d) All EVMS shall have their brightness level controlled.

(1) The display shall be equipped with photosensitive equipment which shall automatically adjust the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations.

(2) Light levels shall not increase by more than 0.3 foot candles over ambient levels as measured at the distance of 150 feet from the display surface using a foot candle meter aimed directly at the EVMS and the display switched from off or displaying all black copy and the display turned on the full white copy.

(e) Each message displayed by the EVMS shall remain for a minimum of 3 seconds. Each change of message shall be accomplished within one second.

(4) EVMS must be maintained in safe and orderly condition, and so as to be able to display messages in a complete and legible manner.

## **6.06 YARD, VISUAL CLEARANCE, SETBACK**

**(1) Setback From Highway and Lot Line.** Off-premises signs and on-premises signs not attached to buildings shall meet the following yard and visual clearance requirements:

(a) Signs up to seventy (70) square feet shall be set back five (5) feet from the road right-of-way.

(b) Signs over seventy (70) square feet shall be set back twenty-five (25) feet from the road right-of-way.

(c) Side lot setback of all signs shall be 20 feet.

[(1) and subs. (a), (b), and (c) Amended by Ordinance #147, 2004.]

(2) **Consent of Owner Required for Off-Premise Signs.** All off-premises sign applications must be accompanied by a letter of consent by the property owner where the sign is to be erected, signed by the owner of the property and dated.

(3) **Signs Not to Exceed 130 Square Feet.** The maximum size of any sign shall be one hundred thirty (130) square feet of signage area.

(4) **Owners May Petition for Variance from Side Lot Setback.** Two property owners with a common property line may petition for a variance to put a sign closer to the side lot line setback. The permit may be renewed if both property owners sign for the permit.

(5) **Mobile and Permanent Signs with a Base.** The base of the sign can not exceed three feet in height. Any portion of the base exceeding three feet in height will be included in your square footage of the sign. The base of the sign must meet the required setback. The base height shall be measured from the median ground level. [Added per Ordinance #147, 2004.]

(6) **Height of Sign.** All signs are not to exceed 20 feet from the medium ground level. [Added per Ordinance #147, 2004.]

(7) **Sign Inspector.** The Town Board shall appoint an individual as the sign inspector.

#### **6.07 NON-CONFORMING SIGNS** [Amended by Ordinance #189 2017]

(1) **Non-Conforming Signs.** Any sign located within the Town on the date of adoption of this section [May 1, 1991] and any off-premise sign located within the Town on the date of this revision which does not conform to this code is eligible for characterization as a “non-conforming sign” and is permitted provided it also meets the following requirements:

(a) The sign was covered by a sign permit, or a permit was issued prior to the date of adoption of this section if one was required.

(b) No sign permit was required for the sign in question and the sign was in all respects in compliance with applicable law on the date of construction or installation.

(2) **Continuation of Non-Conforming Status.** A non-conforming sign shall maintain its non-conforming designation provided:

(a) No structural modification is made to the sign except where such modification will result in having the effect of bringing such sign more in compliance with the requirements of this section, except for changing of copy and normal maintenance;

- (b) The sign is not relocated;
- (c) The sign is not replaced;
- (d) An existing off-premise sign for one use may be converted to an off-premise sign for another use; and
- (e) The total structural repairs or alterations to such a non-conforming sign shall not, during its life, exceed fifty percent (50%) of the assessed value of said sign existing at the time it became non-conforming.

**(3) Loss of Non-Conforming Status.** Any sign changes except as provided in and permitted by this chapter or other ordinances of the town shall result in a loss of non-conforming status.

**(4) Notification of Non-Conformity.** The Town Board shall survey the Town for signs which do not conform to the requirements of this ordinance. Upon determination that a sign is a non-conforming sign, the Town Board shall use reasonable efforts to notify either personally or in writing the user or owner of the property on which the sign is located. A list of non-conforming signs identified by the Town Board together with the name and last known address of the sign owner and property owner shall be filed in the office of the Town Clerk-Treasurer.

**6.08 COMPLIANCE.** All signs herein regulated shall conform to this ordinance within three (3) years. [May 1, 1991]

**6.09 NUMBER OF SIGNS.**

- (a) Any one individual, business, or project is limited to two off-premises signs and two on-premises signs, and two directional signs in compliance with this Chapter and all State of Wisconsin regulations regarding directional signs.
- (b) Multiple businesses sharing a building need to share the two on premise, and the two off premise and two directional signs and must meet all sign ordinance requirements. [Amended per Ordinance #147, 2004.]

**6.10 FEE.** The fee for a sign permit shall be as from time to time established by the Town Board. [Am.#122 03-23-99]

**6.11 TERM.** A sign permit is issued for the life of that sign. All sign permits are valid for that term provided the sign is always in conformance with the terms of this ordinance. In the event that a permit is issued, but the sign authorized by the permit is not attached or erected within one-hundred and twenty (120) days after the issuance of the permit the permit shall expire and be null and void. (Am#164 11-19-07)

## **6.12 PROCEDURE**

**(1) Application for a Permit.** Application for a permit shall be filed with the Town Board's designee and shall contain or have attached thereto the following information:

- (a) The name, address and telephone number of the sign owner, the property owner where the sign is or will be located and the sign contractor of the proposed sign, if any.
- (b) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size and dimensions, kind of materials to be used in such structure.
- (c) A site plan showing the buildings on the premises upon which the sign 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.
- (d) Such other information which will show full compliance with this and all other applicable regulations of the Town.

**(2) Permit Issuance and Denial.** The Town Board's designee shall issue a permit for the erection, structural alteration, enlargement, relocation or change of copy of a sign within the Town when the permit application is properly made, all appropriate fees have been paid and the sign complies with the appropriate laws and regulations of the Town. If the sign permit is denied by the Town Board, the Town Clerk-Treasurer shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for denial.

**(3) Variances.** Variances and exceptions to the requirements of this sign ordinance (chapter 6) may be granted by the Town Board in accordance with the standards and procedures set forth in Chapter 15 of this Town Municipal Code.

**6.13 PENALTY.** Any person who shall violate any provision of this ordinance shall forfeit to the Town not less than \$100 nor more than \$500, together with applicable court costs, penalty assessments and fees. Each day on which the violation occurs or continues shall constitute a separate offense. [Am.#111 08-21-98]